



New Hampshire Voting Reform

- There are numerous reports of people voting who were in New Hampshire on Election Day but did not live in New Hampshire. Most are not investigated, let alone prosecuted.
 - In 2008, Secretary Gardner witnessed AmeriCorps volunteers who planned to leave on December 1 register at the polls and vote.¹
 - In 2012, Alana Biden, Joe Biden's niece, signed an affidavit to vote, claiming the address of Democratic State Senator Martha Fuller Clark as her home. Several other Obama-Biden campaign workers did the same, despite only being in New Hampshire to work for the election.²
 - In 2008 and 2012, Lorin C. Schneider, Jr., of Carver, Massachusetts, voted in Manchester's Ward 9 despite being a long-time resident of Massachusetts. The New Hampshire Attorney General charged Schneider and he pled guilty to wrongful voting.³
- Well-respected Democrat Secretary of State Bill Gardner, the state official who oversees elections, supports reforming New Hampshire's election laws, fearing that the current law makes New Hampshire's elections open to fraud. Describing the state's voting system, Gardner said, "We have drive-by voting."⁴
- An inhabitant of New Hampshire has the right to vote in the place where the voter is domiciled, which is where a person has established a physical presence with the intent to maintain that presence.⁵ It is impossible to prove or disprove a voter's intent regarding maintaining their physical presence on Election Day, so it is up to the honesty of each voter to maintain the integrity of the election.⁶
- New Hampshire allows voters to register on the day of the election, at the polls. A person registering at the polls is required to present proof of identity, domicile, and eligibility. A voter who does not present the required documents can sign an affidavit attesting to the voter's identity and domicile.⁷ In the past four general elections, voters who registered at the polls cast 5-14% of the total votes cast.⁸
- While New Hampshire requires a voter to present proof of identity prior to voting, it allows voters who do not have identification or refuse to provide it to sign an affidavit attesting to the voter's identity.⁹
- The Secretary of State follows up with all voters who sign affidavits and the Attorney General investigates any questionable affidavits, but any investigation is done long after the questionable vote has been cast and counted.¹⁰ As of June 2015, an investigation into 1,777 follow-up letters that were returned as undeliverable as addressed following the 2012 election was ongoing. Over two-thirds were still unverified.¹¹
- Individual votes in New Hampshire hold special importance. Its early primary often determines which candidates drop out of and remain in the race, setting the tone for and affecting the outcome of the presidential election for the entire nation.
- On the state level, the New Hampshire House of Representatives has 400 members, representing 204 legislative districts (some districts have multiple representatives).¹² On average, a house member represents 3,291 residents, of which 2,630 are voting age.¹³ Close state house races are often decided by a very small margin, and some races result in ties.¹⁴

- In 2015, the New Hampshire legislature passed SB 179 to reform the domicile law to require a person to have established domicile in a location for 30 days prior to voting in an election there. Governor Hassan vetoed the bill, and the legislature failed to overturn the veto.¹⁵
- In July 2015, 57% percent of New Hampshire residents supported the 30-day domicile requirement, including 74% of Republicans, 58% of independents, and 41% of Democrats.¹⁶
- Adding a 30-day requirement for establishing domicile in New Hampshire would protect New Hampshire from people voting who are in New Hampshire for a short period around the election with no intent to remain. It would add an objective criterion by which state officials could evaluate domicile when investigating and prosecuting drive-by voters, replacing the current, un-provable, entirely subjective definition. It would be one step towards reforming a system that risks diluting the votes of all actual New Hampshire citizens, especially in presidential election years when all eyes turn to New Hampshire.¹⁷

¹ Andrew Cline, “Bill Gardner knows that voter fraud happens in New Hampshire,” *New Hampshire Union Leader*, Sept. 24, 2014.

² “Concerns raised about voter eligibility: Critics say NH law open to abuse,” *WMUR*, July 23, 2013.

³ Press Release, Lorin C. Schneider Pleads Guilty to Wrongful Voting Charges (June 9, 2014); James Pindell, “NH attorney general charges Mass. resident with voter fraud,” *WMUR*, Nov. 22, 2013.

⁴ Josh McElveen, “Gardner: Same-day voting process open to abuse: New rules proposed to increase restrictions,” *WMUR*, Dec. 15, 2014; Cline, *supra* note 1.

⁵ N.H. Const., Part I, Article 11; N.H. Rev. Stat. § 654:1(I).

⁶ Concerns, *supra* note 2.

⁷ N.H. Rev. Stat. §§ 654:7-a, 654:12, 659:13(I)(c).

⁸ N.H. Secretary of State, “State Election Results,” <http://sos.nh.gov/ElectResults.aspx>.

⁹ N.H. Rev. Stat. § 659:13(I)(c).

¹⁰ N.H. Rev. Stat. §§ 654:12, 659:13, IV; Secretary of State, “State of New Hampshire Voter ID Law, RSA 659:13: Explanatory Document” (Aug. 13, 2014).

¹¹ Josh McElveen, “Bill would set new residency requirements for NH voters,” *WMUR*, May 11, 2015; Shawne K. Wickham, “Checking voter residence affidavits a slog for New Hampshire investigators,” *Union Leader*, Oct. 25, 2014.

¹² See N.H. House Roster, 164th General Court (2015-2016).

¹³ See U.S. Census Bureau, “State & County QuickFacts: New Hampshire” (Dec. 1, 2015).

¹⁴ James A. Kimble, “N.H. considers limiting same-day voter registration,” *The Boston Globe*, May 15, 2015; James Adams, “My Turn: Bill is an important step in protecting state’s elections,” *The Concord Monitor*, June 13, 2015.

¹⁵ N.H. General Court - Bill Status System, “SB179” (2015).

¹⁶ Andrew E. Smith & Zachary S. Azem, *Governor Hassan Remains Popular; Granite Staters Support 30 Day Residency Requirement for Voting* 5 (July 21, 2015).

¹⁷ See House Record, First Year of the 164th General Court, House Journal 16:1908-19 (June 3, 2015) (supporting statements for SB 179 by state representatives).