

Below is the written testimony submitted by Tiani Coleman, President of New Hampshire Independent Voters to the House Election Law Committee:

Honorable House Election Law Committee Members:

I plan to speak at today's hearing, but also submit this written statement in opposition to HB 86 FN.

I am a resident of Amherst, New Hampshire, and my family and I have resided here for about 7 ½ years. I'm also the President of New Hampshire Independent Voters, (and New Hampshire Ranked Choice Voting), both are non-partisan nonprofit organizations, comprised 100% of citizen volunteers, without any paid staff. I am also a licensed attorney in the state of New Hampshire.

The State of New Hampshire has more registered independents (Undeclared) than either registered Republicans or registered Democrats. Although the precise figures are always a little in flux, the latest numbers show nearly 40% registered Undeclared (independent), a little over 30% registered Republicans and a little under 30% registered Democrats.

NH has a long tradition of allowing this large independent, Undeclared voting block to participate in its state funded primary elections. Undeclared voters are allowed to show up to a primary election on primary election day, choose a party's ballot, cast their vote, and then re-assert their desire to be Undeclared on their way out the door. HB 86 would do away with this tradition and disenfranchise independent undeclared voters who have purposely chosen not to affiliate with a political party by requiring all voters to register with a party 30 days before the primary election in order to be eligible to vote in a party primary. We, NH independent Voters, assert that no person should be required to register with a political party as a condition of voting in a determinative public election. Although our current party primary system is for the selection of party nominees, that selection will determine who will appear on the general election ballot, and has huge ramifications as to who our representatives in public office will ultimately be. Independent voters should not be shut out from these decisions.

Although I have not had the opportunity to contact the leaders of the Democratic and Republican Parties myself, it appears that they themselves may be opposed to HB86. In a recent WMUR article, <https://www.wmur.com/article/nh-primary-source-nhgop-to-address-proposed-bylaw-amendments-during-weekend-meeting/35273121>, it was stated that the Republican Bylaws committee recommended against the action to close their primaries, writing, "If we were to adopt a closed primary, it would very likely result in a drop in participation in Republican primaries and/or a boost in registered Democrats. It may also put our first in the nation Presidential Primary in jeopardy by reducing the number of voters who would participate." I have every reason to believe that the NH Democratic Party would feel similarly about closing their primaries. If the Parties themselves are opposed to closing their primaries, the State should not close them by fiat. Not only do independent voters believe it is a violation of the Equal

Protection Clause for Parties to close state-funded primaries, but even the U.S. Supreme Court has opined that it is unconstitutional (a violation of the Right to Assemble) for the State to close primaries when the Parties desire them to be open.

As an undeclared voter in New Hampshire, and as President of New Hampshire Independent Voters, I respectfully ask you not to vote in favor of HB 86, as it will disenfranchise so many independent Undeclared voters. We independent voters do not vote based on Party. We tend to view issues in a more careful, nuanced fashion than simply accepting the Party line or Party talking point and when it comes to candidates, we prefer to vote for the Person over the Party. Sometimes we may select a Republican ballot and sometimes we may select a Democratic ballot. Sometimes we vote for third party or independent candidates. It depends on so many issues and circumstances. For this and other reasons, we do not want to be required to register with and join a political party in order to have our voice heard in determinative primary elections, in order to have a say as to who will appear on the General Election ballot.

New Hampshire independent voters are also opposed to disenfranchising any voters, and NH 86, will disenfranchise many other voters by doing away with same-day voter registration. As NH does not have Motor Voter laws in place, the ability for voters to register to vote when they get a driver's license or register their vehicle, many voters do not have an easy way to register to vote. It is important that we continue to allow voters to register to vote, with appropriate documentation, on election day. Furthermore, young people will be disenfranchised by requiring that they qualify for in-state tuition in order to register to vote in New Hampshire. While it is appropriate that college students qualify as NH residents in order to vote in New Hampshire, it is not appropriate to require that they qualify for in-state tuition, as that is a much more restrictive qualification, with longer time-lines, than is typically required of new residents of New Hampshire.

For these and other reasons, I hope the House Election Law Committee will vote Unfavorably on HB 86. It should not be recommended favorably for the House Floor, and it should not pass.

Thank you,

Tiani X. Coleman
President, New Hampshire Independent Voters