



PROTECTING THE VOTE FOR ALL AMERICANS

January 25, 2021

Senate Election Law and Municipal Affairs Committee
New Hampshire Senate
Chair James Gray
Vice Chair Regina Birdsell

Dear Chair Gray, Vice Chair Birdsell, and Members of the Committee:

I write on behalf of Fair Elections Center in support of SB 47, which is currently scheduled for a hearing before the Committee on Monday, January 25, 2021. SB 47 would modernize elections and voting in New Hampshire by allowing any voter to register and vote absentee. We respectfully request that this letter be entered into the record as written testimony.

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. The Center and its predecessor, Fair Elections Legal Network, have been helping Granite Staters exercise their right to vote since 2010.

Under current statute, New Hampshire voters may vote by absentee ballot only for specific reasons. The reasons include; being absent from the voter's city or town, a religious observance, disability or illness, and employment commitments (including caregiving) during the entire time the polls are open.¹ While absentee ballots may also be available when a weather emergency impacts an election, such an option is not guaranteed in any given situation. Similarly, the ability to register to vote by mail (absentee) is extremely limited, and is restricted to individuals who meet the state's

¹ See, e.g., RSA 657:4, RSA 669:26.

requirements and qualifications and are unable to register in person because of physical disability, religious beliefs, military service, or because of temporary absence.²

In New Hampshire in 2020, ballot modernization in light of the COVID-19 pandemic provided eligible voters safe and secure access to be able to vote. By encouraging voters to vote from home, states including New Hampshire helped mitigate risks associated with the current pandemic while also modernizing and maintaining the security of their election process.

The 2020 General Election showed both nationally and in New Hampshire that making it easier to cast a ballot benefits voters of all political persuasions and is not a fundamentally partisan issue. At least 34 states—including New Hampshire—eased voting restrictions for the General Election due to COVID-19.³ Two-thirds of the voting-eligible population subsequently voted in the election,⁴ the highest turnout since 1900,⁵ with New Hampshire seeing a record turnout of over 75 percent.⁶ President Trump won more votes than any other sitting president in U.S. history, while President Biden won more votes than any other presidential candidate.⁷ Both chambers of the New Hampshire legislature changed party hands⁸ and the Republican caucus picked up 16 seats in the 117th United States Congress.⁹ In sum, as one commentator put it, the 2020 General Election dispelled the myth that higher turnout favors one major political party over the other.¹⁰

² See, e.g., RSA 654:16 and RSA 654:17.

³ Sarah Swann, *These 34 states are making voting easier, if only for this fall*, THE FULCRUM (Sep. 24, 2020), <https://thefulcrum.us/voting/how-to-vote>.

⁴ *2020 November General Election Turnout Rates*, U.S. ELECTIONS PROJECT, <http://www.electproject.org/2020g> (last updated Dec. 7, 2020).

⁵ *National General Election VEP Turnout Rates, 1789-Present*, U.S. ELECTIONS PROJECT, <http://www.electproject.org/national-1789-present> (last visited Jan. 15, 2021).

⁶ U.S. Elections Project, *supra* note 4.

⁷ See “Compare National Data by Year (Table),” *Presidential General Election Results Comparison – National*, DAVE LEIP’S ATLAS OF PRESIDENTIAL ELECTIONS, <https://uselectionatlas.org/RESULTS/> (last visited Jan. 15, 2021).

⁸ Tim Storey and Wendy Underhill, *2020 Legislative Election Results: It’s Status Quo in the States*, NAT’L CONF. OF ST. LEGIS. (Nov. 5, 2020), <https://www.ncsl.org/blog/2020/11/05/2020-legislative-election-results-its-status-quo-in-the-states.aspx>.

⁹ *Party Breakdown, 117th Congress House Lineup*, U.S. HOUSE OF REPRESENTATIVES PRESS GALLERY, <https://pressgallery.house.gov/member-data/party-breakdown> (last visited Jan. 15, 2020); Jennifer E. Manning, CONG. RES. SERV., R45583, MEMBERSHIP OF THE 116TH CONGRESS: A PROFILE 1 (2020).

¹⁰ David Weigel, *The Trailer: Democrats won the White House and lost a myth about turnout*, WASHINGTON POST (Nov. 8, 2020), <https://www.washingtonpost.com/politics/2020/11/08/trailer-democrats-won-white-house-lost-myth-about-turnout/>.

Making the option to register and vote absentee without a specific excuse permanent for all voters allows our elections to be flexible and responsive to exigencies and emergencies without compromising security. No American should have to choose between their right to vote or their health and the health of their families, during a pandemic or otherwise.

Of course, modernizing absentee voting and registration would not *require* all eligible voters to vote a mail ballot or register by mail; it means only that they would have the option to do so. And expanding these options has significant logistical benefits: as more voters use absentee ballots and advance registration, fewer voters need register and cast their vote at the polls—alleviating some of the pressure on election administrators in high-volume elections on Election Day. A more robust vote-by-mail and mail registration system will make our elections more resilient, more secure, and more accessible.

Particularly in light of the January 6 attack on the U.S. Capitol, we must fortify our democratic institutions through policies that help all eligible voters participate in the electorate. SB 47 would bring New Hampshire closer to that goal.

Thank you for allowing Fair Elections Center to share its expertise on this matter and to express its support for SB 47. Should you have any questions, I can be reached at mkantercohen@fairelectionscenter.org or (202) 331-0114.

Sincerely,

Michelle E. Kanter Cohen
Senior Counsel
Fair Elections Center
1825 K St. NW, Ste. 450
Washington, D.C. 20006