



**League of Women Voters
New Hampshire**

March 30, 2016

Sen. Regina Birdsell, Chairman
Public and Municipal Affairs Committee
Re: HB 1313, AN ACT relative to eligibility to vote and relative to availability of voter information.

Dear Chairman Birdsell and members of the committee,

For more than 90 years, the League of Women Voters NH has worked to make sure that the Constitution's guarantee of the right to vote is a reality for the people of our state. Along with providing nonpartisan information about voting, LWVNH speaks out against laws and policies that discourage or even prevent citizens from being able to exercise their right to vote.

The League of Women Voters NH believes that House Bill 1313 violates the United States Constitution, the New Hampshire Constitution, the Voting Rights Act and the National Voting Rights Act.

The NH Constitution, unlike the Constitutions in many other states, guarantees an equal right to vote to every inhabitant of the state; specifies what exceptions and provisions are allowed regarding voting; and, does not grant the Legislature additional authority to define voter eligibility.

The current RSA 654:1, I. is a clear explanation of what constitutes being domiciled for voting purposes. There is no question that a person can only vote in one place and that place must be where a person physically lives more than any other place. It's also the place where a person conducts his or her domestic, social and civil affairs. People who are unemployed, homeless, disabled, living in a home owned by someone else, poverty stricken or who travel most days of the week all may exercise their right to vote under this RSA.

HB 1313 goes further than offering a definition of domicile for voting purposes. It suggests various interpretations that can be applied to the definition presented in RSA 654:1, I. The new section (b) (2) purports to offer advice on how to determine a citizen's domicile but, in reality, it suggests applying a hodgepodge of irrelevant and mostly unconstitutional limitations on a citizen's right to vote. Section (b) (4) is breathtakingly irrational in its judgements regarding who is worthy of being considered a resident of New Hampshire.

The addition of a durational residency requirement to the right to vote goes beyond the NH Constitution's requirement that a citizen be at least 18 years old and have a domicile in the town, ward or unincorporated place. The NH Constitution clearly describes a domicile as a location a

person is attached to in a town, ward or unincorporated place. There is nothing in Article 11 to suggest that a location requires a time period to become a domicile.

The US Supreme Court has ruled that states may not put a durational residency restriction on a citizen's right to vote.

We urge the Public and Municipal Affairs Committee to vote *Inexpedient to Legislate* on HB 1313.

Thank you,

Liz Tentarelli, president
Joan Flood Ashwell, election law specialist
League of Women Voters NH
LWVNH.org