

THE CLASS OF 1964 POLICY RESEARCH SHOP

ALTERNATIVES TO AFFIDAVITS

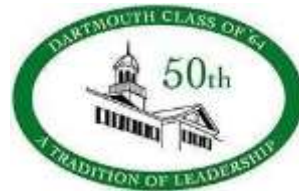


PRESENTED TO THE NEW HAMPSHIRE SENATE ELECTION LAW
COMMITTEE

Senator Jim Gray, Committee Chair

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EXECUTIVE SUMMARY

With the enactment of Senate Bill (SB) 418, voters in the state of New Hampshire who do not have proof of residency, citizenship, identity, and age eligibility at the polls to same-day register to vote will need to send a copy of their identification within seven days of the election for their ballot to be counted. We were asked to identify possible alternatives to the affidavit process for this research project. Our research team first analyzed the specific factors surrounding election law in New Hampshire and the implementation of SB 418. We also conducted an analysis of municipalities more likely to use same-day registration and affidavits to vote. Despite our efforts and analysis, we could not identify same-day alternatives to affidavits suitable to address the concerns associated with SB 418. Instead, we identified preventative measures that may be taken, such as pre-registration and automatic registration efforts, which would mitigate the concerns surrounding the impact of SB 418 on the New Hampshire voting process. In addition, we highlighted emerging policies in states such as Arizona, Arkansas, and Maryland that are relevant to the impacts of SB 418.

1 INTRODUCTION

New Hampshire is one of the most contested battleground states in the nation. Since 1992, the state has consistently placed in the top ten states in the percentage of eligible voters voting in a presidential election.¹ To vote in the state of New Hampshire, the voter must: 1) be a citizen of the United States; 2) be 18 years of age or older on the day of the election; 3) register to vote only in the town that one resides today; 4) have no convictions of a felony unless you are past your final discharge; and 5) have no convictions of bribery or intimidation relating to elections.²

The state was recently ranked as last in the United States for ease of voting.³ This ranking is impacted by the way voting currently works in New Hampshire. In 1993, the National Voter Registration Act required states to provide individuals with the opportunity to register to vote at the same time that they apply for a driver's license or seek to renew a driver's license (motor voter) and required the State to forward the completed application to the appropriate state or local election official.⁴ The state of New Hampshire objected to the law.⁵ The affidavit process attempts to allow citizens of New Hampshire to vote for those who have not brought necessary identification documents to prove their eligibility during the same-day registration process.

New Hampshire gained an exception to the motor voter law by enacting same-day registration in 1994.⁶ On election day, voters must prove four things with sufficient documentation to register to vote: age, citizenship, residency, and identity.⁷ Voters must only prove their identity if they are registered.⁸ If voters do not have documentation, they can sign an affidavit that attests to their identity, age, citizenship, and residency.⁹ An affidavit is a written confirmation voters sign to attest to their voter eligibility under penalty of law.¹⁰

In 2022, Governor Sununu signed into law SB 418.¹¹ The bill requires same-day registrants without the documentation to vote on a separate provisional ballot after signing an affidavit.¹² Once an

affidavit is signed, voters receive a voter packet containing two copies of the affidavit voter verification letter.¹³ One copy is left with the election official, while the other is mailed to the Secretary of State within seven days of voting with proper documentation.¹⁴ If proper documentation is not received in time, local election officials are alerted, and the ballot is deducted from the total number of votes.¹⁵

2 PURPOSE STATEMENT

Before the enactment of Senate Bill 418, voters who did not have photo identification when voting could submit their ballot by solely signing an affidavit. With the passage of Senate Bill 418, New Hampshire voting laws will require those who vote using an affidavit ballot to provide documentation within seven days for their vote to be counted in the official vote tally. However, privacy concerns about voter anonymity and additional burdens arise with the current system. With unsure estimates of how many voters this new legislation will affect, our research team was asked to identify possible alternatives to the affidavit process. Our team specifically looked at identifying new technological developments and how other states implement technology to identify and register voters. We also explored the non-digital alternatives to the affidavit process and the additional processes that states use apart from affidavit ballots. Under the given context, our research focused on finding practical alternatives, both digital and non-digital, to the current structure under SB 418. Our team has noted the feasibility of different states' alternatives to affidavit voting through in-depth research and interviews.

3 QUANTITATIVE ANALYSIS

To ascertain which policies would be best suitable to limit the number of affidavits used under the passage of SB 418, our team compiled data to identify trends on which municipalities are likely to use affidavits more than others. With this information, our team would be able to provide policy recommendations tailored toward these municipalities with shared traits that increase the use of same-day registration. With SB 418 requiring explicit proof of documents for those using affidavits to register on election day in the state, our team collected the number of same-day registrants from the 2018 election cycle through the 2022 election cycle.

3.1 DATA COLLECTION

Our data was provided by the New Hampshire Office of the Secretary of State, which tracks the number of registrants and total ballots cast during each election. The 2018, 2020, and 2022 election cycles were the only years to have all the necessary data on same-day registration and the total number of votes cast, resulting in our team exclusively using the data from these three cycles.

3.2 DIFFERENT IMPACTS

Our team recognizes that different factors increased and decreased the number of same-day registrants during the 2018, 2020, and 2022 cycles. Below are three factors we noted as potentially affecting our data analysis.

Under RSA 654:39, Supervisors of the Checklist will update and verify the checklist every ten years, with the most recent verification being in 2021.¹⁶ With the checklist verification in 2021, the total number of registered voters in the state declined from 1,044,108 to 870,048.¹⁷ This reduction of 174,060 voters from the checklist came from voters who had not voted in any election within the four years immediately preceding the verification.¹⁸ Due to intrastate moving resulting in voters needing to re-register and the higher-than-average midterm turnout in the 2022 election cycle in New Hampshire, the cycle likely saw higher same-day registration usage than other cycles.

In multiple municipalities, professors and students in municipalities containing colleges ran for elected office in the 2018-2022 cycles. In Hanover, all three cycles had at least one student running for one of the four New Hampshire House of Representatives seats, including former Representative Garrett Muscatel.¹⁹ In Keene, Representative Nicholas Germana is a Professor of History and an alumnus of Keene State College, with Keene State residing in his district.²⁰ In Durham, Representative Cam Kenney is a law student at the University of New Hampshire.²¹ Representative Sallie Fellows has previously held numerous positions at Plymouth State University, which resides in her district.²²

With these connections to student populations, candidates prioritized the same-day registration of students in campaigns. For example, multiple student campaigns in Hanover prioritized registration and outreach to students residing in Hanover over targeting adult voters.²³ Unless previously registered at a dormitory or residence within their town, the students targeted in these campaigns must register in their municipality to vote.²⁴ These connections to voting populations largely unregistered in the state could have disproportionately impacted the percentage of same-day registrants out of total votes in municipalities that contain colleges.

The COVID-19 pandemic particularly impacted the data from the 2020 cycle. As a result of the pandemic, colleges and universities throughout the state differed in their policies toward students returning to campus. Dartmouth College opted to have its campus housing at half of its standard capacity and have its course offerings almost entirely online.²⁵ The University of New Hampshire reduced residence hall capacity at its Durham campus by an estimated 20 percent and offered a mix of remote and hybrid classes.²⁶ With fewer on-campus housing options and classes largely remote, many students opted to live off campus during the academic year in which these policies were administered.²⁷ While other municipalities kept stable numbers regarding the number of eligible voters residing in their boundaries, municipalities containing college students had depressed same-day registration percentages. While students were not the only citizens affected by COVID protocols, the impact on voter turnout in municipalities with colleges and universities noted a decrease in total votes

cast despite the highest turnout in the 21st century. In Durham, 9,406 ballots were cast in the 2016 election, while the 2020 election saw 7,901 votes cast.²⁸ This contrasts starkly with statewide trends, with the 2020 election marking the first time since 1964 that more than 70 percent of New Hampshire’s voting-age population voted.²⁹

3.3 ANALYSIS

The data analysis indicates that the presence of a college or university in a municipality correlated with high usage of same-day registration voting in the county and municipality containing the college or university. In Figure 1, counties with larger municipalities contained a more significant number of same-day registrations over the 2018-2022 cycle. Of the 233,225 same-day registrations conducted over the 2018-2022 cycle, 69,401 (29.75 percent) occurred in Hillsborough County. The lowest number of same-day registrations occurred in Coos County, with 4,083 (1.75 percent) same-day registrations occurring over the cycle.

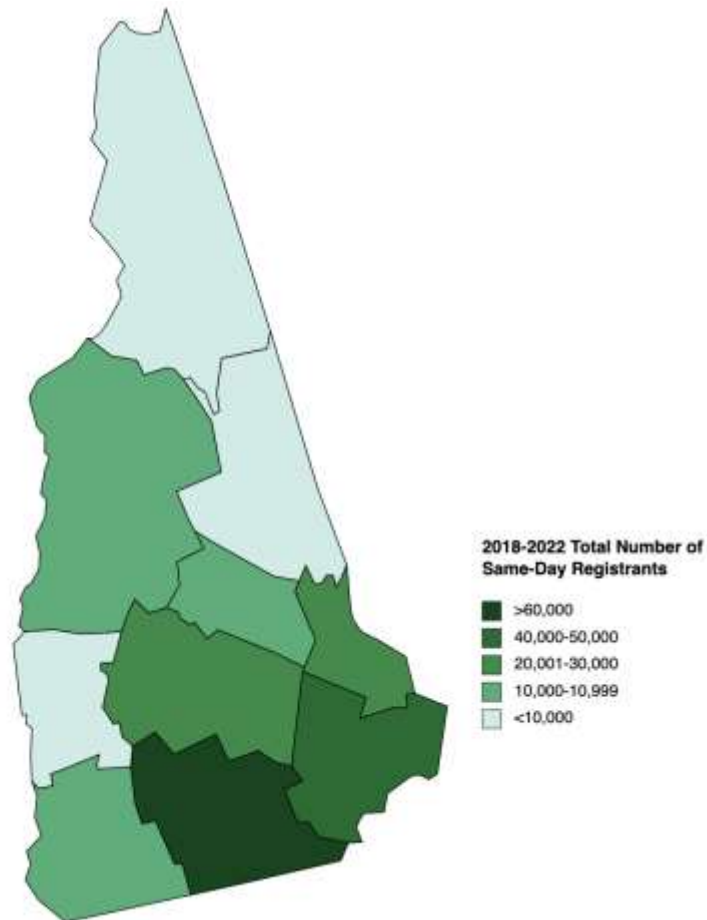


Figure 1: Same Day Registrants by County, 2018-2022.

To contrast with Figure 1, Figure 2 shows the percentage of ballots being cast through same-day registration in each county. Across all elections, the state average of same-day registration was 7.7 percent. Strafford County has the highest percentage of total ballots being same-day registrations at

10.8 percent. Carroll County had the lowest same-day registration ballot percentage at 5.1 percent. With Strafford, Grafton, Cheshire, Hillsborough, and Merrimack Counties being the only counties above the state average, our team compiled municipal-level data from 2018-2022 within these counties to determine the driving cause behind the higher-than-average use of same-day registration.

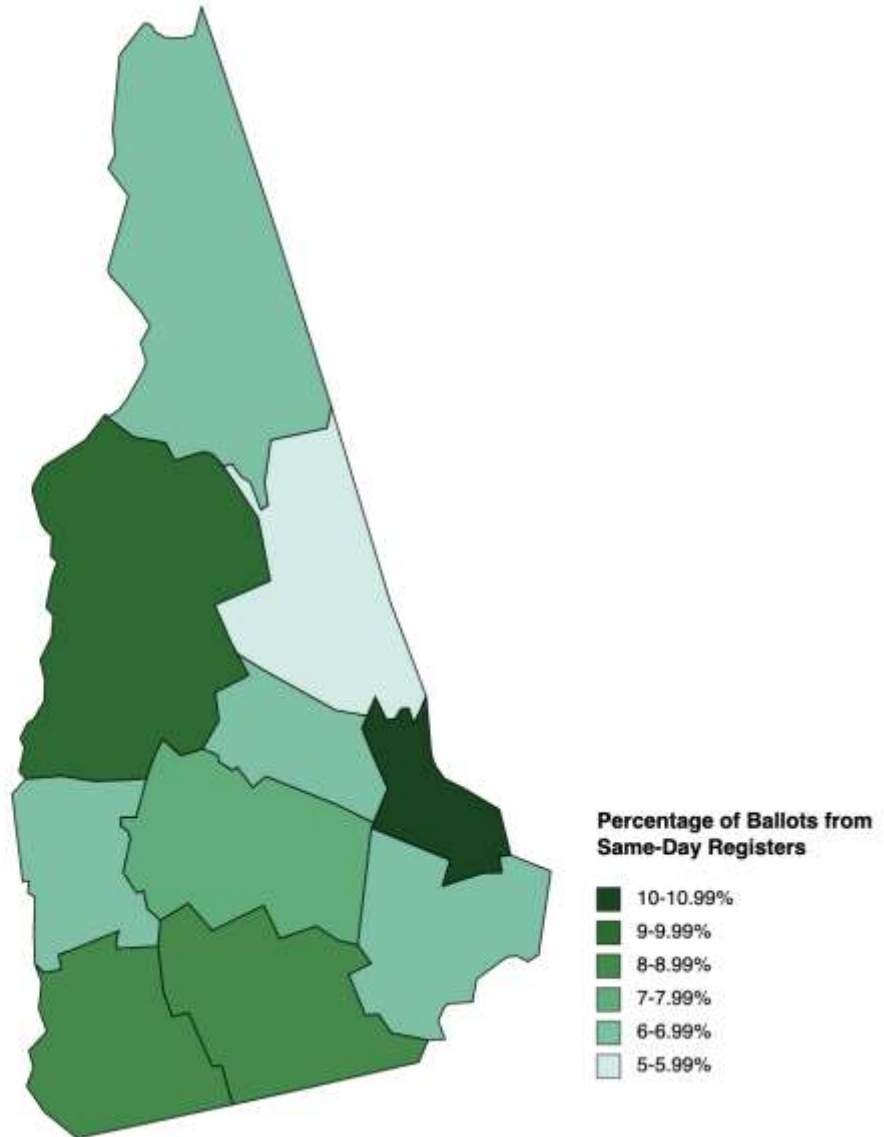


Figure 2: Percentage of Same-Day Registrars Ballots by County, 2018-2022.

When analyzing the county differences in the percentage of ballots from same-day registrants, our team identified that Strafford and Grafton counties had the highest percentage of same-day registrant ballots usage. With both counties having colleges and universities with a sizable on-campus student body, our team decided to analyze further municipalities in counties that performed above the 7.7 percent state average to find what municipalities in these counties drove the high percentage of same-day registration usage. In this municipality analysis, our team found that in the counties that performed

above the state average, there was a difference between municipalities that contained colleges and universities compared to municipalities that did not. Wards and municipalities containing colleges and universities were likely to exceed the county and state averages of same-day registrant ballot composition. Other municipalities that were higher than the state and county averages were either cities with large populations or attributed to errors in reporting. Figure 3 displays the same-day registration ballot percentages of college and university towns. The data show a difference in the percentage of same-day registered ballot composition between municipalities with public colleges and universities and municipalities with private colleges and universities, as seen in Figure 3. The highest percentage of same-day ballot registrations was in Ward 1 in Keene, which contains Keene State College. In Ward 1 in Keene, 29 percent of all ballots came from same-day registrants. New London, which contains Colby-Sawyer College, had the lowest percentage of same-day ballot makeup amongst college towns, with 7.16 percent of all ballots in the 2018-2022 cycle being from same-day registrants.

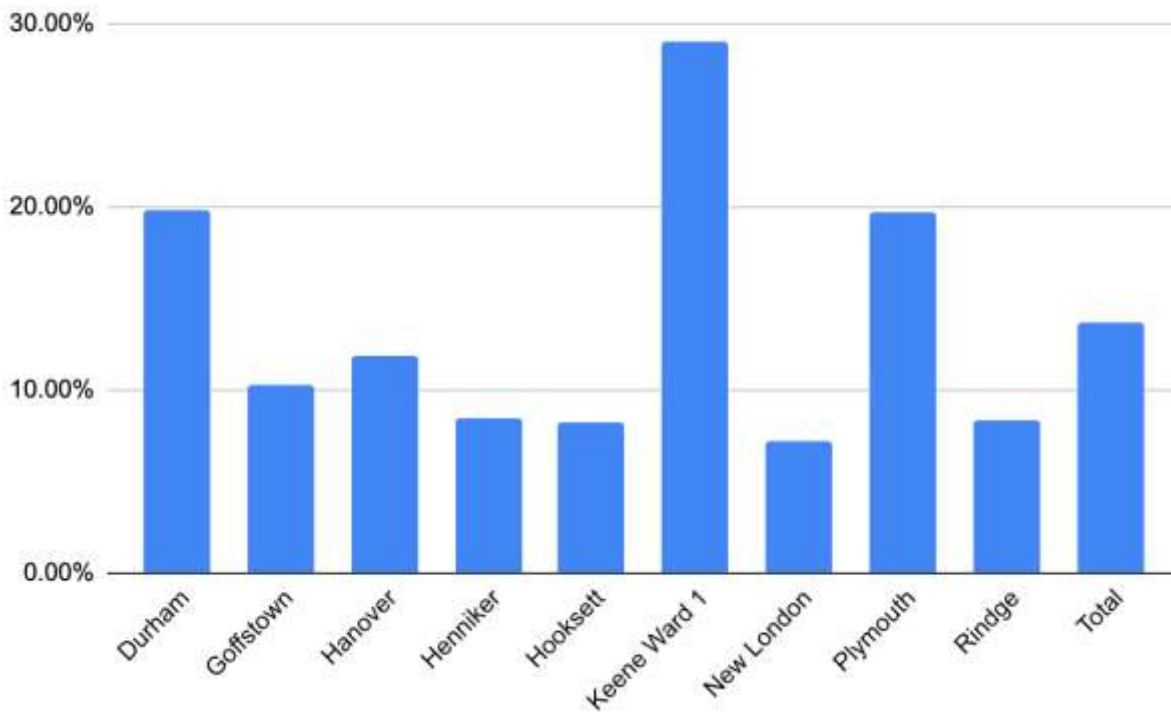


Figure 3: Comparison of Same-Day Registers Ballot Makeup in College Towns, 2018-2022.

To test our hypothesis that towns with colleges correlated with high percentages of same-day registration use, our team identified several control towns to isolate the presence of colleges in a municipality. These towns were chosen due to their similarities in population size, per capita income per resident, and percentage of residents being non-Hispanic whites to college and university municipalities throughout the state. The control towns used were Amherst, Claremont, Laconia, Lebanon Ward 3, Somersworth, Weare, Swanzey, and Hudson. Over the course of the 2018-2022 cycles, 180,548 ballots were cast in these control towns, and 176,422 ballots were cast in college towns. In this comparison, our team found that although our control municipalities were about one percentage point higher than the state average of 7.7 percent of ballots from same-day registrants,

college towns had seven points higher use of same-day registration than control towns. Table 1 includes the breakdown of the percentage of same-day registrant ballots for each election within the 2018-2022 cycle. While municipalities containing colleges and universities had higher percentages, the college and control groups were most similar in the data from the 2020 state primary, highlighting our initial assessment that university COVID-19 policies impacted the data. Within the control towns, cities also had higher percentages of same-day registration ballots cast, highlighting how more populated municipalities are potential key users of same-day registration.

College Towns	2018 General	2020 President	2020 State	2020 General	2022 State	2022 General	Total
Durham	24.72%	26.01%	3.32%	16.73%	6.85%	24.31%	19.78%
Goffstown	8.78%	10.54%	3.31	9.84%	4.29%	7.36%	10.24%
Hanover	17.77%	17.65%	1.54%	4.31%	10.93%	14.15%	11.84%
Henniker	9.29%	11.74%	3.42%	9.16%	3.60%	8.26%	8.45%
Hooksett	9.32%	10.05%	3.15%	8.60%	4.96%	8.78%	8.22%
Keene Ward 1	42.46%	36.97%	6.13%	25.56%	11.02%	25.15%	29.00%
New London	8.78%	16.32%	7.91%	5.05%	6.25%	14.44%	11.70%
Plymouth	9.42%	17.51%	5.20%	12.67%	5.41%	8.73%	9.95%
Rindge	6.99%	7.85%	2.55%	7.67%	4.39%	7.40%	6.78%
Total	17.21%	18.38%	4.05%	12.02%	6.72%	13.48%	13.64%
Control Towns	2018 General	2020 President	2020 State	2020 General	2022 State	2022 General	Total
Amherst	5.30%	6.13%	1.96%	5.11%	2.55%	4.86%	6.02%
Claremont	7.20%	12.03%	2.76%	11.25%	3.75%	7.99%	8.27%
Hudson	6.36%	6.41%	2.21%	7.75%	2.87%	5.89%	7.66%
Laconia	9.42%	17.51%	5.20%	12.67%	5.41%	8.73%	9.95%
Lebanon Ward 3	13.81%	12.32%	4.13%	11.78%	5.88%	14.44%	11.70%
Somersworth	10.72%	12.88%	4.59%	14.33%	5.94%	12.00%	11.37%
Swanzey	6.99%	7.85%	2.55%	7.67%	4.39%	7.40%	6.78%
Weare	5.44%	7.04%	2.71%	7.46%	4.00%	6.01%	7.62%
Total	8.16%	10.27%	3.26%	9.75%	4.35%	8.41%	8.67%

Table 1 Percentage of Same-Day Registers by Control Town, 2018-2022.

Links between Analysis and Alternatives

College and university attendees are a highly mobile population, with students either previously not registered to vote or registered to vote in the community they resided in before attending their institution. Given the ultimate objective of SB 418 is facilitating the voting processes for as many eligible voters as possible, examining certain municipalities and their populations particularly affected by voting policies enacted by the state is important to minimize the use of the affidavit process created by the law. Given the significant presence of young and university-affiliated voters in New Hampshire using same-day registration, it is important to direct attention to alternatives that would streamline the voter registration process for the specific populations that use same-day registration more than others. Same-day registration is particularly correlated to young voters’ turnout (ages 18-24) as young voters are likely to be subject to frequent relocations and infrequent interaction with government agencies responsible for registration services.³⁰ Our quantitative analysis of the towns and counties that have higher percentages of voters using same-day registration helped determine our approach on whether a potential alternative would solve the underlying concerns surrounding SB 418.

4 ALTERNATIVES

Our intent in collecting quantitative data on which towns are more likely to be using same-day registration and affidavits was to tailor the alternatives presented by our team to have the largest mitigation possible on the use of the affidavit process created by SB 418. Our team first looked at specific factors relevant to the New Hampshire voter registration system, the specific impacts each of the alternatives would have based on the New Hampshire-specific factors, and what municipalities are more likely to use same-day registration and affidavits. Our analysis did not find a feasible alternative to the affidavit system for same-day registration for those without proper documentation. In our initial examination of affidavit alternatives, we identified signature verification, personal vouching, utilizing DMV databases, or utilizing Real ID as possible solutions. However, these alternatives present significant challenges that would burden election officials through additional costs, raise equity issues regarding the usefulness of the alternative between polling locations, or result in no change in the use of affidavit usage for same-day registration. Our team then looked at different preventative measures to reduce the need for same-day registration, particularly in communities more likely to use same-day registration.

4.1 FACTORS SPECIFIC TO NEW HAMPSHIRE

To examine the potential application of different alternatives to New Hampshire voter registration systems, our team explored the specific factors that make the system unique.

Help America Vote Act (2002) in New Hampshire

The Help America Vote Act (HAVA) of 2002 was enacted to improve the voting processes across the country. HAVA established a federal agency, the Election Assistance Commission (EAC), as a national clearinghouse to process election administration information.³¹ One unique function of EAC is that it manages the maintenance of the National Voter Registration form.³² National Mail Voter Registration Form is a four-page document filled out by voters nationwide before an election to register to vote and update their registration information.³³ In New Hampshire specifically, the form is used to request the absentee voter mail-in registration form, which must be mailed to the city or town clerk 10 days before the election.³⁴

In addition, HAVA has set minimum standards for states to comply with key areas of election administration, along with setting aside a budget to fund states to meet such standards. Over \$4.2 billion of HAVA funds have been distributed nationwide since 2003.³⁵ Under HAVA, new voting programs and procedures such as provisional voting, statewide voter registration databases, and voter identification procedures were established. For example, Texas utilized its HAVA funding to purchase and maintain an electronic voter registration database.³⁶

In New Hampshire, the initial distribution of HAVA funds in 2003 through 2015 has set the goal of establishing a computerized voter registration system. The system is, however, yet to be operating in

the state.³⁷ The adoption of HAVA requirements and the potential use of its fund in New Hampshire must be further examined.

Privacy in New Hampshire

Currently, Article 2-b of the New Hampshire State Bill of Rights outlines the right of privacy for Granite State citizens. The text states, “An individual's right to live free from governmental intrusion in private or personal information is natural, essential, and inherent.”³⁸ The heavy importance placed on privacy can be observed in the state's requirement in the voter ID law adopted in June 2012 that mandates poll workers to use a Polaroid camera to photograph voters who wish to vote but did not accompany their ID. Given such caution in providing voters private information, there is a potential conflict between the documentation SB 418 requires and the aforementioned provision of the State Constitution. The documentation proving age, identity, citizenship, and residence will be cross-referenced with the ballot as the affidavit is confirmed. Attention to this detail can be helpful when deciding on different affidavit alternatives. Potential conflicts between this bill and the inherent need to cross-check personal information must be considered when building future frameworks.

Internet Access

The population of New Hampshire is largely rural, with over 617,000 people living in rural communities.³⁹ Particularly in these rural areas, New Hampshire's geography is mountainous, resulting in a lack of cell service and broadband access for many who reside in rural areas.⁴⁰ Officials currently estimate that somewhere between 80-90 percent of all homes and businesses in the state have broadband access; cell service varies in its accessibility throughout the state.⁴¹ Because of the disparities in access to internet and cell service in New Hampshire, our team raised concerns that affidavit alternatives that relied on electronic telecommunication would potentially not work in parts of the state lacking access to telecommunication services. Rural communities would need to invest in additional infrastructure for some alternatives to become feasible in their polling places. If the state enacted a statewide policy requiring an electronic alternative, this would potentially place an unfair cost burden on these rural communities with a lack of access to telecommunication services.

4.2 ALTERNATIVE OPTIONS

Signature Verification

Signature Verification is an affidavit alternative where a provisional ballot would be accepted if the signature on the declaration matches the signature on the voter's registration record or signatures on state identification.⁴² Signature verification is codified into law in four states for same-day registration alternatives: Florida, Montana, Rhode Island, and Washington.⁴³ Signature verification is also used by most states when mailing in an absentee ballot, such as in New Hampshire.⁴⁴

Despite its use, signature verification can be unreliable and likely to void ballots that would otherwise be eligible to vote.⁴⁵ Signatures change over time, particularly if English is the second language of the signatory, while different verifiers will not consistently affirm the voter's signature.⁴⁶ In addition, if

municipalities containing colleges and universities have higher percentages of same-day registration, the voters using same-day registration will unlikely have New Hampshire-based licenses. Most New Hampshire colleges and universities, particularly the University of New Hampshire, and Dartmouth College, do not have signatures as a part of their student identification cards.⁴⁷ Lastly, students we interviewed pointed to not having identification proving their citizenship as the reasoning behind signing an affidavit.⁴⁸ With signature verification proving a person's identity, not citizenship, signature verification would not likely result in significantly fewer affidavits being used. The fate of a ballot would depend on penmanship, and verification would not be systemized.

Personal Vouching

Personal Vouching is an alternative where a person who did not bring identification would be allowed to vote with a poll worker, county clerk, or a registered voter within a precinct that asserts that a person they know is qualified and eligible to vote.⁴⁹ Personal vouching is codified into law in six states: Alabama, Alaska, Colorado, Iowa, Utah, and West Virginia.⁵⁰ In New Hampshire, personal vouching is also permitted, with election officials permitted to vouch for a resident without identification.⁵¹ Personal vouching sparsely applies to municipalities impacted by SB 418—municipalities containing colleges and universities with students who have not spent much time in New Hampshire. Personal vouching is effective when community members can vouch for the voter, not a newly registered voter. While codifying personal vouching would be useful for rural communities in New Hampshire with established communities and trust amongst the municipality, personal vouching would not help reduce the number of affidavits used in municipalities containing higher education institutions or in cities. In addition, with the intended purpose of SB 418 of reducing the potential for voter fraud in New Hampshire, election law language that caters to personal vouching for new residents to state would potentially undermine the trust voters have in the election system.

Department of Motor Vehicles (DMV) Database

Another alternative our team explored was the possibility of election clerks accessing the DMV database to cross-check whether a same-day registration without documentation is eligible to vote. Under the National Voter Registration Act of 1993, states who are not exempt must offer voter registration opportunities at state motor vehicle agencies.⁵² The ability to register at the Department of Motor Vehicles develops a working relationship between the motor vehicle agency and the Office of the Secretary of State, with the ability for the Secretary of State to utilize DMV databases to determine whether a person meets the eligibility requirements to vote if they did not bring identification to the polling place.⁵³ However, access to DMV databases would be through an online format, raising potential concerns about whether rural polling places would have internet access to check the database. Using the DMV database would also not be useful for student same-day registrants, with many not having motor vehicles or in-state driver's licenses while living on campus.

REAL ID

In 2005, Congress passed the REAL ID Act, which established minimum security standards for license issuance and production.⁵⁴ At a minimum, those applying for a REAL ID must provide documentation

showing their full legal name, date of birth, social security number, two proofs of address, and lawful status.⁵⁵ Starting May 7th of 2025, those without a state-issued REAL ID driver's license or identification card cannot access federal facilities such as TSA security checkpoints.⁵⁶ The requirements to obtain a REAL ID match the need to prove age, identity, citizenship, and residency to register to vote, with a REAL ID license potentially being an all-in-one identification card instead of a registrant also needing to bring proof of citizenship. This would be particularly useful for municipalities with student populations, with many students not having proof of citizenship, such as their social security card or passport on campus. However, the allowance of lawful status paperwork, not citizenship paperwork, results in REAL ID not being a suitable alternative to a registrant providing citizenship documentation. New Hampshire currently allows Permanent Residents, I-551s, Asylees, and Refugees to obtain driver's licenses.⁵⁷ Unless New Hampshire creates a difference in REAL ID driver's licenses with those who used citizenship documentation versus those who used immigration paperwork, REAL ID would not prove all the requirements to register to vote in New Hampshire.

Verification through Credit Reporting Agency Database

One possible alternative to voter ID verification is using an existing database built by credit reporting agencies. These databases contain an individual's personal information, including one's full name, domicile, date of birth, Social Security number, and driver's license number. The three largest agencies are Equifax, Experian, and TransUnion.⁵⁸ The information size to which these agencies collect is tremendously large; for example, Equifax has credit files for over 240 million consumers covered by their data.⁵⁹ A linkage between the databases of voter registration and credit score reporting agencies can help poll workers and voters register to vote and update their information when changed. There are costs, however, associated with the adoption of these systems. In addition to fees associated with extracting relevant information, there is a security risk of external parties' intrusion to access, extract, and misuse private information. For example, there was a data breach between May and July of 2017 where hackers gained access to the credit records of more than 140 million people.⁶⁰ Given New Hampshire voters' sentiment that considers privacy as one of their most important values, there is a significant obstacle behind the adoption of this system.

4.3 PREVENTATIVE APPROACHES

Regarding preventative approaches to concerns regarding SB 418, we identified three actions the state could take to mitigate the use of affidavits: online voter registration, automatic voter registration, and pre-registration, each with varying levels of same-day registration use reduction.

Online Voter Registration

Online Voter Registration supplements the traditional registration process by submitting an electronic form to election officials.⁶¹ In most states, the application is reviewed electronically; if the request is valid, the voter's registration is included in the state's voter registration list.⁶² While most states have implemented online voter registration through their legislature, some have made online voter registration available through state offices without enabling legislation.

A form of Online Voter Registration includes the creation of an election information portal, allowing voters to complete a new voter registration application, request an absentee ballot, and request changes to the statewide centralized voter registration database, such as name, domicile address, mailing address, and party affiliation.⁶³ Individual voter data within an election information portal would remain confidential, and voting information will be readily available electronically.⁶⁴ If implemented in New Hampshire, this electronic portal would be created through consultation with the Department of Information Technology, the Department of Safety, the Division of Motor Vehicles, and city and town clerks and supervisors.⁶⁵ Under the legislature's current attempts to create an election informational portal, the Secretary of State estimates financial costs to be between \$250,000 and \$300,000.⁶⁶ In addition, there would be a yearly fixed maintenance cost of \$84,000 and the wage cost of two new positions to maintain the portal.⁶⁷ The total expected cost is \$477,000 in FY 2024, with \$268,000 and \$274,000 as the cost of the bill for the following two fiscal years.⁶⁸ The earliest expected implementation period is May 2024, given the estimated time of eight months to build and test the portal.⁶⁹

An election information portal is a potential solution to using the same-day affidavits proscribed under SB 418. Municipalities with large student populations could frontload registration processes weeks and months before the election date instead of relying on clerk offices or same-day registration. In many urban municipalities and municipalities with colleges or universities, the clerk's office can be inaccessible or have hours incompatible with a student's or employee's schedule.⁷⁰ With an election information portal, registrants would not be reliant on specific hours or dates and could register at any time before the picked cut-off date.

Since Arizona implemented the first version of online voter registration in 2002, more than 40 states, as well as Washington D.C. and Guam, have allowed some form of online registration.⁷¹ In states with online voter registration, youth voter registration has increased by ten percentage points compared to previous elections.⁷² In New England, only New Hampshire and Maine currently do not have some form of online registration available.⁷³ However, Maine has passed legislation to adopt an online registration system, but it has yet to be implemented, with the expected implementation date being November 2023.⁷⁴ In Oklahoma, first-time registration may be done using the online application, but voters can only complete their registration by mailing or submitting the registration form in-person.⁷⁵

The requirements of identification documents needed when registering online vary by state. For example, when registering online for the first time in Vermont, a valid photo ID, current utility bill, current bank statement, and another government document are required.⁷⁶ Thirty-seven states mandate voters to submit their valid driver's license number or in-state ID card.⁷⁷ If an online voter registration system is to be implemented in New Hampshire, further decisions must be made on which identification documents must be submitted online.

Automatic Voter Registration

Automatic Voter Registration (AVR) is a policy that requires any eligible citizens who have had previous interactions with government agencies, most commonly the Department of Motor Vehicles (DMV), to be automatically registered to vote.⁷⁸ If voters desire to update their information, such as their residential address, the particular government agency database (e.g., DMV database) automatically updates the voter's information.⁷⁹ The unique characteristic of this system is that the whole process is electronic.⁸⁰ As of 2022, 22 states and Washington D.C. have passed this legislation or have approved the establishment of Automatic Voter Registration.⁸¹ In states that have enacted Automatic Voter Registration, youth voter registration has increased by 3.5 percentage points compared to previous elections.⁸² The decrease in impact compared to online voter registration likely comes from the dataset's focus on 18-24-year-olds, not just 18-year-olds. In New England, New Hampshire is the only state that does not have Automatic Voter Registration.⁸³

Automatic voter registration is a possible preventative measure that can be taken to limit the use of voter affidavits. This alternative could be possible even with New Hampshire's privacy provision in its constitution, with California and Montana both having state constitutional privacy clauses and "motor-voter" registration available.⁸⁴ In New Hampshire, however, there are current deadlines to register to vote, requiring supervisors to be in session to correct the voter checklist between six to thirteen days before the election.⁸⁵ Given the current deadlines for registration, presenting a preventive measure of automatically registering newly eligible voters could limit the use of affidavits. This alternative would also be less useful to municipalities with colleges or universities, as it would only benefit registered voters who continued to vote in their hometowns. If a student or new resident wanted to register to vote in their new municipality, re-registration would be required.

Preregistration

Other states have systems of pre-registration where teenagers can pre-register to vote before turning eighteen. Fifteen states and Washington, D.C. permit pre-registration beginning at age 16.⁸⁶ Four states allow for pre-registration at age 17, which includes Maine, Nevada, New Jersey, and West Virginia.⁸⁷ New Hampshire's current election law states that someone registering to vote must be at least 18 years of age on the day of the next election, meaning that a potential registrant who was 17 but would turn 18 before the next election would be able to register to vote at a clerk's office before election day.⁸⁸ In the states that have enacted pre-registration, county-level youth turnout has increased by nine percentage points from previous elections.⁸⁹

The state legislature has recently passed House Bill 157, which requires students to pass a locally developed competency assessment in civics and pass the naturalization examination developed by the 2020 United States Citizen and Immigration Services with a 70 percent or better to graduate from high school.⁹⁰ If New Hampshire allowed for pre-registration for those 16 or 17 years of age, registering to vote could be implemented within the civics curriculum and mitigate the use of same-day registration by state residents who recently turned 18. However, out-of-state and in-state students who want to register under the address of their dormitory or off-campus living arrangements would

still require registration. In addition, new state residents who work in municipalities with colleges and universities would still need to register. With New Hampshire’s public universities showing the highest levels of same-day registration usage and having the largest number of in-state students at their institutions, those pre-registered in New Hampshire would still need to register at their new address.

5 EMERGING SOLUTIONS

Below are several additional approaches that may be pursued to address the use of affidavits in voter registration across the state of New Hampshire.

5.1 FUTURE STATE POLICY COMPARISONS

Table 2: States with Photo ID and/or Same-Day Registration Laws

Photo ID	Both Photo ID and Same-Day Registration	Same-Day Registration
Alabama	Colorado*	California
Alaska	Connecticut*	Hawaii
Arizona	Idaho*	Illinois
Arkansas	Iowa*	Maine
Delaware	Michigan*	Maryland
Florida	Montana	Minnesota
Georgia	New Hampshire	Nevada
Hawaii	Utah	New Mexico
Indiana	Virginia*	North Carolina**
Kansas	Washington	Vermont
Kentucky*	Wisconsin	
Louisiana	Wyoming	
Mississippi		
Missouri		
North Dakota		
Ohio		
Oklahoma*		
Rhode Island		
South Carolina		
South Dakota		
Tennessee		
Texas		
West Virginia*		

*=state has a “photo ID requested” law, instead of requiring photo ID

**=state uses same-day registration exclusively for early voting

In Table 2, our team has identified the states that share both Photo ID requirements and same-day registration as a part of their registration processes similar to New Hampshire. In comparing New

Hampshire's voting registration policies, the states identified as having similar laws will be useful in highlighting potential ways for New Hampshire to increase voter registration accessibility.

5.2 DIGITAL COPIES OF DRIVERS LICENSES

Arkansas law allows for digital copies of Arkansas driver's licenses. The adoption of the policy allowed for the Office of Driver Services to issue digital copies of an Arkansas driver's license for a \$10 fee.⁹¹ Arkansas also eliminated the use of affidavits if a citizen did not have identification at the polling place, requiring photo identification to vote.⁹² While this does not solve the issue of registrants not having citizenship documentation, Arkansas's creation of digital copies of Arkansas driver's licenses would be helpful for pre-registered voters who only need to prove identification to vote. It is unclear whether current polling places in Arkansas have accepted the digital copies of the Arkansas driver's licenses, and the accessibility of the acceptance of digital copies in areas of Arkansas with limited internet access. As Arkansas further integrates driver's license digital copies into the electoral process, New Hampshire election officials may wish to collaborate with Arkansas officials to determine the appropriate application of digital copies in New Hampshire.

5.3 DIGITAL DRIVERS LICENSES THROUGH APPLICATIONS

The software company Apple has worked with Arizona, Colorado, and Maryland to allow Apple iPhone and Watch users to have their driver's license or state ID in the Apple Wallet application on their devices.⁹³ A user's information is presented digitally to the identity reader, which the TSA currently accepts to confirm the requested information in these states.⁹⁴ If Apple's competitors also introduce license-storing applications, this could serve as a solution for otherwise eligible voters who forgot their photo identification. This would be particularly useful in dealing with municipalities with secondary education institutions, as young voters will likely have cell phones. However, while this technology has been used by police and security officials in these states, it is unconfirmed whether the technology has been used to register to vote. To transfer the identification card's data, polling locations must have identity readers, which would have a large upfront and maintenance cost. Identity readers would also potentially be unreliable in rural areas of the state with less internet access.

6 CONCLUSION

This paper discusses why digital alternatives to the affidavit process are not practical in the state and why various preventive measures would be better suited to address concerns regarding the enactment of SB418. In our research, the report examines what municipalities typically use same-day registration, specifically finding that municipalities containing public colleges or universities are the biggest users of same-day registration, with undergraduate and graduate students being extremely mobile populations who frequently re-register. This investigation provided a roadmap of the most feasible alternatives, both preventative and alternatives, to the current affidavit system to maintain both high voter turnout and the option for citizens to same-day register to vote.

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