

Inconvenient truths about voting in New Hampshire

THE NEW HAMPSHIRE Senate has passed Senate Bill 4, which would require that an individual be domiciled in New Hampshire for 30 days before being eligible to vote.

The intent is to ensure that individuals voting in New Hampshire actually live here and are not simply entering the state to vote. New Hampshire is the only swing state in New England, so there is incentive for those who want to commit voter fraud to do so in our state. Similar legislation passed last year but was vetoed by Gov. Maggie Hassan.

Supporters of the status quo are trying to portray SB4 as an unconstitutional assault on voter rights, and portraying Republicans as trying to “pick the voters that they want.” The same commentary attended last year’s debate on this issue.

Recently, Sens. Bette Lasky and David Pierce stated that “the U.S. Supreme Court ruled clearly that waiting periods place an unconstitutional burden on the right to vote.”

That’s not true.

The U.S. Supreme Court ruled on the issue of durational voting requirements in its *Dunn v. Blumstein* decision of March 21, 1972, when it declared that lengthy durational requirements for voting in state and local elections were unconstitutional.

Contrary to Sens. Lasky and Pierce, the Supreme Court, in that decision, did not state that all such requirements were unconstitutional, only lengthy ones. The Supreme Court then stated that a requirement of 30 days before voting was an acceptable durational period. The Supreme Court also stated that “States have the power to require that voters be bona fide residents of the relevant political subdivision.” Currently, 47 states and the District of Columbia require one to be a resident, or to be registered to vote, or both, for some period of time before voting. Voter residency or registration for 20 days or more is required in 40 states, and 27 of those require 30 days.

A durational domicile or residency requirement for voting is such a common sense idea that, in a UNH/WMUR poll last July, a 57 percent majority supported such a law while 28 percent opposed it and 14 percent were neutral. Republicans (74 percent to 13 percent) and independents (58 percent to 30 percent) supported the legislation, while Democrats (41 percent to 42 percent) were divided.

Such a requirement is particularly important in New Hampshire, where same-day voter registration enables someone who doesn’t live in New Hampshire to drive here on Election Day, register, vote and impact the results. The secretary of state has reported that 16,978 people registered to vote with out-of-state identification in the past two general elections, and 7,751 of those registered on Election Day. Does that make sense?

In addition, a person can legally register and vote here without providing any proof of citizenship, identity or domicile. All they have to do is sign an affidavit stating their identity and address. The state was unable to find 1,786 people who executed affidavits in the 2012 election. Does that make sense? Sen. Pierce commented that “Voters should be the ones that choose their elected officials; elected officials should never pass laws to choose their voters.” In 2008, however, Sen. Pierce (then Rep. Pierce) sponsored HB 1616, “relative to financial aid for students losing aid due to registering to vote.” The Election Law Committee reported that “HB 1616 sought to assure college students that they need not fear registering to vote by creating a fund to reimburse them for any lost financial aid.”

This proposed legislation would reimburse college students for any out-of-state financial aid that they might lose by changing their voter registration from their home state to New Hampshire. In short, then Rep. Pierce sponsored legislation to have the University System of New Hampshire (and the taxpayers) offer a financial incentive for outof- state students to vote in New Hampshire.

Apparently, “elected officials should never pass laws to choose their voters” didn’t apply to him, at least not then.

The U.S. Supreme Court and 27 other states agree on the constitutionality and efficacy of a 30-day requirement for voters. The New Hampshire House and Senate and 57 percent of New Hampshire persons polled see a 30-day requirement as a common sense law that will help keep our elections available exclusively to New Hampshire residents.

Who would oppose a law to help keep your vote from being canceled out by someone voting who doesn’t live here? Apparently, Sen. Lasky, Sen. Pierce and Gov. Hassan do.

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Another View

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