

# Senate Election Law and Municipal Affairs Committee

*Jessica Bourque 271-2104*

**SB 223-FN**, relative to using college or university student identification cards to obtain a ballot.

**Hearing Date:** February 11, 2025

**Time Opened:** 10:19 a.m.

**Time Closed:** 11:10 a.m.

**Members of the Committee Present:** Senators Gray, Lang, Rochefort, Perkins Kwoka and Long

**Members of the Committee Absent :** None

**Bill Analysis:** This bill provides for in-state tuition at any institution in the university system of New Hampshire or the community college system for any person who is registered to vote in this state. The bill also removes college or university identification cards from valid photo identification for obtaining a ballot.

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**Sponsors:**

Sen. Sullivan

Sen. Murphy

Rep. Rice

Rep. Notter

Rep. Moffett

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**Who supports the bill:** Rep. Michael Granger, Rep. Samuel Farrington, Victoria Gulla

**Who opposes the bill:** Liz Tentarelli, Olivia Zink, Rachel Deane, Lauren Banker, Catherine Provencher, Will Nelson, Armita Mirkarmi

**Summary of testimony presented in support:**

**Senator Victoria Sullivan, Prime Sponsor**

- Her constituents have been clear that they do not want out of state residents who live temporarily on college campuses to vote in our elections.
- This bill does two things, removes college IDs as a form of identification for voting and establishes in-state tuition guidelines and requirements.
- The definition of “domicile” as established in *Felker vs. Henderson (N.H. 1917)* is “The fundamental idea of domicile is home.” “By home as that word is used in the law of domicile is intended what everyone has in mind when he thinks of home, -- his principal resident, the place to which he always intends to return, or the place he thinks of as home.”. The definition of “domicile” for voting purposes is “that one place where a person, more than any other place, has

established a physical presence and manifests and intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government.”. Senator Sullivan doesn’t believe that college students would be considered domiciled in N.H. under either of these definitions.

- If you ask a college student where their home is, they are likely to say it is where their parents live or where they have a home off campus, which disqualifies them from voting in N.H. if their home is in another state.
- Senator Sullivan’s son lives with her family in Manchester but attends college in Boston. In the last election, he voted in N.H. via absentee, which took him 10 minutes.
- Requesting an absentee ballot from their home state is an easily accessible practice.
- The vote.gov website acknowledges the home state on their website and not their campus location.
- In-state tuition requirements are more stringent than the requirements to register to vote.
- If colleges believe that a student is domiciled in N.H. based on the previous definitions mentioned, then Senator Sullivan believes they must also extend in-state tuition to those students, which this bill would do.
- If a student stays here throughout the year either to work or for an internship and goes through the process of obtaining an N.H. driver’s license, they should be allowed to vote in N.H. elections.

Senator Gray asked if a student could choose domicile, why is there a difference between them and someone who chooses to move to N.H. seven days before the election?

- Senator Sullivan said that the difference is whether someone intends to stay in New Hampshire or not. Senator Sullivan said that out-of-state college students don’t intend to stay in N.H.

Senator Gray followed up by saying that we don’t know the intent of someone and asked at what point do we listen to what someone says their intent is and asked if someone should be denied the right to register to vote based on that.

- Senator Sullivan said no one is being denied the right to register to vote. They have the right to register to vote in their home state and the right to vote absentee.
- When you move to N.H. you are bringing items to establish a home. Furniture and other items are already there when you move into a dorm.

Senator Gray followed up and asked where in 654:1 does it say that someone has to move a dresser.

- Senator Sullivan said that in 654:1 it says you have to have intent to stay.

Senator Lang talked about the first part of the bill and asked if what this bill is saying is that if someone is registered to vote, then the following year, they would be eligible for in-state tuition.

- Senator Sullivan said that is correct because they would have to do all the other things a resident must do, such as getting an N.H. driver's license, registering their car, etc.

Senator Lang followed up and discussed line 6, which says that to receive an in-state rate, the person would have to submit proof of registration to vote before the beginning of each academic year. He said that it doesn't talk about licenses or anything like that, that only registering to vote makes someone eligible for an in-state tuition rate the following year and asked if that is the intent.

- Senator Sullivan said, yes, the intent of that was to incentivize colleges to help students vote absentee in their own state.

Senator Lang followed up by stating that he is struggling with that part of the bill because it says that just because a student decides to vote here, they don't have to do any of the other things like getting a driver's license, etc., to be eligible for in-state tuition.

- Senator Sullivan said student IDs would no longer be accepted to vote so a student would have to have a N.H. ID in order to vote. If they have done that, then they are a resident here, so they are able to vote.

#### **Rep. Sam Farrington, Rochester Ward 4 and Student at UNH**

- Supports the bill.
- Referenced Senator Lang's question and thinks half of the UNH population is from N.H. and about a quarter of the population is from Massachusetts.
- The focus should be on getting N.H. students to vote.

Senator Perkins Kwoka asked if Rep. Farrington was familiar with the statutes regarding "domicile".

- "Domicile", as it is currently written, is very vague, and the language needs to be cleaned up so that only N.H. students are voting in N.H. elections.

Senator Perkins Kwoka followed up by saying that "domicile" is a test that is usually done on "intent to stay" and asked if Rep. Farrington thinks it can be clearly written into statute what someone's "intent to stay" is.

- When you are in college, you are going for an education, and there is no restriction that says you need to work in that state after you graduate, so "domicile", in that sense, doesn't apply to college from his perspective.

Senator Lang asked Rep. Farrington if he would agree that getting a driver's license or registering a car would show an intent to stay, and if you don't do that, wouldn't it also show that you do not intend to stay?

- Rep. Farrington said both seem logical.

Senator Rochefort said the committee heard testimony that this bill could put a strain on the university system and asked if Rep. Farrington worries that tuition rates would be affected if this bill were enacted.

- Rep. Farrington said he is not worried.

### **Victoria Gulla, Chesterfield**

- Supports this bill.
- Suggested to the committee that they strike high school identifications if they strike college identifications.
- Attended McGill University in Quebec. In Montreal, they have a lease law, which means that she had a lease for her dorm room, but she wasn't allowed to vote because she wasn't a resident, so she voted absentee in her hometown.
- People can get non-driver identification.
- People can vote in the last place they registered to vote.

### **Summary of testimony presented in opposition:**

#### **Olivia Zink, Open Democracy**

- Believes this bill seeks to restrict the rights of students and rolls back acceptable forms of identification.
- It is important to think about what our participation rate is. N.H. is below the national average of students who participate in voting.
- Article 11 of The N.H. Constitution says that every inhabitant has a right to vote in an election. Ms. Zink believes this bill would single out young people in an attempt to disenfranchise them.

Senator Lang asked if Ms. Zink thought it was right that a student with a driver's license in another state who may be receiving financial aid from that other state be allowed to vote in N.H. and not in the state they receive financial aid from.

- That question has come up in the past, and she encourages those students to request an absentee ballot from their state, but she believes students have the right to choose under the current law.
- N.H. allows people in nursing homes to vote from the nursing home or their home, so in a sense, this is the same thing.
- This bill doesn't change domicile; It just removes student IDs

Senator Lang asked if Ms. Zink thinks it is proper that a student who receives financial aid from another state votes in our election.

- Ms. Zink said this bill doesn't discuss "domicile" and that Senator Lang's question goes to a different part of the law.

Senator Lang said the first two parts of the bill talk about whether a student who votes in N.H. should be eligible for in-state tuition and asked if Ms. Zink believes those two things should go hand in hand.

- Ms. Zink said no, there are different standards for registering to vote vs. in-state tuition.

Senator Rochefort said that it seems counterintuitive that a student who the University System of New Hampshire has recognized as not being a resident of N.H. while at the same time, the colleges are saying that it is ok to vote here and asked if Ms. Zink thought that that is counterintuitive as well.

- Ms. Zink provided a hypothetical situation. If a Massachusetts student comes to N.H. to go to school but then the student's family moves to Texas, that student no longer feels connected to Massachusetts to request an absentee ballot there and they have no documents to prove they live in Texas, they still have a constitutional right to vote.
- There has been legal precedent with the Dartmouth lawsuit.

Senator Gray detailed that he is the Senate representative on the University of New Hampshire Board of Trustees. Their policy is that students will be charged out-of-state tuition until there is a break in their education of at least 12 months, at which time the student can be considered for in-state tuition. Two different things are going on, and asked rhetorically why one should affect the other.

Senator Rochefort asked how many cases a year are there where students' parents move away during the school year.

- Ms. Zink said they don't have that data, but in her local school district, there are a considerable number of families who move throughout the year.

Senator Long asked if what he is hearing Ms. Zink say was that this is a one-size-fits-all but that one size doesn't fit all, that there are unique situations. His son went out of state to college, and at 18 years old, his son didn't consider Senator Long's home his home. He then asked if Ms. Zink would agree that we have data showing that kids going out of state normally stay out of state.

- Ms. Zink agreed that there isn't a one-size-fits-all for this.

### **Rachel Deane, City and Town Clerk's Association and Durham Town Clerk/Tax Collector**

- Opposes this bill.
- Durham sees student IDs often.
- This bill addresses student IDs, not domicile.
- A student ID is a very secure form of identification; the student has gone through a stringent process of proving that they are who they say they are.
- This bill addresses when the student is handed their ballot and has to show ID, not when registering to vote.
- Durham has never had any claims about fraudulent student IDs.

- As far as she knows, Durham has never been investigated by the Attorney General's or the Secretary of State's offices.
- In her community, they were at the polling location until 2:00 a.m. because there was a challenge to all of the absentee ballots.
- Voting absentee in N.H. is not as easy as people say it is.
- The consequences of this bill would disenfranchise voters and target a specific class of voters.

**Catherine Provencher, Chancellor, University System of N.H.**

- Has strong objections to the in-state tuition portion of the bill.
- Tying in-state tuition to proof of registering to vote would be catastrophic to the university system.
- Wonders if N.H. students who don't register to vote will still be eligible for in-state tuition. The way the bill reads, she isn't sure.
- Should this pass, this would add quite a bit of administrative burden on the university system.
- This doesn't say out-of-state students are going to receive in-state tuition because, theoretically, you couldn't be an out-of-state student and register to vote.

**Armita Mirkarmi and Will Nelson, Dartmouth Civics Association**

- The in-state tuition portion of the bill is vague.
- Changing the requirements will make informing and registering students to vote much more difficult.
- Creates a significant burden on town officials and organizations like theirs.
- The N.H. Supreme Court has ruled time and time again that students have the right to vote in N.H.

Senator Lang asked if they knew what percentage of students from Dartmouth stayed in New Hampshire.

- They do not have that data readily available, but anecdotally, Ms. Mirkarmi knows a lot of people who have stayed one or two years still engaging with the college.

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Senator Lang asked what percentage of Dartmouth students vote.

- They don't have hard data but estimate about 2300 students voted, so about 50 percent.

Senator Lang followed up and asked if they knew what the Dartmouth in-state vs. out-of-state ratio is.

- Ms. Mirkarmi said she doesn't have that information but is happy to find out and provide additional testimony.

Senator Lang then asked Catherine Provencher if she could gather that information for UNH as well.

- It is about 50/50 in-state and out-of-state, and they do not track voting.

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Date Hearing Report completed: February 14, 2025