GRANITE STATE TAXPAYERS

Election Law Project   **Summary & Talking Points**   **March 14, 2019**

GRANITE STATE TAXPAYERS' INTEREST IN IMPROVED ELECTION LAW

Granite State Taxpayers advocates for low taxes, balanced budgets, frugal, limited government that works within its constitutional authority, and local control of spending.

We have studied election law and advocated for improvements for over 5 years.

REPUBLICAN GOVERNMENT RELIES ON VOTERS TO PROVIDE A CHECK ON IT

Informed voters acting through the ballot box provide a check on government. That check relies on voters having to live with the legislators and governance they elect.

Accountability is undermined when people who do not actually have to live with the results of an election can vote and affect the electoral outcome.

Allowing voters who are not bona fide residents of New Hampshire to vote in New Hampshire creates a case of "Representation Without Taxation" and effectively negates the validity of the votes of bona fide New Hampshire residents.

REQUIRING VOTERS BE RESIDENTS, AND PROVE SO, IS COMMON IN OTHER STATES

The United States Supreme Court, in Dunn vs. Blumstein, March 21, 1972, stated:

"We have in the past noted approvingly that the States have the power to require that voters be bona fide residents of the relevant political subdivision."

Requiring residency, and providing proof thereof, is hardly unconstitutional, as 49 other states and the District of Columbia have identical expectations. Of those states,

47 states and the District of Columbia require proof of duration of actual residency before being able to vote. Of those jurisdictions, 27 require 30 days of residency.

Massachusetts requires residency documentation proving name and address of the registrant. Registrant has until polls close to present proof of residency, or they aren't allowed to vote.

WHAT WE ARE TRYING TO ACHIEVE

Revise current New Hampshire voter law to make our voting system simple to understand and execute, Resistant to fraud, and Available exclusively to residents of New Hampshire

ISSUES WITH ELECTION LAWS

People are able to vote without presenting any identification or proof of US citizenship.

People, specifically including college students (Title LXIII, Chapter 654:1, I-a), are able to vote without being a resident in New Hampshire.

Known residents of other states are able to vote in New Hampshire and affect our elections.

SECRETARY OF STATE REPORTED ON SAME DAY REGISTRATIONS IN 2016 ELECTION

6,540 voters registered using out-of-state licenses and 1,423 did so with no identification at all.
    2,246 voters registered using Massachusetts licenses.

491 voters used out of state licenses to change registration between towns in New Hampshire.

146 voters used out of state licenses to re-register on the voter rolls after being purged.

Out of state driver's licenses provide proof of identity, but also prove residency in another state.

Federal law allows people to vote absentee in their prior residence for 60 days after they move.

The 2016 election for the US Senate was decided by 1,017 votes.

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DOMICILE, AND RIGHT TO VOTE, IS BASED UPON INTENT, DEFINED BY REGISTRANTS.
Registrant has no obligation to provide proof of actualizing that intent (driver license, residence).
That's how people (6540 in 2016) can register and vote here with out of state driver licenses.
Follow up to determine whether people actually move here after registering is nonexistent.
Prosecution of fraud is impossible due to inability to prove intent to defraud.
What most people consider fraudulent can be done legally under current law.

PROGRESS MADE IN 2017 – 2018 LEGISLATIVE SESSION IS AT RISK
SB 3 required presentation of proof of domicile
> Voting allowed with affidavits as an alternative to providing proof of domicile at polls
> Grace period of 10 to 30 days after the election to bring proof of domicile
> Tied up in court, due to suit brought by NH Democrat Party and League of Women Voters
> Injunction against SB 3 was lifted for the 2018 elections with no reported problems.
> NH House passed HB 105 to reverse SB 3.
> HB 105 also ends follow up on double voting through Interstate Voter Crosscheck Program.
> HB 105 is highly likely to be vetoed.

HB 1264 established equivalency between Domicile and Residency, eliminated loophole
> Found constitutional by NH Supreme Court
> Effective date after 2018 election
> Being challenged in court by NH Democrat Party and ACLU-NH.
> NH House has passed HB 106 to reverse HB 1264.
> HB 106 is highly likely to be vetoed.

CURRENT LEGISLATIVE MAJORITIES PREFER LESS RESTRICTIVE ELECTION LAWS
HB 541 to award electoral college electors based on national popular vote retained for next year

OTHER DATA FOR THE 2016 ELECTION FROM THE INTERSTATE VOTER CROSSCHECK
Of 94,610 names of people matched in New Hampshire and one of the other 27 states in the
> program, all but 142 were accounted for as being legitimate, different voters in each state

Of 86,952 same-day registrants, 6,033 did not present photo IDs and signed domicile affidavits.
> All but 458 cases were legitimate New Hampshire voters. The attorney general verified that
> 392 of those were legitimate voters domiciled in New Hampshire, leaving 66 unknown.

TALKING POINTS FOR VOTERS
Equal Protection: Constitution guarantees the right to vote, and not to have our vote negated.
Proving Identity: ID is necessary to board a plane, cash a check, buy cigarettes, prescriptions.
> Applying for In-state tuition requires presenting domicile data, tax returns, driver license, etc.

Poll Tax?: Poll tax is charged before a vote. Driver license is required after declaring residency
Anti-Student?: No, we just expect them to declare residency to vote with other NH residents.

THE IMPORTANCE OF A LEGISLATURE THAT RESPECTS ELECTION INTEGRITY
A system that can be easily manipulated diminishes respect for the process.
Ballot Integrity is an existential question for the future of a competitive political system in New
> Hampshire, as well as for the First in the Nation Primary.