

Election law changes draw big turnout

Election

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Legislative hearing:

New law needed to reduce widespread perception of voter fraud, Secretary of State says.

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CONCORD — Proposed changes to New Hampshire election law that demand stronger proof of residency are needed to protect the integrity of state elections, according to longtime Secretary of State Bill Gardner.

Opponents of the changes described them as unnecessary and in some cases, unconstitutional.

Gardner testified in support of SB 3 and related amendments before the House Election Law Committee on Tuesday, in a hearing that drew such a large crowd it had to be moved from the Legislative Office Building to Representatives Hall.

“We don’t want to deny anyone

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the right to vote,” he said. “We’re just saying we want to be able to let everyone know these votes are valid and true. That’s been our tradition here and that’s why I’m supporting this legislation.”

Most of those who testified argued against what they described as unreasonable and potentially illegal requirements on voters that would suppress turnout and create long lines at the polls. The idea of police knocking on doors to verify voter residency, as the bill allows, was distressing to many.

“In our country, people have died for the right to vote. Why are we making it harder now?” asked Leslie Enroth, a retired teacher and former selectman from Sutton.

The bill that drew Enroth and hundreds of others to the State House, SB 3, has emerged as the vehicle for consolidating a variety of election-related reforms from both the House and Senate.

Several options

The main objective, according to lead sponsor state Sen. Regina Birdsall, R-Hampstead, is to enhance the verification process for voters who show up to register and vote on Election Day without proper ID or proof of residency.

“It says you can’t just have it in your head that you have a domicile in the state,” she said. “That has to be coupled with verifiable acts or acts carried out with that intent.”

The bill is 14 pages long and lists 10 “verifiable acts,” including proof of residency at a college or university, a lease or a deed.

It also includes a four-page affidavit that voters would have to sign before being allowed to register and vote on Election Day without the required documentation. The existing affidavit used in such circumstances is a little over a page.

The bill outlines several follow-up options if voters fail to later verify the information on the affidavit. One option is having local police stop by the address on the affidavit while on routine patrol to confirm the identity of the person living there.

“It will be up to the supervisor of the checklist how they want to handle that,” said Birdsell. “They could also ask the town clerk, or they can ask the Secretary of State to send a letter, which I think is going to be the more popular.”

Currently, the Secretary of State mails all the verification letters to the addresses on the affidavits.

Shifting the burden

Enroth and several others testified that the bill shifts too much of that responsibility for verification onto the local supervisors of the checklist.

“I think this is a burden on any town,” said Enroth. “How many trips is a policeman supposed to make before he can with confidence say that person doesn’t live there.”

According to Enroth and others who testified, the proposed affidavit for Election Day registration is so long and technical as to constitute a literacy test, which has been ruled unconstitutional.

“One section requires the voter to read a two-page statement of the law,” said Paul Twomey of Chichester, a former House legal counsel. “I couldn’t understand that two-page statement without reading it three or four times. The form requires the person to say they not only read it, but they understood it. That is a literacy test.”

He said the legislation goes beyond what is permitted in the state constitution.

“If they are living here, and are 18, and an American citizen, they have the right to vote and this body does not have the right to require them to do any acts whatsoever,” he said.

Residency requirement

Assistant Attorney General Brian Buonamano, who handles election law complaints, advised the committee that a 30-day residency requirement in the bill could be subject to a legal challenge.

“However, we do believe that the mechanisms to prove you are domiciled are sufficient for a legal defense,” he said. When asked by Sen. Jeff Woodburn, D-Whitefield, if having police check out voter affidavits would create a new class of dangerous situations for law enforcement, Buonamano replied, “I would agree that the statute would potentially increase the number of police interactions with the public.”

Gardner offered a heartfelt defense of the proposal, arguing that voter fraud is not widespread, but it does happen. “We prosecute at least one case after every election,” he said.

Toughening up the law will send a signal that New Hampshire elections are well-monitored, according to Gardner.

“What concerns me the most about all of this is when reputable national polling firms find that 55 percent of people believe there is voter fraud,” he said. “How do we deal with that ... You want to have a process that enables as many people to vote as possible, but still has integrity.”

Ray Chadwick, president of the Granite State Taxpayers Association, also spoke in support of the changes.

“We’ve heard much discussion about the question of whether voter fraud exists,” he said, “and I would point out that we are in an environment in this state where anyone can show up on Election Day, register using an out-of-state license, and provide no proof at all, the consequence of which of course makes fraud impossible to find.”

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