



PROTECTING THE VOTE FOR ALL AMERICANS

### **Testimony Regarding SB 67**

#### **New Hampshire House Election Law Committee – April 16, 2019**

Fair Elections Center is a national, nonpartisan voting rights and election reform organization which works to remove barriers to registration and voting for traditionally underrepresented constituencies. Formed in 2017 to continue the work of the Fair Elections Legal Network, the Center works to improve election administration through legislative, legal and administrative reform, to protect access to the ballot through litigation, and to provide election law expertise, voter information and technical assistance to voter mobilization organizations. The Center is a member of the New Hampshire Campaign for Voting Rights, comprised of a number of groups invested in strengthening integrity and building transparency into the voting process and improving access to the ballot box. The Center's Campus Vote Project (CVP) expands the organization's work around student voting issues. CVP works with universities, community colleges, faculty, students and election officials to reduce barriers to student voting and to increase access to the ballot. CVP's goal is to help campuses institutionalize reforms that empower students with the information they need exercise their most basic right as a citizen -- to register and vote.

SB 67 would address some of the changes made to longstanding New Hampshire law last year by HB 1264 (2018). HB 1264 erased a long-standing distinction between domicile and residency that both New Hampshire state statutes and courts have upheld in the voting context. The 2018 legislation changed state statutory law to equate domicile and residency, such that a person would no longer be able to establish domicile at a New Hampshire address for voting purposes without establishing residency for all other purposes. In doing so, that legislation created a strong disincentive with potential criminal penalties to registration and voting.

SB 67 provides that, with respect to motor vehicle purposes, persons who live in the state but do not intend to remain for the indefinite future would not have to pay motor vehicle fees. However, it does not repeal any other area of state law where, under HB 1264, people who sign up to vote must comply with other obligations of New Hampshire residency simply because they decided to vote. SB 67 would remove the post-election poll-tax related to motor vehicle requirements imposed by HB 1264 on those who have an out-of-state driver's license in order to register to vote.

Fair Elections Center supports the full repeal of HB 1264 under currently-pending HB 106. However, as a compromise which would address the penalty wrought by forcing people to pay motor vehicle fees just because they signed up to vote, Fair Elections Center also supports SB 67.

It costs \$50 to obtain a New Hampshire driver's license, and registration fees can amount to hundreds of dollars, in addition to the cost of any other documents needed to obtain a driver's license, such as a birth certificate or passport. Requiring new voters in the state to change their address for motor vehicle purposes immediately when they register to vote, as HB 1264 did, punishes individuals for exercising their civic duty and puts in place a financial barrier to voting. By repealing these requirements as to the motor vehicle laws, SB 67 would restore these rights to voters. In doing so, it would also bring New Hampshire in line with Vermont's approach to the issue.

For some prospective voters, the costs associated with motor vehicle fees imposed on them under HB 1264 are prohibitive and send a message to prospective new participants to stay out of the election process. These changes were a cynical attempt to prevent college students and other community members who live and work in the state and support the local economy from voting here and Fair Elections Center supports mitigating these changes through passing SB 67.

Students, who were among the most severely affected by HB 1264, must already become familiar with rules and deadlines for registering and voting all while transitioning to the freedom and responsibility of life in college, including attending classes and working. Many campuses and student leaders around the country are working to help new groups of students every year overcome these challenges and be empowered to participate in our democracy, but bills like HB 1264 took a step backward. While not a complete repeal of HB 1264, SB 67 is an opportunity for New Hampshire to move in the right direction towards welcoming and embracing young voters as community members and future workers and leaders.

If you have any questions or need further information, please contact Michelle Kanter Cohen, Counsel, Fair Elections Center, (202) 331-0114, [mkantercohen@fairelectionscenter.org](mailto:mkantercohen@fairelectionscenter.org).