

# Voting Rights in New Hampshire



A Report of the  
New Hampshire Advisory Committee to the  
U.S. Commission on Civil Rights

March 2018

## **Advisory Committees to the U.S. Commission on Civil Rights**

By law, the U.S. Commission on Civil Rights has established an advisory committee in each of the 50 states and the District of Columbia. The committees are composed of state citizens who serve without compensation. The committees advise the Commission of civil rights issues in their states that are within the Commission's jurisdiction. More specifically, they are authorized to advise the Commission in writing of any knowledge or information they have of any alleged deprivation of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, national origin, or in the administration of justice; advise the Commission on matters of their state's concern in the preparation of Commission reports to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public officials, and representatives of public and private organizations to committee inquiries; forward advice and recommendations to the Commission, as requested; and observe any open hearing or conference conducted by the Commission in their states.

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Letter of Transmittal

New Hampshire Advisory Committee to the  
U.S. Commission on Civil Rights

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The New Hampshire Advisory Committee, as part of its responsibility to advise the Commission on civil rights issues within the state, submits this report, "Voting Rights in New Hampshire." The report was adopted by the Advisory Committee by a unanimous vote.

Sincerely,

JerriAnne Boggis, Chairperson  
New Hampshire Advisory Committee

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Voting is the foundation of our government, our society, and our way of life. Without the right to vote, we have no say in the decisions that affect our lives every day, decisions that range from...educating our children, keeping our air and water clean, caring for the sick, building roads and bridges, responding to natural disasters, to decisions about how we will engage with other countries and cultures around the world.<sup>1</sup>

## Introduction

“Th[e] right to vote is the basic right without which all others are meaningless. It gives people, people as individuals, control over their own destinies.”<sup>2</sup> The fundamental right of all citizens over the age of 18 to vote is constitutionally guaranteed by the 15th, 19th, and 26th Amendments. These Amendments prohibit franchise discrimination on the basis of race, sex, and age respectively. Nonetheless, various legal and procedural obstacles historically hindered the exercise of this right for certain groups. As a result, equal access to the polls for many voters developed slowly. Federal civil rights legislation enacted during the civil rights movement sought to correct this imbalance, not only by guaranteeing that individuals have the *right* to vote irrespective of their minority status, but also by ensuring they can *exercise* it by casting a ballot. Despite great progress in the decades that followed, however, many recent changes in election laws enacted by state and local governments have created barriers to voting for minority groups.

New Hampshire, like most of the country, has changed its election laws in recent years. It also has a changing electorate that is growing older and more diverse every year. The New Hampshire State Advisory Committee to the United States Commission on Civil Rights sought to examine these election laws to see how New Hampshire’s changes affect its voters—looking particularly for any evidence suggesting these changes might have a disparate impact on voters of color. The Committee held a roundtable session on September 30, 2013 and a briefing meeting on May 22, 2014 to address the issue. It invited experts and knowledgeable individuals to share information with the members of the Committee to help them better understand how to

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<sup>1</sup> Transcript of the briefing before the U.S. Commission on Civil Rights by the New Hampshire State Advisory Committee, *Voting Rights in New Hampshire*, Sept. 25 2013 [hereinafter cited as 2013 Transcript] (statement by Joan Ashwell) at 184.

<sup>2</sup> Lyndon B. Johnson, President of the United States, Remarks in the Capitol Rotunda at the Signing of the Voting Rights Act (Aug. 6, 1965) (transcript available at <http://www.presidency.ucsb.edu/ws/?pid=27140>).



protect voting rights in New Hampshire. This report details the Committee’s findings and recommendations.

## Background

### 1. Voting Rights in the United States

The 15th Amendment provides that “[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude,” and that, “Congress shall have the power to enforce this article by legislation.”<sup>3</sup> The Amendment was ratified in 1870 and interpreted narrowly by the Supreme Court only to prohibit laws that used race as a qualification or pre-condition for voting.<sup>4</sup> As a result, many states successfully enacted various legal and procedural obstacles to prevent Black voters from participating in elections for decades after its ratification. Using techniques such as voter literacy tests, poll taxes, voucher requirements, and grandfather clauses, these states continued to disenfranchise people of color with impunity. In a recent decision by the Supreme Court, Chief Justice Roberts succinctly concluded that, “the first century of congressional enforcement of the [15th] Amendment . . . can only be regarded as a failure.”<sup>5</sup>

The 19th Amendment prohibits discrimination by denying persons the right to vote on the basis of gender.<sup>6</sup> The story behind its ratification is the long and arduous history of the woman’s suffrage movement. Women had actively campaigned for suffrage since 1848, when the first Woman’s Rights Convention met in Seneca Falls, New York. The amendment was written by Susan B. Anthony and Elizabeth Stanton, leaders of the National Woman Suffrage Association, an organization formed specifically to push for a Constitutional amendment granting women the right to vote. Despite being first introduced in 1878, the amendment was not ratified until 1920—42 years later—after decades of failed attempts to pass it through Congress.

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<sup>3</sup> U.S. CONST. amend. XV.

<sup>4</sup> *See* *United States v. Reese*, 92 U.S. 214, 218 (1875) (noting that “[i]t is only when the wrongful refusal at such an election is because of race, color, or previous condition of servitude, that Congress can interfere, and provide for its punishment”).

<sup>5</sup> *Northwest Austin Municipal Util. Dist. No. 1 v. Holder*, 557 U.S. 193, 197 (2009).

<sup>6</sup> *See* U.S. CONST. amend. XIX.

The 26th Amendment prohibits denying persons over the age of 18 the right to vote on the basis of age.<sup>7</sup> It was ratified in 1971 as a response to youth activism during the Vietnam War.

Proponents of the amendment argued that youth who were old enough to serve in the military and die for their country should be old enough to vote. Congress and the rest of the country agreed resoundingly. The 26th Amendment was ratified three months and eight days after it was submitted to the states, making it the fastest ratification of any amendment.

The Voting Rights Act (VRA) of 1965 sought to correct racially discriminatory practices by prohibiting laws that had the *effect* of denying or abridging voting rights on the basis of race.<sup>8</sup> This legislation was very successful. Joan Ashwell, an election law specialist with the League of Women Voters in New Hampshire, informed the Committee that the VRA increased voter turnout and limited disenfranchisement of voters of color nationwide. “Overall, the 37 years from 1965 to 2002 saw a huge expansion of access for citizens to be able to vote across [the United States].”<sup>9</sup> When Congress reauthorized the VRA in 2006, it noted in its findings that there had been “significant progress” regarding “minority” voter registration, turnout, and representation in Congress.<sup>10</sup> In Alabama for example, there was almost a 50 percent disparity between White and Black voter registration in 1965. By 2012, Black voter registration was only seven percent less than White voter registration.<sup>11</sup> Additionally, one percent more Blacks than Whites actually voted in 2012.<sup>12</sup> Congress stated clearly, however, that the VRA still served a vital purpose at the time of reauthorization. “[T]he evidence before Congress reveals that 40 years has not been a sufficient amount of time to eliminate the vestiges of discrimination

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<sup>7</sup> See U.S. CONST. amend. XXVI.

<sup>8</sup> See Voting Rights Act of 1965, 42 U.S.C. § 1973(a)-(b) (1965).

<sup>9</sup> 2013 Transcript (statement by Joan Ashwell) at 186.

<sup>10</sup> Fannie Lou Hamer, Rosa Parks & Coretta Scott King, *Voting Rights Act Reauthorization and Amendments Act of 2006*, 109 Pub. L. No. 246, §2(b)(1), 120 Stat. 577 (2006) (amending the Voting Rights Act of 1965, 42 U.S.C. § 1973 (1965)), available at <http://www.gpo.gov/fdsys/pkg/STATUTE-120/html/STATUTE-120-Pg577.htm> (last accessed July 2, 2014).

<sup>11</sup> The gap could be smaller. As a percentage of the population, twice as many Blacks did not respond to the survey than non-Hispanic Whites (22 percent versus 11 percent respectively), but based on received responses, only 9 percent of Blacks were unregistered, versus 13 percent for non-Hispanic Whites. See U.S. Census Bureau, *Voting and Registration by Race in Alabama*, 2012, available at [http://thedataweb.rm.census.gov/TheDataWeb\\_HotReport2/voting/voting.html?GESTFIPS=2&INSTANCE=Nov+2012](http://thedataweb.rm.census.gov/TheDataWeb_HotReport2/voting/voting.html?GESTFIPS=2&INSTANCE=Nov+2012) (last accessed July 1, 2014).

<sup>12</sup> *Id.*

following nearly 100 years of disregard for the dictates of the 15th amendment and to ensure that the right of all citizens to vote is protected as guaranteed by the Constitution.”<sup>13</sup>

The VRA was successful in part because it included a “preclearance requirement” for certain states and counties that used discriminatory tests and had low voter turnout and registration during the 1964 Presidential Election.<sup>14</sup> The preclearance requirement was a prophylactic measure against legislation that hindered minority access to polls by requiring specific jurisdictions to submit proposed changes to their voting procedures to the Attorney General or a panel of federal judges for approval.<sup>15</sup> If a state or district wished to remove themselves from the pre-clearance requirement, they could bring a “bailout” action at the U.S. District Court for the District of Columbia.<sup>16</sup>

In 2013, the Supreme Court struck down the coverage formula of the preclearance requirement in *Shelby County v. Holder*.<sup>17</sup> The court reasoned that unequal treatment of states under federal law threatens principles of federalism and equal sovereignty. A federal law should not apply to some states differently than others unless very particular circumstances require it to do so. In order to be constitutional, “a departure from the fundamental principle of equal sovereignty requires showing that a statute’s disparate geographic coverage is sufficiently related to the problem that it targets.”<sup>18</sup> The court concluded that “[n]early 50 years later, things have changed dramatically.”<sup>19</sup> “[V]oter registration and turnout numbers in the covered States have risen. . . . There is no longer such a disparity.”<sup>20</sup> The court further explained that although the 15th Amendment gives Congress power to craft legislation to protect voters of color, it “is not designed to punish the past; its purpose is to ensure a better future.”<sup>21</sup> The court concluded that

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<sup>13</sup> 120 Stat. 577 §2(b)(7).

<sup>14</sup> 42 U.S.C.A. §1973b-c (2012); for a complete list of states and counties covered by the preclearance requirement at the time the law was struck down by the Supreme Court, *See* U.S. Department of Justice, *Jurisdictions Previously covered by Section 5 at the Time of the Shelby County Decision*, [http://www.justice.gov/crt/about/vot/sec\\_5/covered.php](http://www.justice.gov/crt/about/vot/sec_5/covered.php) (last accessed July 1, 2014).

<sup>15</sup> *See Id.* §1973c.

<sup>16</sup> *See Id.* §1973b(a).

<sup>17</sup> *See Shelby County v. Holder*, 133 S. Ct. 2612, 2631 (2013).

<sup>18</sup> *Id.* at 2622 (citing *Northwest Austin Municipal Util. Dist. No. One v. Holder*, 557 U.S. 193, 203 (2009)).

<sup>19</sup> *Id.* at 2625.

<sup>20</sup> *Id.* at 2627.

<sup>21</sup> *Id.* at 2629.

the formula was unconstitutional, but invited Congress to adjust the coverage formula to current registration and turnout data.

## 2. Voting Rights in New Hampshire

New Hampshire has a long and proud electoral history on both a federal and state level. On the national stage, New Hampshire receives a great deal of attention because it is a swing state and holds the first presidential primary election. This primary operates as a testing ground for presidential candidates from both parties. The state also enjoys very high turnout from its electorate. In the 2012 Election, New Hampshire ranked fourth out of 50 states and the District of Columbia in turnout of their voter eligible population at 70.9 percent.<sup>22</sup>

On a state level, New Hampshire has a strong preference towards local governance through an active citizenry. It has the second largest legislature in the country after the U.S. House of Representatives. This “General Court” is composed of a Senate and House of Representatives that have 24 and 400 members respectively.<sup>23</sup> With a population of about 1.3 million people, each member represents an average of 3,250 individuals—only about 2,000 of which are eligible to vote. This structure allows all of New Hampshire’s citizens to be close to their representatives and their governing body. These members are not professional politicians, but rather come from a variety of occupations. They are only paid \$200 per term plus travel expenses—a remarkably small stipend relative to the importance of their responsibility.<sup>24</sup> It is a testament to New Hampshire’s sense of civic engagement.

New Hampshire has a unique voting rights history. Although the VRA’s preclearance requirement predominantly applied to southern states, eight towns and two unincorporated areas in New Hampshire were also subject to the VRA’s preclearance requirement. They had used literacy tests and reported lower voter turnout and registration during the 1960s. Just prior to the *Shelby County* decision, however, New Hampshire became the first and only state to bail out of

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<sup>22</sup> New Hampshire came in behind Minnesota at 76.1 percent, Wisconsin at 73.2 percent, and Colorado at 71.1 percent. See Nonprofit VOTE, *America Goes to the Polls 2012*, 2012, <http://www.nonprofitvote.org/documents/2013/03/america-goes-to-the-polls-2012.pdf> (last accessed July 1, 2014) [hereafter cited as Nonprofit VOTE 2012] at 7.

<sup>23</sup> New Hampshire Almanac, *State Government Overview*, <http://www.nh.gov/nhinfo/stgovt.html> (last accessed Jul. 1, 2014).

<sup>24</sup> *Id.*

its preclearance requirements before a three judge panel.<sup>25</sup> An investigation by the Attorney General revealed “no law implicating racial discrimination in voting.”<sup>26</sup> At the time the requirement was imposed on New Hampshire, six out of the ten towns subject to the requirement did not have a single voter of color. Therefore, even though they used literacy tests, they could not have been put in place with the intention of disenfranchising voters of color. The parties stipulated that, “[New Hampshire] likely would have been successfully able to demonstrate that the covered towns had no known history of intentional racial discrimination in voting at the time of coverage.”<sup>27</sup>

Several other federal acts are applicable to New Hampshire’s election procedures including the Help America Vote Act (HAVA), which requires every state to have a centralized voter database.<sup>28</sup> New Hampshire created such a database before the 2006 election and continues to maintain it through local election officials. David Scanlan, New Hampshire’s Deputy Secretary of State, explained to the Committee that “[the] list is still maintained at the local level by local supervisors. . . . They’re the only ones with authority to add names to the checklist and remove names.”<sup>29</sup> HAVA also requires accessible voting for persons with disabilities, including the ability to vote independently and in private. All polling places must be acceptable under the standards set forth by the American with Disabilities Act. To satisfy the requirements of this Act, each state in compliance with HAVA provisions receives funding from the Election Assistance Commission.<sup>30</sup>

Finally, New Hampshire is also subject to the Military and Overseas Voter Empowerment Act (MOVE). MOVE helps overseas military personnel and citizens who live abroad to vote. It requires that absentee ballots be delivered 45 days in advance of an election to the voters that have requested one. It also requires that ballots be deliverable electronically. Mr. Scanlan

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<sup>25</sup> New Hampshire v. Holder, No. 1:12-CV-01854, at \*20 (D.D.C. Mar. 1, 2013) [http://www.justice.gov/crt/about/vot/misc/nh\\_cd.pdf](http://www.justice.gov/crt/about/vot/misc/nh_cd.pdf) (last accessed July 1, 2014).

<sup>26</sup> *Id.* at 13.

<sup>27</sup> *Id.* at 15.

<sup>28</sup> See Help America Vote Act of 2002, Pub. L. No. 107-252, 2002. (116 Stat. 1666) <https://www.eac.gov/assets/1/6/HAVA41.PDF>.

<sup>29</sup> 2013 Transcript (statement by David Scanlan) at 168.

<sup>30</sup> See 42 U.S.C. § 15403 (2014).

explained, “For those voters that ask, we deliver their ballot by email, and then the voter is responsible for printing the ballot off, marking it and then physically mailing it back.”<sup>31</sup>

In recent years New Hampshire has enjoyed a pristine record of complying with federal voting rights requirements. Federal jurisdiction is only triggered when there is a federal candidate’s name on a ballot or if there are any voter registration issues. Suspected cases of vote buying, bribery, impeding voter participation through the dissemination of false information, and voter fraud will then trigger an investigation. Mark Zuckerman, Assistant U.S. Attorney and election officer for the District of New Hampshire, reported to the Committee that in the 14 years that he has been with the U.S. Attorney’s Office, he has not found a single federal violation of voting rights.<sup>32</sup>

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<sup>31</sup> 2013 Transcript (statement by Scanlan) at 170.

<sup>32</sup> Transcript of the briefing before the New Hampshire State Advisory Committee to the U.S. Commission on Civil Rights, *Voting Rights in New Hampshire*, May 22, 2014 [hereinafter cited as 2014 Transcript] (statement by Mark Zuckerman) at 10.

## Findings of the New Hampshire State Advisory Committee

### 1. Voter ID Law

There are many types of voter fraud such as multiple voting, impersonating a voter, and voter intimidation. There are also many types of voter registration fraud such as registering someone who is deceased, someone who is not a U.S. citizen, or someone who is a convicted felon in the course of serving a prison sentence. In recent years, many states have started requiring voters to present photo identification at the polls or during registration to prevent individuals from impersonating other voters on Election Day. This problem is generally known as “voter impersonation fraud,” but is criminalized under New Hampshire’s election laws as “wrongful voting” along with most other acts of voter fraud.<sup>33</sup>

In 2012, New Hampshire enacted a voter ID law to protect against voter impersonation fraud. The law requires that voters show an acceptable form of identification when going to the polls.<sup>34</sup> Unless the voter is over 65, any ID that has been expired for 5 years or more will not be accepted. Although many states have passed very strict voter ID laws, New Hampshire’s voter ID law is flexible in a few ways. First, if the voter has a different type of ID not specifically allowed by the law, it is up to the discretion of election officials whether or not to challenge them. Second, if the voter has no ID whatsoever, but can be vouched for by election officials, they still may vote. Third, if a voter shows up without a valid form of ID and no one can vouch for them, they must sign an affidavit in front of election officials before voting. The Secretary of State and the Attorney General of New Hampshire then investigate them. The Secretary of State mails the voter a verification letter to the address provided at the time of voting. This letter must be returned by the voter within 90 days in a prepaid envelope to confirm their identity. If they do not return the letter, the Attorney General will pursue a further investigation, which typically entails a phone call or a visit to the address listed.

Even if a voter has to sign an affidavit, their vote is counted on the day of the election. New Hampshire does not use provisional ballots, which are counted after they are verified. There is no

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<sup>33</sup> See N.H. REV. STAT. ANN. § 659:34 (2013).

<sup>34</sup> See N.H. REV. STAT. ANN. § 659:13 (2013). Acceptable forms of identification include a driver’s license, non-photo ID from a DMV, voting ID, passport, military ID, and certain types of student IDs.

delay in counting votes cast with an affidavit. The Secretary of State's office "stressed when [the] legislature was considering the bill that . . . no qualified voter be turned away from the polls. So if a person was able to register to vote, they should have a way to be able to then vote [even without an ID]."35

The panelists were split on whether or not the law detrimentally affected New Hampshire election processes. The League of Women Voters (the League) was critical of the law both in principal and because of its effect on the 2012 election. They claimed that the law is offensive. Joan Ashwell, election law specialist for the League, concluded that "New Hampshire treats every citizen who tries to vote as a probable felon."36 "Many people will also be intimidated or offended by the fact that they will be investigated after their election because they lack a photo ID," she said.37 The League also noted that wait lines increased from 2008 to 2012 because of the voter ID law, with the average voter in New Hampshire waiting 60 percent longer.38 Finally, they questioned whether a lack of public understanding of the new ID law led people to believe they were not able to vote. Liz Tentarelli, co-president of the League, cited examples of voter confusion to the Committee. "I think the saddest question [the League] received was... from a woman who said she had a driver's license but didn't have a military ID or a passport, so could she still vote? [She was under] the perception she had to meet all of these requirements."39

Mr. Scanlan, New Hampshire Deputy Secretary of State, disagreed regarding the effect the law had on state and federal elections. He testified that the vast majority of voters were aware of the new law and able to comply with it. "[T]he reality was that the number of voters that showed up to the polls [in 2012] that had to fill out an affidavit to obtain [a ballot] was about three quarters of one percent."40 He also noted that the law did not have a substantial deterrent effect on turnout. "Statewide," he said, "the numbers drop[ed] very slightly [from] 2008. So the numbers were almost identical in . . . turnout."41 This conclusion is in accord with a national study, which showed that turnout in New Hampshire only dropped 1.5 percent from 2008 to 2012.42 However,

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<sup>35</sup> 2013 Transcript (statement by Scanlan) at 229.

<sup>36</sup> 2013 Transcript (statement by Ashwell) at 189.

<sup>37</sup> *Id.* at 193.

<sup>38</sup> *Id.*

<sup>39</sup> 2013 Transcript (statement by Liz Tentarelli) at 174.

<sup>40</sup> 2013 Transcript (statement by Scanlan) at 199.

<sup>41</sup> *Id.* at 205.

<sup>42</sup> Nonprofit VOTE 2012 at 8.



he also mentioned that, particularly for local elections, “the percentage of voters coming through forgetting their ID is slowly creeping up.”<sup>43</sup> “[T]here is a certain degree of protest taking place, where people just intentionally did not show their IDs and are requiring the AG’s office to follow up.”<sup>44</sup>

Ms. Radke, the Vice President of the New Hampshire City and Town Clerks’ Association, provided similar testimony. In the town of Bedford, 15,000 people are registered to vote and about 11,000 of them voted in 2012. “In 2008 . . . [it was] the same. About the same number of people voted . . . .”<sup>45</sup> She also noted that only 48 of these voters did not have their IDs and had to sign an affidavit. There was little evidence which suggested either that voters were not aware of the law, or that the law had a detrimental effect on turnout.

However, there is little evidence that voter fraud is a substantial problem in New Hampshire. At the time of the September 2013 roundtable, the Attorney General’s investigators had only contacted about half of the 4,000 individuals who signed an affidavit in the 2012 Presidential Election; however, “they [had] not found . . . any instances of voter impersonation fraud [in the first 2000 investigations].”<sup>46</sup> From 2000 until 2012, New Hampshire had a total of only two documented cases of voter fraud. Caitlin Rollo, political and research director of Granite State Progress Education Fund, testified that this makes a statewide voter fraud percentage of .0003 percent.<sup>47</sup>

Similar voter registration fraud investigations from past elections have yielded no confirmed instances of fraud.<sup>48</sup> New Hampshire has a provision requiring those who register to vote to provide photo ID. In the case an individual does not present a photo ID when registering, New Hampshire law requires similar investigatory procedures as for its voter ID law.<sup>49</sup> None of these investigations has revealed any instances of voter registration fraud. In a 2010 state general election, for example, there were 23,512 persons who registered to vote on Election Day. Forty-

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<sup>43</sup> 2014 Transcript (statement by Scanlan) at 14.

<sup>44</sup> *Id.* at 21.

<sup>45</sup> 2013 Transcript (statement by Lori Radke) at 204.

<sup>46</sup> 2013 Transcript (statement by Ashwell) at 211.

<sup>47</sup> 2014 Transcript (statement by Caitlin Rollo) at 93.

<sup>48</sup> See Attorney General’s Office of New Hampshire, *Voter Fraud Investigation Report 2006; 2008; 2010*, New Hampshire’s Secretary of State, <http://sos.nh.gov/Miscellaneous.aspx> (last accessed Jul. 1, 2014).

<sup>49</sup> See N.H. REV. STAT. ANN. § 654:12 V (a)-(f) (2012).

eight of those individuals did so without a photo ID and were therefore investigated by the Secretary of State and Attorney General. All but four individuals mailed back the required letter to the Secretary of State that confirmed their identity. The remaining four individuals were eventually cleared by investigators: one had gone away to college in another state, one had accidentally submitted a registration with errors in her contact information, one had moved since registering to vote, and one had an incorrect address because of a clerical error.<sup>50</sup>

In light of the incredibly small size of the problem, many question whether the law is worth the cost: both in terms of money and the risk of making it more difficult for the people of New Hampshire to vote. Mr. Scanlan reported that there is a cost to generating the mailing, paying the postage, and employing staff from the Secretary of State's office to begin the voter verification process. Although exact numbers are not yet available, the League estimated that each investigation costs around \$360. Mr. Scanlan also noted that "there was a tremendous workload placed on the Attorney General's office as a result of having to follow up on all of those verification mailings."<sup>51</sup> Furthermore, in the actual cases of voter fraud mentioned above, Ms. Rollo noted that, "In both instances, the existence of the voter ID law did not stop the voter fraud from happening, nor did it help identify it after the fact."<sup>52</sup>

*a. At Risk Populations*

IDs other than driver's licenses are acceptable under New Hampshire's voter ID law. Groups that are less likely to have driver's licenses, however, are more likely to be burdened by the law because they will need to obtain a different form of identification. As such, access to the polls may be more difficult for the elderly, the disabled, and the homeless. For these individuals, it can be more cumbersome to obtain an alternative form of ID because many of them lack transportation and tend to be poorer.

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<sup>50</sup> Matthew G. Mavrogeorge, Assistant Attorney General of New Hampshire, *Voter Fraud Investigation Report-2010*, Jul. 11, 2011, <http://sos.nh.gov/Miscellaneous.aspx> (last accessed Jul. 1, 2014).

<sup>51</sup> 2014 Transcript (statement by Scanlan) at 16.

<sup>52</sup> 2014 Transcript (statement by Rollo) at 94.

New Hampshire is an aging state. Between 2000 and 2010, New Hampshire had the second largest increase in median age of a state of 4.0 years, just behind Maine with an increase of 4.1.<sup>53</sup> It now has the fourth highest median age in the United States with 41.1 years.<sup>54</sup> As a percentage of their population, 44.2 percent New Hampshire is over 45 years old, and 13.5 percent is over 65.<sup>55</sup> Sylvia Gale, a board representative of the New Hampshire Citizens Alliance for Action and an elected member of the New Hampshire House of Representatives, testified that many elderly persons are unjustly burdened by the law as a consequence of acting responsibly, “having given up their driving privileges years ago in the interest of the safety of themselves and others.”<sup>56</sup>

The voter ID law also burdens the homeless and impoverished. Kevin Kintner, program director for New Horizons for New Hampshire—the largest homeless shelter in New Hampshire— informed the committee that a little over ten percent of the 900 people that are sheltered annually do not have any form of ID.<sup>57</sup> They are also more likely to lose an ID because they have to keep everything with them at all times. The process to get an ID then becomes much more difficult. He gave two examples of New Hampshire residents who struggled to obtain a photo ID in order to vote because, ironically, they lacked identification necessary to get that ID. Kintner reported that in order to get a photo ID, you need two forms of ID, but “there is a frustrating Catch 22. . . . [T]he most standard way of getting a birth certificate or Social Security card is to have a photo ID.”<sup>58</sup> He asserted, “Losing your ID should not mean a loss of your personhood, should not mean a loss of your citizenship.”<sup>59</sup>

Furthermore, simply being poor might be an obstacle to obtaining an ID. “The ID itself may have a cost, but prior to that there might be notary fees when accompanying letters and signatures are required . . . [or] travel fare when one needs to go somewhere in person. Not every municipality or county across the country works the same way when it comes to copying a birth certificate, and fees, again, may apply.”<sup>60</sup> Many of these individuals have avoided going to doctors and

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<sup>53</sup> See David Brooks, *Granite State’s Median Age Tops Florida*, The Telegraph, May 15, 2011, <http://www.nashuatelegraph.com/news/919366-196/granite-states-median-age-tops-floridas.html> (last accessed July 2, 2014) [hereinafter *Granite State’s Median Age*].

<sup>54</sup> *Id.*; see also Appendix A for a map depicting the United States median age by state in 2010.

<sup>55</sup> *Granite State’s Median Age*.

<sup>56</sup> 2014 Transcript (statement by Sylvia Gale) at 88.

<sup>57</sup> 2014 Transcript (statement by Kevin Kintner) at 50-52.

<sup>58</sup> 2014 Transcript (statement by Kevin Kintner) at 54-55.

<sup>59</sup> *Id.* at 57.

<sup>60</sup> *Id.* at 55-56.

dentists because they cannot afford them, and therefore do not have many records to draw from when applying for a social security card.

The disabled suffer many of the same problems that the elderly and impoverished do. At least 11 percent of the national population has disabilities.<sup>61</sup> Adults with disabilities face high rates of unemployment and poverty relative to people without disabilities. According to the most recent survey of the U.S. Census Bureau, people without disabilities are two-thirds more likely to be employed full-time over people with severe disabilities. While earnings and income rates are lower for people with disabilities, poverty rates are higher. Approximately 28.6 percent of people with severe disabilities aged 15 to 64 lived in poverty, while 14.3 percent of people without disabilities were impoverished.<sup>62</sup>

*b. Future Requirements and Recent Legislation*

Further changes to the law are set to take effect in September of 2015. One controversial provision mandates that voters who do not bring their photo IDs to the polls, in addition to signing an affidavit, will also have their photo taken for the purpose of the subsequent investigation.<sup>63</sup> Scanlan told the committee that the “digital image of the voter will then be kept on file in the event that the Attorney General feels like they have to follow” up on any verification mailings.<sup>64</sup>

Currently, the law is set to be paid for with funds taken from New Hampshire’s election fund, which is supplied by the federal government under the Help American Vote Act (HAVA). It is not clear whether this is a permissible use of the funds. Under HAVA, states must use the funds to put them in compliance with HAVA requirements, such as maintaining an accessible voter system that adheres to the ADA and fulfilling the requirements of the Military and Overseas Voter Empowerment Act (MOVE). After a state has done so, leftover funds may be used only

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<sup>61</sup> Rebecca Schleifer, *Disabled and Disenfranchised*, Huffington Post, Sept. 5, 2012, [http://www.huffingtonpost.com/rebecca-schleifer/disabled-voting-rights\\_b\\_1853234.html](http://www.huffingtonpost.com/rebecca-schleifer/disabled-voting-rights_b_1853234.html) (last accessed July 7, 2014).

<sup>62</sup> Matthew W. Brault, *Americans with Disabilities: 2010, Household Economic studies, Current Population Report*, United States Census Bureau, Jul. 2012, <http://www.census.gov/prod/2012pubs/p70-131.pdf> (last accessed July 7, 2014) at 12.

<sup>63</sup> See N.H. REV. STAT. ANN. § 659:13 I(c)(2) (2013) (effective September 1, 2015).

<sup>64</sup> 2014 Transcript (statement by Scanlan) at 15.

“to improve the administration of elections for Federal office.”<sup>65</sup> Although states are left considerable discretion in how they choose to spend the money, it is not clear that the cameras improve the “administration of elections” or, assuming they do, if they may be used for general elections as well.<sup>66</sup>

## 2. Access for Disabled Voters

Voters with disabilities face greater challenges when voting. They require physical access to polling places, technology to allow them to vote privately and independently, and transportation to and from the polls. They also can face attitudinal barriers at the polls from election officials. Incidents were reported to the Committee of disabled voters not being offered handicapped accessible voting machines and election officials not understanding how to assist them without violating their right to vote independently and in private. Julia Freeman-Woolpert, outreach advocacy director at the Disabilities Rights Center, explained that “there still remain many obstacles to voting privately and independently [for disabled people]. There are still town halls in New Hampshire that have barriers to access, making it more difficult to register. Some polling locations . . . still have some barriers to physical access . . . and there are still many attitudinal barriers that discourage or prevent people with disabilities from voting, especially people with mental disabilities.”<sup>67</sup>

There have been scattered incidents of voting rights violations for disabled individuals in New Hampshire. Ms. Woolpert reported the results of a survey given by the Disabilities Rights Center to disabled voters after the 2012 Primary and 2013 municipal elections. She reported that occasional specific problems would come up for these voters. For example, one polling location had a locked door to the separate handicapped accessible entrance while another location prevented a disabled person’s representative from being allowed in the booth with the voter. But the survey results also showed more systemic problems in both elections. In the 2012 Primary, seven of the 94 voters with disabilities surveyed, 18.9 percent, reported then were unable to vote

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<sup>65</sup> See Help America Vote Act of 2002, Pub. L. No. 107-252, §251(b)(2), 116 Stat 1666, 1667 (2002), available at [http://www.eac.gov/assets/1/workflow\\_staging/Page/41.PDF](http://www.eac.gov/assets/1/workflow_staging/Page/41.PDF).

<sup>66</sup> *Id.*

<sup>67</sup> 2014 Transcript (statement by Julia Freeman-Woolpert) at 37.

privately and independently.<sup>68</sup> In the 2013 municipal elections, 100 percent of disabled voters were unable to vote privately and independently because none of the polling locations had the accessible voting system set up.<sup>69</sup>

HAVA provided \$16.8 million to New Hampshire to assist disabled citizens in voting in federal elections. For state and local elections, Title II the Americans with Disabilities Act (ADA) requires these same standards be maintained. New Hampshire uses a telephone/fax voting system to accommodate blind individuals and satisfy some of these requirements. Guy Woodland, former Senior Vice President for the New Hampshire Association for the Blind, explained to the Committee that financial considerations have led to the use of older technology for handicapped voters. “[T]he Secretary of State did not accept the recommendation of the persons with disabilities who were brought together to make a decision. They decided to go with a technology that was old . . . a telephone/fax.”<sup>70</sup> This technology, however, can easily be replaced. The accessible voting system was not purchased by the state, but is leased annually.

Mr. Woodland has been legally blind for 45 years.<sup>71</sup> He presented his concerns about New Hampshire’s Accessible Voting System to the Committee and problems he has encountered when trying to vote in the city of Concord. Sometimes this system is not set up in all polling locations and sometimes it does not ensure that disabled voters can vote privately and independently. Since 2007, Mr. Woodland has only been able to vote privately and independently twice. The remaining times the city of Concord has not been equipped to allow him to vote by himself and the only alternative was to have someone with vision vote for him. Mr. Woodland emphasized that there is a lot at stake for New Hampshire. “There are probably 50,000 people in New Hampshire living with blindness or failing vision,” he said, “So that is a significant number of our population.”<sup>72</sup>

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<sup>68</sup> Disabilities Rights Center Survey, 2012 Primary Voting (annexed to Disabilities Rights Center, Inc. to U.S. Commission on Civil Rights, June 3, 2014 [hereinafter cited as DRC letter].

<sup>69</sup> Disabilities Rights Center, Selected Findings from November 2013 Survey of Polling Places (Local Elections) (annexed to DRC letter).

<sup>70</sup> 2014 Transcript (statement by Guy Woodland) at 46-47.

<sup>71</sup> Guy Woodland, *Technological Glitch Kept Me from Voting*, Concord Monitor, Jun.30, 2012, <http://www.concordmonitor.com/news/4393171-95/accessiblevotingsystem-concordward7> (last accessed July 2, 2014).

<sup>72</sup> 2014 Transcript (statement by Woodland) at 47.

Cindy Robertson, a Senior Staff Attorney at the Disabilities Rights Center, presented similar testimony pertaining to the accessible voting system. For many local elections, the handicapped accessible voting machine is simply not put up, which is an ADA violation. Otherwise it is slow and difficult to manage. It took her 25 minutes to cast her ballot. Trying to vote for a write in candidate was extremely difficult over the phone. She also testified about the attitudinal barriers by some election officials. “[T]here was a lot of anger expressed by the poll workers about having to use, to set up, and to basically aggravate themselves with this machine when few people used it . . . . Why can’t people just have someone with them? Why can’t we just help them vote? Why do we have to do this?”<sup>73</sup> For many disabled citizens, however, the availability of absentee voting is not a sufficient alternative for exercising this fundamental right. Mr. Woodland told the Committee, “[I]t is frustrating. All I want to do . . . is to go into the polling booth . . . [and] be able to access voting privately and independently; and I feel, as a citizen, I should have that right.”<sup>74</sup>

### 3. Voter Registration

Registering to vote in New Hampshire is different from most other states. New Hampshire requires voters to register in person up to 10 days before an election at the clerk’s office or at the polls on Election Day. “This is the only state in the country that requires citizens to register to vote in person, with an election official, and provide documents to prove identity, domicile, and citizenship.”<sup>75</sup> The one exception to this is if you are registering absentee because of a physical disability, religious belief, military service or temporary absence.<sup>76</sup> These are the only reasons for which an individual may register and vote absentee in New Hampshire. In this case voters may register by mail, but neither absentee nor regular registration is available online. As of June 2014, only 20 states permit online voter registration.<sup>77</sup>

There is no portable voter registration in New Hampshire. Any resident that moves, even if between cities in the same county, will need to re-register again in person in order to vote. The

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<sup>73</sup> 2014 Transcript (statement by Cindy Robertson) at 43.

<sup>74</sup> 2014 Transcript (statement by Woodland) at 49.

<sup>75</sup> 2013 Transcript (statement by Ashwell) at 188.

<sup>76</sup> See N.H. REV. STAT. ANN. § 657:1 (2006); § 657:2 (2010).

<sup>77</sup> Sophie Lehman, *Nebraska to Allow Online Voter Registration*, Nonprofit VOTE, Apr.1, 2014, <http://www.nonprofitvote.org/nebraska-allow-online-voter-registration/> (last accessed July 2, 2014).

League recommends modernizing the centralized voter database so that voters can change their registration information the day they move. “[B]ecause of the statewide database that we do have, you ought to be able to, that day, simply change your address [and] get assigned from one polling district to another.”<sup>78</sup> Mr. Scanlan testified that the centralized voter database could be cross checked with the national change of address list to track who has moved out of state, and that the Secretary of State’s office is currently working on it.<sup>79</sup> Updating and modernizing this database could facilitate the purge and help create a portable voter registration system.

Every ten years inactive voters are “purged” from New Hampshire voter registration lists. Individuals who have not voted in any election in the past four years and have not registered since the last state general election will be purged.<sup>80</sup> The purge most likely contributed to increased wait times at the polls in 2012. In 2011, “there were roughly 100,000 names that were removed from that list. So typically what happens is [large bulks] of those voters re-register then on the day of the election.”<sup>81</sup> It takes “about 20, 25 minutes to register each person individually,” which substantially added to the wait times at certain polling precincts.<sup>82</sup> For example, Member Elliott-Traficante was an election official in Concord on the day of the election. She reported that in her Ward, 400 people went through this same day registration process out of the 2,700 people who voted. That means about 15% of all voters in that Ward had to spend at least 20 extra minutes at the polls.

Unique registration procedures have led to some criticism. The League testified that some individuals wrongly believed they were unable to register to vote. “We even found some senior citizens were confused . . . they said[,] [‘]but I don’t drive anymore, I don’t have a car so I can’t register it, so I can’t register to vote now that I’ve moved to this new town.[’] And that’s just wrong.”<sup>83</sup> New Hampshire is not subject to the 1993 National Voter Registration Act.<sup>84</sup> This act requires states to adhere to certain registration procedures for federal elections, including

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<sup>78</sup> 2013 Transcript (statement by Tentarelli) at 226.

<sup>79</sup> 2013 Transcript (statement by Scanlan) at 209.

<sup>80</sup> See N.H. REV. STAT. ANN. § 654:39 (2010).

<sup>81</sup> 2013 Transcript (statement by Scanlan) at 208.

<sup>82</sup> 2013 Transcript (statement by Ashwell) at 206.

<sup>83</sup> 2013 Transcript (statement by Tentarelli) at 176.

<sup>84</sup> National Voter Registration Act of 1993, Pub. L. No. 103-31, 107 Stat. 77 (1993)

<http://www.gpo.gov/fdsys/pkg/STATUTE-107/pdf/STATUTE-107-Pg77.pdf> (last accessed July 2, 2014).



registering to vote when voters register their car. New Hampshire, however, is exempt from the Act because they permit voter registration on Election Day.

#### 4. Training for Election Officials

The Secretary of State's office administers the state and federal elections in New Hampshire. They work with about 6,000 local election officials who run the polls. The Secretary of State's office and other agencies offer training opportunities and resources for election officials, including live training, publications, and online resources. Prior to state elections in every even year, the Secretary of State's office will do about 20 training sessions on the road for election officials. It also trains users of the centralized voter database. "[W]e have a training facility here in Concord with computer stations where we bring supervisors of the checklist and town clerks in . . . and . . . train them in depth on how to use the system."<sup>85</sup> The list is then maintained exclusively by these local officials. No training for these election officials, however, is required under New Hampshire's election laws.

The League was concerned for the preparedness of election officials for exactly this reason. "We also know it's not required and many people don't go. . . [H]aving an informed and active citizen body participating in government is important, and . . . misinformation or no information is a danger to our democracy."<sup>86</sup> There were incidents of election officials misguiding voters. Ms. Rollo informed the Committee that in one case an election official denied a member of the New Hampshire House of Representatives a ballot because he or she did not have a photo ID. Neither the official nor the member, however, was aware of the affidavit option and as a result the member did not vote.<sup>87</sup> The Disabilities Rights Center also reported that in 2013, multiple polling locations did not set up their accessible voting system because they thought it was not required for municipal elections.<sup>88</sup> These examples show the importance of having proper training for election officials, particularly in light of complex and changing election laws.

#### 5. Public Access

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<sup>85</sup> 2013 Transcript (statement by Scanlan) at 220.

<sup>86</sup> 2013 Transcript (statement by Tentarelli) at 183.

<sup>87</sup> 2014 Transcript (statement by Rollo) at 112.

<sup>88</sup> Disabilities Rights Center, Selected Findings from November 2013 Survey of Polling Places (Local Elections) (annexed to DRC letter).

Public awareness of election procedures is critical to effective civic participation, especially in New Hampshire where there are complex and changing voting laws. Mr. Scanlan emphasized that the Secretary of State's office had made a concerted effort to educate the public prior to the 2012 election. "[T]he Secretary of State's Office was very aggressive in the press . . . [we did] many interviews in print media, television, [and on the] internet."<sup>89</sup> However, he also noted that since that push, "there has been no effort really to educate or inform that . . . [voters will] also need [their ID] for local elections."<sup>90</sup>

Many speakers were concerned that New Hampshire was not doing enough to educate the public. Ms. Ashwell of the League emphasized that, "Education in New Hampshire is particularly important because the election laws in New Hampshire are very complicated. They're more complicated than the election laws in almost any other state."<sup>91</sup> "[T]he simple fact is that when election law changes, and the public is confused, democracy is damaged . . . [but] [t]he law that passed early in 2012 contained only minor directives for Secretary of State to conduct a public education campaign."<sup>92</sup> It does not include any funding for educating the public. Based on questions the League received and outreach efforts to the community, they felt that "confusion reigned."<sup>93</sup>

Ms. Tentarelli did not consider the media effort alone to be sufficient given the options available to states in conducting voter education. "I'm not sure that newspaper articles are the way to reach much of the voting public," she said, "[T]here are many other states that direct a lot of effort in the 30 days leading up to an election to voter education. Some states distribute voter guides, some states send out sample ballots. We don't do that in New Hampshire."<sup>94</sup>

The League and the Granite State Progress Education Fund, among other nonprofits, have helped educate voters in recent elections. The League "issued press releases, letters to the editor encouraging voters . . . [and] explaining the ID requirements. . . . [They] also published fliers in Spanish."<sup>95</sup> The League trained people to give presentations on registering and voting, and went

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<sup>89</sup> 2013 Transcript (statement by Scanlan) at 199.

<sup>90</sup> 2014 Transcript (statement by Scanlan) at 14.

<sup>91</sup> 2013 Transcript (statement by Ashwell) at 184.

<sup>92</sup> 2013 Transcript (statement by Tentarelli) at 176.

<sup>93</sup> *Id.* at 174.

<sup>94</sup> 2013 Transcript (statement by Tentarelli) at 177.

<sup>95</sup> *Id.* at 174.

around the state giving presentations on election procedures to groups as small as two and as large as 60 people. They also held a webinar with 52 towns to present a power point presentation with a template for these towns to create voter information webpages.<sup>96</sup> They feel, however, that these public outreach efforts should be the responsibility of the state. The Granite State Progress Education Fund created a website that educates voters about their rights and provides a short public service announcement video in English, Spanish, and French.<sup>97</sup>

There is currently no federal requirement for New Hampshire to publish any voter information in any language other than English. Under VRA Section 203, states and political subdivisions that have over 5 percent of voting age citizens from a single language minority group must provide language assistance for these groups.<sup>98</sup> This percentage is taken from the most recent census data and published in the federal register. As of October of 2011, none of New Hampshire's jurisdictions fell into this requirement.<sup>99</sup>

Ms. Gale discussed the growing need for language assistance in New Hampshire to accommodate an increasing population of color in certain areas. "Demographically over the past 25 to 30 years there have been a rapidly increasing number of Spanish-speaking individuals and famil[ies] moving into the greater Nashua area, relocating from more than 24 different countries throughout South, Central, and Latin America and the Caribbean. At this time, some would estimate that as many as 17 percent of Nashua families with school-aged children speak primarily Spanish at home."<sup>100</sup>

New Hampshire is experiencing similar diversification statewide. In 2000, only 1.7 percent of New Hampshire's general population was Hispanic or Latino, 1.3 percent Asian, and 0.7 percent Black.<sup>101</sup> By 2012, Hispanics comprised 3 percent of the population, followed by Asians at 2.4

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<sup>96</sup> 2014 Transcript (statement by Tentarelli) at 126-27.

<sup>97</sup> See "You have a Right to Vote," *Granite State Progress Education Fund*, [www.NHvoterprotection.org](http://www.NHvoterprotection.org) (last accessed July 2, 2014).

<sup>98</sup> See Voting Rights Act of 1965, 42 U.S.C. § 1973aa-1a (1975).

<sup>99</sup> Voting Rights Act Amendments of 2006, Determinations Under Section 203, 76 Fed. Reg. 198, 63602 (Oct. 13, 2011), <https://www.gpo.gov/fdsys/pkg/FR-2011-10-13/pdf/2011-26293.pdf>.

<sup>100</sup> 2014 Transcript (statement by Gale) at 89-90.

<sup>101</sup> U.S. Census Bureau, *Census 2000 Summary File*, [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC\\_00\\_SF1\\_DP1](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_00_SF1_DP1) (last visited July 2, 2014).

percent and Blacks at 1.4 percent.<sup>102</sup> Currently, the Secretary of State's office does not provide language assistance on its own accord. If such population trends continue, however, certain areas of New Hampshire will become subject to the VRA's federal language assistance requirement, possibly by the next census in 2020.

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<sup>102</sup> U.S. Census Bureau, *2008-2012 American Community Survey*, [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_12\\_5YR\\_DP05](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_12_5YR_DP05) (last visited July 2, 2014).

## Observations and Conclusions

For the purposes of guaranteeing equal access to voting, New Hampshire does a tremendous amount right. The Committee is encouraged by New Hampshire's consistently high turnout and commitment towards making sure everyone's vote is counted on Election Day. Nonetheless, the Committee finds five areas in which New Hampshire voting procedures could be improved: voter identification, voter registration, voting absentee, training of election officials, and public awareness.

### 1. Voter ID Laws

The Committee notes the polarizing character of voter ID laws and is aware that the New Hampshire legislature is still, to some extent, experimenting with the limits of these laws to find the most effective and least burdensome way of preventing voter fraud. The Committee is also encouraged to hear that, in the aggregate, the voter ID requirements did not greatly affect voter turnout between the 2008 and 2012 presidential election. Nonetheless, the Committee has found no evidence that voter fraud is being perpetrated in New Hampshire and questions whether the law as it stands is an efficient use of resources. This concern will be even more pressing in upcoming elections starting in 2015, when photographic evidence will be required as part of the affidavit for voters without an ID. The Committee questions whether, in light of little evidence, it is worth the fiscal cost to New Hampshire to purchase cameras that run the risk of potentially intimidating or dissuading voters from coming to the polls

### 2. Voter Registration

The Committee finds that certain registration procedures are inefficient and cumbersome, and could potentially impact the ability of voters from being able to vote on Election Day.

The Committee recommends updating New Hampshire's centralized voter registration database to facilitate "the purge" and to allow for a mobile voter registration system. Residents of New Hampshire who move close to Election Day should not be forced to reregister in order to vote, especially if moving within the same county. As mentioned above, New Hampshire is the only state that requires voters to register in person. Requiring residents to do so close to the time of an election while they are in the process of moving from one place to another is too burdensome.

There should be, at a minimum, a mail in option for residents and ideally, the ability for residents to update their registration online.

### 3. Voting Absentee

Obtaining an absentee ballot in New Hampshire can only be done in very particular circumstances. Loosening such requirements may improve voter turnout.

### 4. Training of Elected Officials

The Committee is concerned with New Hampshire's training requirements for election officials, particularly in light of its rapidly changing election laws. Although it is encouraged by the training available to election officials through government and non-government agencies, the lack of any mandatory training for these officials creates risk of misinforming the public about voting requirements and, at worst, makes voters believe they cannot vote.

### 5. Public Education

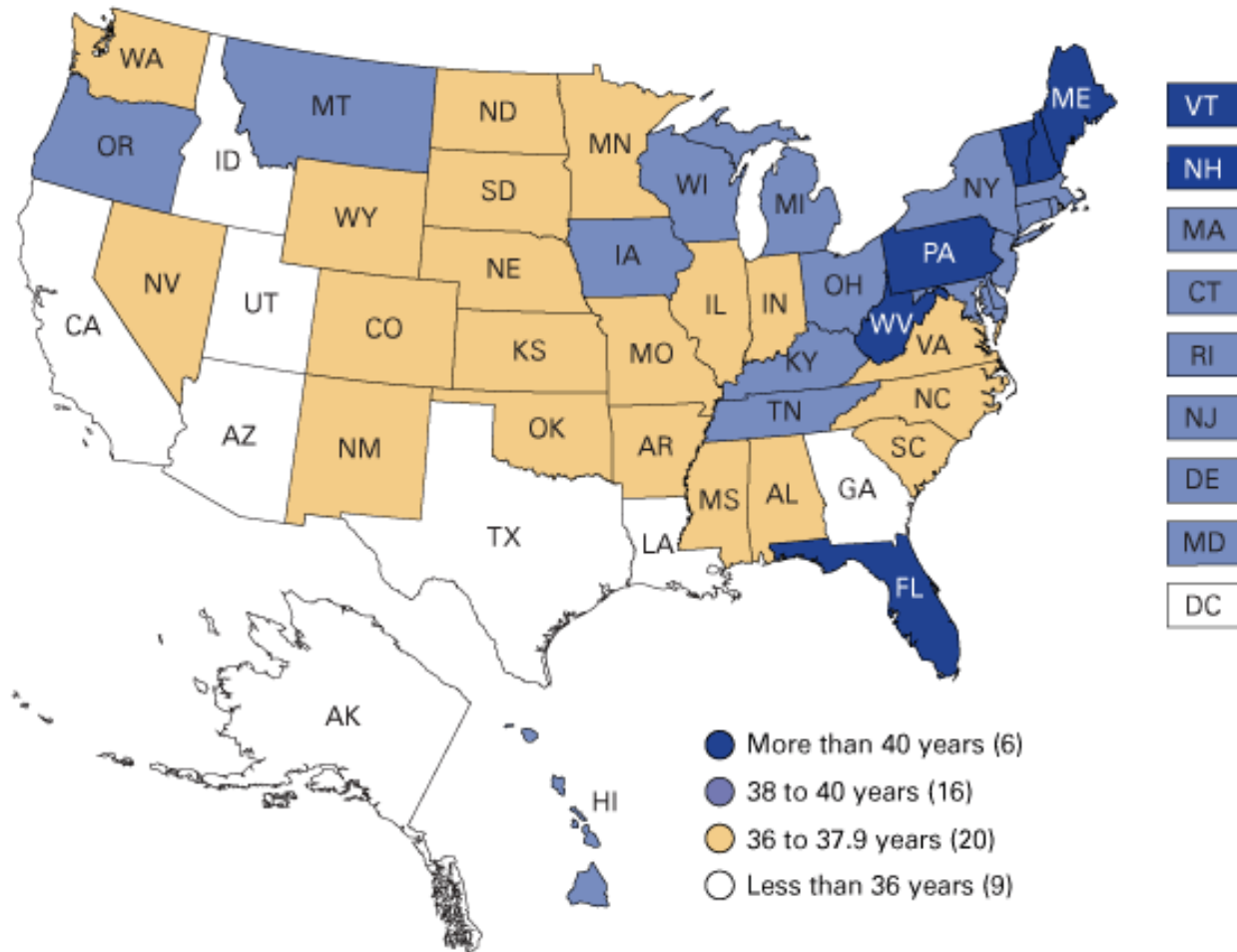
The Committee is concerned with two issues pertaining to public education: first, whether the general public is being appropriately informed of the changes to New Hampshire election laws in a timely and clear manner and second, whether there is equal access for non-English speaking New Hampshire voters to these education materials.

The Committee finds that the Secretary of State's media outreach is insufficient to keep up with changing election laws, particularly close to election times.

The Committee recommends that the Secretary of State's office offer all election procedure explanatory documents and training materials in both Spanish and English to account for the state's shifting demographics, and be open to publishing these same materials in other languages as needed.

Appendix A:

**Median Age by State: 2010**



According to the 2010 census, New Hampshire has the fourth oldest median age in the country of 41.1 years. It follows Maine, 42.7 years; Vermont, 41.5 years; and West Virginia, 41.3 years. The median age for the United States is 37.2 years.<sup>103</sup>

<sup>103</sup> U.S. Census Bureau, *2010 Census Summary File 1*, available at <https://www.census.gov/2010census/news/press-kits/summary-file-1.html> (last visited July 2, 2014).