Voter Suppression: New Hampshire’s Response to a National Problem

Michael Fields
Brian Freeman
Raymond Rodriguez
Voter suppression is any behavior intended to deter an eligible voter from casting a ballot.

- In many respects voter suppression is the exact opposite of voter fraud.
Five Areas of Focus:

• Direct threats and intimidation

• Disinformation and scare tactics

• Disruption of an opponent’s campaign

• Challenging someone’s right to vote

• Absentee ballots
Direct Threats And Intimidation
Intimidation

• Using or threatening physical violence to discourage a person from voting
• Most discernable method of voter suppression
• Difficult to gauge effect
  – Non-existent votes cannot be counted
Intimidation Laws

• Voting Rights Act of 1965
  – "no person… shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote."
  – Outlaws direct intimidation
  – Does not address disinformation

• Many states have laws with similar language

Intimidation Tactics

- **Poll-Watchers**
  - Armed “monitors” outside polling stations
Intimidation Tactics

• In-person investigations
  – Interrogating a person about right to vote at their home
Disrupting Communications
Phone Jamming

CONFESSIONS OF A REPUBLICAN OPERATIVE
how to rig an election

Allen Raymond
with Ian Spiegelman

Dutch Cycle

Policy Research Shop
Tire Slashing
Disinformation
Disinformation

- Dissemination of false or inaccurate information.

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**MILWAUKEE BLACK VOTERS LEAGUE**

**URGENT NOTICE**

COME OUT TO VOTE ON NOVEMBER 6TH

BEFORE YOU COME TO VOTE MAKE SURE YOU PAY YOUR
- PARKING TICKETS
- MOTOR VEHICLE TICKETS
- OVERDUE RENT

AND MOST IMPORTANT ANY WARRANTS
State Disinformation Laws

• KS, VA, and NH: disinformation counts as voter suppression
  – IA and RI failed to pass similar laws, NY tabled
• CA: those convicted of suppression pay fine
  – Funds voter education to correct disinformation

New Hampshire Statute 659:40

• No person shall bribe any person not to register to vote, or to vote for or against a specific candidate or ticket.

• Prohibits the use of violence, disinformation or any tactic of intimidation to discourage anyone from voting.

• Voter suppression is a Class B felony.
Proposed Federal Legislation:

Deceptive Practices & Voter Intimidation Act of 2009

• Introduced in 2007 by then Senator Obama in order to protect Americans from tactics that intimidate voters. Reintroduced in 2009.

• The Act institutes measures to prevent voter suppression:
  • Reporting structure to address grievances.
  • Attorney General refers the matter to authorities for criminal persecution.
  • Establishment of a Voter Integrity Task Force to carry out the requirements of the Act.
Disinformation Tactics

• Robo-Calls

• Fliers

• Threatening Arrest
Absentee Voting
Early and “no excuse” absentee voting

1. New Hampshire law requires that you vote in person at the polling place for your town or ward unless you:
   a. Plan to be absent on the day of the election from the city, town, or unincorporated place in which you are registered to vote.
   b. Cannot appear in public on election day because of observance of a religious commitment.
   c. Are unable to vote in person due to a disability.
   d. Cannot appear at any time during polling hours at your polling place because an employment obligation requires you to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close.

• 28 states allow “no excuse” absentee voting
• 31 states allow early voting
• Overseas civilian & military voters do not have time to vote

Challenging Right to Vote
Challenging Right to Vote

- Challenging or attempting to purge voter registrations
- Also practiced by partisan state officials
Voter Databases and Purges

• Statewide databases mandated by HAVA
  – Maintained by Secretary of the State
  – Must be able to match names to DMV and SSA databases
  – Does *not* address matching criteria
  – Does *not* address purging criteria
Erroneous Matches

Field  || FN  || MN  || LN  || D.O.B

Name 1: || John || Fitzgerald || George || 11/20/1976

Name 2: || Johnny || Fred || Georges || 11/22/1976

Number First Name matching letters = 04
Percentage of Last Name = 85.7%
Result = MATCH

Purges in Other States

• After enacting statewide databases:
  – Ohio: 416,744 purged (5.3% of total)
  – Washington: 503,151 purged (15.4% of total)
  – Nevada: 130,771 purged (13.2% of total)
  – Missouri: 416,478 purged (10.4% of total)
  – Kentucky: 148,023 purged (5.4% of total)
  – Countrywide: over 10 million voters purged

Source: Myrna Perez, *Voter Purges*, The Brennan Center for Justice, Appendices 1-5.
New Hampshire Policies

- Matches only conducted for new registrants
- If no match, registration is *not* cancelled
- Purges *cannot be done* at the state level
  - Supervisors of the checklist responsible for maintaining own lists

Source: NH Assistant Secretary of State Daniel J. Cloutier, telephone interview 11/7/08
Voter Caging

• Challenge voters whose address is undeliverable
• Unreliable; prohibited by National Voter Registration Act
• Not used in NH because of same-day registration

Source: NH Assistant Secretary of State Daniel J. Cloutier, telephone interview 11/7/08
Policy Recommendations
Addressing Physical Sabotage

- Usually already illegal
- Phone jamming addressed
- Philosophical question
Voter Education Efforts

• Not all suppression efforts will be reported or even recognized

• Prosecution doesn’t undo suppression

• The state election website is lacking
  • Ranked 51st in the nation with a usability score of 33/100

Welcome to the Secretary of State's Election Division

This site includes records of past state elections, information about registering to vote, running for state office, names of candidates, and other election-related information. Voting is the most fundamental right in a democracy, because it is through voting that citizens protect all other rights. With the Office of the Attorney General, this division is responsible for ensuring that state elections are conducted in a fair and open manner.

- Voting in New Hampshire
- Voting as a College Student
- Running for Office
- Political Action Committees-2008
  Speaker PACs 2008
- Political Action Committees-2010
- Political Advertising and Political Broadcasting
- STATE PRIMARY Results - WINNERS
- Ballot Law Commission
- GENERAL ELECTION Information - results - recount information - winners
- SPECIAL ELECTIONS
  Rockingham District 4 - State Representative
  State Senate District 3
- 2006 General Election Voter Fraud Report/Investigation Pursuant to RSA 654:12,V
Modernizing the Voter Database

• Minimally compliant with HAVA

• A very ineffective management of information
  • 1 in 3 phone numbers are incorrect

• The potential for fraud
  • Doesn’t seem to be a high rate of fraud attempts

• An antiquated systems with benefits
Voter Intimidation Restitution Fund (VIRF)

- In 2007, California established a VIRF after a disinformation campaign suppressed Latino voters.
- How does it work?
  - Pay a fine into the VIRF.
  - The fine funds voter education campaigns.
  - This approach is budget-neutral.
- Interesting approach for New Hampshire to take.
Absence Voting Recommendations

- Send ballots earlier to allow for more mailing time
- Send blank ballots electronically
- Place tracking feature on mailed ballots
- Ease restrictions on absentee voting

Source: Pew Center on the States “No Time to Vote Fact Sheet New Hampshire”
Proposed New Hampshire Bills

• HB 573: No-Excuse Absentee Voting

• HB 276: Establishes additional requirements for challenging voters.

• HB 626: Eliminates fees for non-driver IDs and allows provisional ballots for voters without photo ID.

• HB 258: Eliminates requirement that voters register as a member of a political party in order to vote in a primary.

• HB 667: Prohibits misrepresenting the origin of a campaign call.
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Thank you, and we look forward to your questions.

For More Information About the PRS:
Policy Research Shop Administrative Office  603-646-2229