

United States Senate

WASHINGTON, DC 20510

**Statement by Senator Jeanne Shaheen
Before the Presidential Advisory Commission on Election Integrity
Manchester, NH
September 12, 2017**

Vice Chair Kobach and members of the commission: With the Senate in session, I am unable to attend today's hearing, but I appreciate this opportunity to submit testimony for the record.

On February 9, President Trump asserted that he would have been victorious in the Granite State if not for thousands of people who were bussed into New Hampshire to vote illegally on Election Day. Two weeks earlier, the president said that he lost the popular vote because three to five million people voted illegally. He offered no evidence to support either of these very serious allegations; nor has anyone else. Nonetheless, the president used these claims to justify creating this commission, whose obvious purpose is to lay the groundwork for broad-scale voter suppression laws. Some legislators in Concord have used the same unsubstantiated claims to justify passing new laws making it more difficult to vote in New Hampshire.

Last Thursday, on the far-right website *Breitbart*, the vice chair of this commission used deceptive and irrelevant data to rehash the same false claims that have been debunked time and again by independent analyses and by members of both major parties here in the Granite State. Using slippery words like "it has been reported" and "anecdotally," the vice chair insinuates that thousands of same-day registrants used out-of-state driver's licenses to prove identity and vote illegally. I say "insinuates" because he offers no actual evidence – not a single confirmed case of fraudulent voting. He made no effort to contact voters who had cast ballots but held out-of-state driver's licenses.

The fact is that New Hampshire law clearly states that citizens who live in New Hampshire can vote without a New Hampshire ID. This includes long-time New Hampshire residents who don't drive and don't have a driver's license; it includes thousands of students from other states who live in New Hampshire while attending school; and it includes military personnel from other states who live in New Hampshire while on active duty.

Granite Staters are not gullible or naive, and we do not appreciate those who impugn the integrity of our state's voting systems based on unsubstantiated accusations. Indeed, the vice chair's accusations in *Breitbart* call into question the legitimacy of our elections in New Hampshire for every federal, state, and local office. This is reckless and irresponsible.

The truth is that, here in New Hampshire and across the nation, voter fraud is extremely rare. I am deeply concerned that falsehoods about illegal voting are being spread as a pretext for restricting access to the ballot box. This risks disenfranchising eligible voters and undermining faith in our democracy.

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There is zero evidence of significant voter fraud in the Granite State during the 2016 election. Senior Deputy Secretary of State David M. Scanlan, head of the Election Division, said: “There are some isolated instances of individual voters voting improperly. . . But we haven’t had any complaints about widespread voter fraud taking place.” Meanwhile, the nonpartisan Brennan Center for Justice has determined that voter fraud happens nationwide as little as 0.00004 percent of the time. A separate, multiyear study by Justice Department senior official Justin Levitt found only 31 credible allegations of voter fraud out of one billion votes cast between 2000 and 2014.

Granite Staters take pride in our state’s brand of open and direct democracy, which encourages maximum participation, including by college students and active-duty members of the military who live in our state. It is not the New Hampshire way to make voting unnecessarily difficult or to target specific groups of voters with deliberately onerous ID laws.

I am very concerned that reckless accusations of widespread voter fraud and illegitimate elections in New Hampshire could jeopardize our state’s first-in-the-nation presidential primary. Every four years, activists from other states attempt to take away our first-in-the-nation primary, and they will now quote the vice chair of this commission. This is deeply unfortunate and a disservice to the people of New Hampshire.

We must learn from ill-conceived voter ID laws in other states. Striking down the laws passed by the Republican majority in North Carolina’s legislature, a unanimous federal court ruled that they “target African Americans with almost surgical precision” and “impose cures for problems that did not exist.” Invalidating similar laws in Wisconsin, U.S. District Judge James Peterson wrote: “The Wisconsin experience demonstrates that a preoccupation with mostly phantom election fraud leads to real incidents of disenfranchisement, which undermine rather than enhance confidence in elections, particularly in minority communities.”

When candidate Donald Trump claimed that the election would be “rigged,” and when President Trump claimed that the electoral process has been massively corrupted by millions of illegal votes, these false assertions have real consequences. They undermine confidence in our elections and democracy, and create a dishonest rationale for voter-suppression laws targeting the poor, the young and minorities.

At the end of the Constitutional Convention in 1787, a citizen asked Benjamin Franklin: “Well, doctor, what have we got – a republic or a monarchy.” He famously answered: “A republic, if you can keep it.” Fortunately, the great majority of Americans reject falsehoods that discredit our democracy and disenfranchise voters. We still have a robustly democratic republic. And we intend to keep it.