



PROTECTING THE VOTE FOR ALL AMERICANS

August 22, 2022

Dear Chair Swett and Chair Cook:

Fair Elections Center¹ writes to share its proposals for improving voter confidence in New Hampshire elections. In particular, modernizing the Granite State's election laws can help solidify voters' faith in election results by making it easier for all voters to make their voices heard and streamlining election administration.

When it comes to elections, New Hampshire is consistently in the minority. It is one of only eight states that do not provide online voter registration and one of only fourteen states that require an excuse to vote by mail. It is the only state to require an excuse to register by mail. Although it enjoyed a turnout of 75.5 percent in 2020, states like Washington, Oregon, and New Jersey, which had similar turnout rates as New Hampshire, saw double-digit increases in voter turnout from 2016 to 2020, while New Hampshire's increase was less than five percentage points. Utah and Montana, where former President Trump easily won and which at the time offered same-day registration and no excuse mail voting, also experienced double-digit increases. Similarly, Virginia expanded voting options between 2019 and 2020 and saw record-breaking turnout in its 2021 statewide elections, with Republicans winning the governorship and House of Delegates.

These outcomes demonstrate that election modernization improves participation and benefits voters of all political persuasions. They also bely the argument by some New Hampshire lawmakers that making residents work harder to register and vote leads to higher turnout. In fact, a 2016 report found that New Hampshire ranked 40th in terms of how easily its citizens can exercise their freedom to vote.²

¹ 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.

² Quan Li et al, *Cost of Voting in the American States*, 17 ELECTION L. J. 234, 241 (Fig. 1) (2018), available at <https://www.liebertpub.com/doi/pdf/10.1089/elj.2017.0478>.

Without a doubt, the greatest threat to voter confidence since 2020 has been deliberate efforts to undermine the public’s confidence in election administration and cast doubt on the 2020 General Election results, which in turn have discouraged voters from participating and undermined our democracy.³ For example, experts have linked these lies to decreased turnout in Georgia’s 2021 U.S. Senate runoff election, with some voters explicitly pointing to this rhetoric as the reason for not voting in the runoff election.⁴ **The Special Committee on Voter Confidence should strongly condemn these efforts and support greater transparency around election administration and more voter education on this subject.**

Additionally, the Committee can further bolster trust in elections by ensuring that all voters can make their voices heard, regardless of their income, age, or disability status. Arbitrary rules that create needless work for voters and conflict with the realities of modern life—like family and work obligations, increased reliance on the Internet, and decreased use of paper documents—deter participation and raise questions about whether the state’s government truly reflects the will of its residents. **The Committee should therefore advocate for changes to the election code that center voters and make it easier for them to participate in elections, including, at minimum, the adoption of online registration, no-excuse mail voting, and early voting.** Such changes will also improve voter roll accuracy and save taxpayer money by reducing election officials’ workloads, the risk of clerical errors in voter records, and delays on Election Day.

Thank you for allowing Fair Elections Center to voice its opinion on this matter. If you have any questions or should the Center be of assistance to the Committee as it explores ways to improve voter confidence in elections, please do not hesitate to contact me at caguilera@fairelectionscenter.org.

Sincerely,

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³ Gabriel R. Sanchez, Keesha Middlemass, and Aila Rodriguez, *Misinformation is eroding the public’s confidence in democracy*, BROOKINGS INSTITUTION (July 26, 2022), <https://www.brookings.edu/blog/fixgov/2022/07/26/misinformation-is-eroding-the-publics-confidence-in-democracy/>.

⁴ Mark Niese and Jennifer Peebles, *Turnout dip among Georgia Republicans flipped U.S. Senate*, ATLANTA JOURNAL-CONSTITUTION (Feb. 2, 2021), <https://www.ajc.com/politics/turnout-dip-among-georgia-republicans-flipped-us-senate/IKWGEGFEEVEZ5DXTP7ZXXOROIA/>; Cleve R. Wootson, Jr., Josh Dawsey, and Reis Thebault, *‘Always about him’: How Trump’s obsession with baseless election claims cost Republicans in Georgia*, WASHINGTON POST (Jan. 10, 2021), https://www.washingtonpost.com/politics/trump-election-fraud-claims-georgia-runoffs/2021/01/10/98c43550-51d4-11eb-bda4-615aaefd0555_story.html.