



**League of Women Voters
New Hampshire**

January 18, 2016

Rep. Kathleen Hoelzel, Chairman

House Election Law Committee

Re: HB1356 , AN ACT relative to construction of the terms “resident” and “inhabitant”

Dear Chairman Hoelzel 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 that create barriers to voting that discourage or even prevent qualified citizens from being able to register to vote or cast a ballot.

HB 1356 purports to be a bill that simply modifies the definition of resident or inhabitant in RSA 21:6 but, in reality, it is yet another attempt to create barriers to the right to vote for the homeless, students, members of the military, and US citizens who are living outside the US. Paradoxically, it would probably make it easier for summer residents to vote here instead of where they really live, and it would create conflicts with zoning laws across the state.

Under present law, Supervisors of the Checklist decide who lives in a town or ward for voting purposes. The standards used by the Supervisors meet the Constitution’s requirement that citizens who are at least 18 years old have an equal right to vote. It is a fundamental right of citizens to have a say in choosing the government representatives who make decisions that directly affect them and the town or ward where they live. The current definition of domicile for voting purposes which is different than the current boilerplate definition of resident protects that right.

HB 1356 tries to erase the difference between domicile for voting and the boilerplate definition of resident. New Hampshire has about 600 laws dealing with questions of domicile, resident and abode. Many of those laws have individual definitions to fit the circumstances of the particular statute. The boilerplate definition of RSA 21:6 is by no means the “usual” definition in New Hampshire’s laws.

By making someone who is domiciled for voting purposes the same as someone who is a resident under RSA 21:6, the Legislature will create unavoidable conflicts between Town Clerks who traditionally have determined who is a resident in a town and the Supervisors of the Checklist who are the only ones who can determine who lives in a town for voting purposes. Their areas of jurisdiction are different and HB 1356 makes no provision for dealing with the conflicts their decisions will create. There is also no provision for settling conflicts between the Supervisors of the Checklist and local zoning laws. That is why in New Hampshire, domicile for voting purposes has its own detailed definition which does not conflict with other laws.

This bill does not take into consideration the complexities of the many laws that may somehow involve issues of residency or domicile. The bill does not take into account the many town and state officials who administer those laws. HB 1356 serves no good purpose, and the League of Women Voters recommends a vote of "Inexpedient to Legislate."

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