



January 19, 2022

Hon. Barbara Griffin  
Chairman, Committee on Election Law  
New Hampshire House of Representatives

Dear Chairman Griffin:

Fair Elections Center<sup>1</sup> writes to express its support for HB 1442 (as amended) and its opposition to HB 1542 and HB 1567. The Center respectfully requests that this letter be entered into the record as written testimony.

These bills would make the following changes:

- **HB 1442**, under a proposed amendment, would require election officials to print election materials in the top two languages spoken in the jurisdiction, other than English, if spoken by more than three percent of the population. This bill would make voting more accessible for U.S. citizens, including naturalized refugees, who may feel more confident in their vote when they can review voting materials in their primary language.
- **HB 1542**, among other things, would remove voters' ability to sign an affidavit to register and cast a regular ballot if they lack photo ID. These provisions would remove a critical failsafe for elderly, lower income-earning, and student voters, who are less likely to possess photo ID.<sup>2</sup>

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<sup>1</sup> Fair Elections Center is a national, nonpartisan voting rights and election reform 501(c)(3) non-profit organization based in Washington, D.C. Its mission is to use litigation, education, and advocacy to remove barriers to registration and voting, particularly those disenfranchising underrepresented and marginalized communities, and to improve election administration. Since 2012, Fair Elections Center has operated Campus Vote Project to help students understand and exercise their right to vote. It also operates WorkElections, an online platform to connect election officials with eligible election workers and simplify the application process.

<sup>2</sup> Vanessa M. Perez, *Americans with Photo ID*, PROJECT VOTE (Feb. 2015), <http://www.projectvote.org/wp-content/uploads/2015/06/AMERICANS-WITH-PHOTO-ID-Research-Memo-February-2015.pdf>; *Barriers to Voting for Older Americans*, U.S. SENATE SPECIAL COMM. ON AGING 4 (2017), <https://www.aging.senate.gov/imo/media/doc/Voting%20Rights%20Report.pdf>.

- **HB 1567** would enable any registered voter to “bring suit to remove any town or city moderator, assistant moderator, school moderator, assistant school moderator, supervisor of the checklist, town or city clerk or deputy clerk, or other town or city official having duties with respect to the conduct of elections for failure to perform such official’s election duties.” This change would undermine election administration and waste taxpayer resources, and comes at a time when election officials face intimidation and harassment simply for fulfilling their official duties.<sup>3</sup>

With respect to HB 1542, last year, the New Hampshire Supreme Court struck down SB 3—a law passed in 2017 that also complicated the registration process for student voters—because it unreasonably burdened the right to vote, as enshrined in the state constitution.<sup>4</sup> The Supreme Court agreed with the trial court’s ruling that, among other issues, SB 3 confused voters and election workers, including by driving away eligible student voters who did not believe they had the proper documentation to register. It also threatened to create long lines at the polls and additional administrative burdens for election officials.

The Supreme Court’s ruling made clear that election laws should add more—not less—clarity around voter eligibility rules and facilitate, rather than hinder, the registration process. HB 1542 violates this principle by removing voters’ option to affirm their identity under penalty of law, invariably preventing some voters from having their ballots counted. By excluding eligible voters, it would also undermine the state’s interest in promoting voter confidence in election results. By contrast, HB 1442 supports this interest by including more voters in the democratic process and grants them the confidence of knowing that their ballot accurately reflects their selections. For its part, HB 1567 is unnecessary in light of New Hampshire’s proven track record of running secure elections, and like HB 1542, erodes voters’ confidence in election results. **For these reasons, the Center urges the Committee to advance HB 1442 as amended, and oppose HB 1542 and HB 1567.**

Thank you for allowing Fair Elections Center to express its views on these bills. Should you have any questions, I can be reached at [caguilera@fairelectionscenter.org](mailto:caguilera@fairelectionscenter.org) or (202) 331-0114.

Sincerely,

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<sup>3</sup> Linda So, *U.S. election officials still plagued by threats for certifying Trump defeat*, THE GUARDIAN (June 14, 2021), <https://www.theguardian.com/us-news/2021/jun/14/us-election-officials-threats-trump-defeat>.

<sup>4</sup> *N.H. Dem. Party v. Sec’y of State*, No. 2020-0252, --- A.3d ---, at \*16 (N.H. 2021), available at <https://www.courts.nh.gov/sites/g/files/ehbemt471/files/documents/2021-07/2021027-secretary-of-state.pdf>.