



Written by [Joe Wolverton, II, J.D.](#) on March 9, 2011

## N.H. Joins Roster of States Requiring Presidential Birth Certificate

As reported by The New American earlier this week, state legislators are riding to the sound of the guns and courageously reaffirming the constitutional requirement that anyone seeking the office of the presidency qualify as a “natural-born citizen” of the United States.



New Hampshire is the latest state to consider such a measure. On Tuesday, the chairman of Election Law committee of the New Hampshire House of Representatives, David Bates, [reported](#) that his committee will soon consider offering an amendment to a bill that would require candidates for president to provide a birth certificate and a sworn affidavit attesting that the candidate is at least 35 years of age and has lived in the United States for 14 years. This documentation would need to be filed with the state election committee before the candidate’s name could be included on ballots in the Granite State.

And as with similar statutes being debated in other states, the New Hampshire bill specifies that only a “long-form birth certificate” would qualify as sufficient proof of natural born citizenship.

In a statement to the press, [Representative Bates](#), a Republican from Windham, New Hampshire, said that he did not want people to think that the amendment is aimed at President Barack Obama, and that to avoid such a presumption he would consider setting the effective date for the proposed law in 2013, thereby precluding President Obama from having to conform to its mandates.

[The New American](#) has been in the forefront of coverage of the lingering issue regarding the birthplace of President Barack Obama and the concomitant question of his constitutional eligibility for president.

The “certification of live birth” found on the Internet, which purports to prove that Obama was born in Hawaii, has been dismissed as valid proof, as it is a “short-form” document, as opposed to the “long-form” document that lists the hospital and attending physician. “Short-form” documents are easily obtainable. In addition to Obama’s missing birth certificate, other documentation that has been concealed includes kindergarten, elementary, and secondary school records; college records; *Harvard Law Review* articles; passport; medical records; Illinois State Bar Association records; baptism records; and adoption records. The constitutional language in question is tricky, as it states that the president of the United States must be a “natural born citizen,” though the term has been undefined. Some argue the term means that the president must be born in the United States to two parents that were also born



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in the United States. If that proves to be the case, Obama would be disqualified, since he has openly admitted that his father never was a U.S. citizen. However, much of the legal challenge of Obama's eligibility rests upon the presumption that Obama was not even born in Hawaii, as he claims.

Ten states have pending proposals that would require future candidates for president to provide legal proof of their constitutional qualifications for that office. Each of these state measures is currently pending approval and is at one stage or another of the process of enactment. Without regard to the status of the various bills, what follows is an alphabetical recap of them:

In **Arizona**, State Representative Judy Burges joined with 16 of her colleagues from the state senate in sponsoring a [bill](#) that is being deliberated by relevant committees of the state legislature.

Unlike "birth certificate" bills offered by other state lawmakers who insist that their measures are not directed specifically at President Obama, the text of the bill offered by Representative Burges leaves little room for doubt about the impetus:

Within ten days after submittal of the names of the candidates, the national political party committee shall submit an affidavit of the presidential candidate in which the presidential candidate states the candidate's citizenship and age and shall append to the affidavit documents that prove that the candidate is a natural born citizen, prove the candidate's age and prove that the candidate meets the residency requirements for President of the United States as prescribed in article II, section 1, Constitution of the United States.

Like the similar bills pending in Georgia and New Hampshire, the Arizona proposal requires candidates to provide a cache of sworn documents to supplement the birth certificate.

In **Connecticut** the language of the legislation is much simpler. [SB 291](#) requires that "the Secretary of the State to be presented with an original birth certificate of any candidate for the federal office of president or vice-president that certifies that the certificate holder is a natural-born United States citizen, prior to certifying that the candidate is qualified to appear on the ballot." This bill, introduced by State Senator Michael McLachlan, appears stalled in the Committee on Government and Administration and Elections.

As reported earlier in [The New American](#), Georgia is considering a bill that mandates that the qualifying birth certificate must list the date and time of birth and name the hospital or other place of birth. Other mandatory information would include: the attending physician, birth parents' names, birthplace, and addresses and signatures of witnesses to the birth.

In the event that such a document is proven in good faith to be unavailable, the bill provides that the candidate may yet satisfy the bill's requirements by providing an affidavit attesting that:

the candidate has never been a citizen of any country or nation other than the United States of America; that the candidate has never held dual or multiple citizenship; and that the candidate has never owed allegiance to any country or nation other than the United States of America....

In the Hoosier State, **Indiana**, State Senator Mike Delph has offered [SB 114](#) for consideration. In a tone much like that of the other similarly-targeted measures, Delph's proposal

requires a candidate for the office of President of the United States to certify that the candidate has the qualifications provided in Article 2, Section 1, clause 5 of the Constitution of the United States (qualifications), and to submit with the candidate's declaration of candidacy or request that the candidate's name be placed on the primary ballot a certified copy of the candidate's birth certificate, including any other documentation necessary to establish that the candidate meets the qualifications.



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Another midwestern state, **Iowa**, has seen the introduction of a bill that would seek more ironclad proof of a presidential candidate's Article II qualification.

State Senator Kent Sorenson has sponsored [SF 368](#) in an effort to accomplish that worthwhile goal. Paragraphs 1 and 2 of the measure read:

A candidate for president or vice president shall attach to and file with the affidavit of candidacy a copy of the candidate's birth certificate certified by the appropriate official in the candidate's state of birth. The certified copy shall be made part of the affidavit of candidacy and shall be made available for public inspection in the same manner as the affidavit of candidacy.

A candidate for president or vice president who does not comply with the requirements of this section shall not be eligible for placement on the ballot as a candidate for president or vice president anywhere in the state.

Unfortunately, while this bill is technically still pending, it is effectively tabled, as it did not meet submission deadlines imposed by the state senate itself. Nothing in the rules would prevent the measure from being re-introduced in the next session.

In **Maine**, the state assembly will consider a [bill](#) sponsored by Representative Richard Cebra that requires "a candidate for nomination by primary election shall [sic] show proof of United States citizenship in the form of a certified copy of the candidate's birth certificate and the candidate's driver's license or other government-issued identification to the Secretary of State."

[Cebra](#) is a tireless and experienced advocate of the restoration of state sovereignty. In addition to his opposition to the REAL ID legislation, he introduced a measure that would nullify the unconstitutional mandates of the federal health care scheme known as ObamaCare.

The "birth certificate" bill that was offered in the Montana state legislature did not make it out of committee, but its sponsors are determined to continue the fight to prevent unqualified candidates for president from being listed on their state's ballots.

A bill in **Nebraska** that requires a candidate for president to provide "affidavits and supporting documentation" before being allowed to have his name appear on the ballot is still being debated by a state committee.

Senator Rick Brinkley (R-Owasso) of Oklahoma authored [SB 91](#). That bill would mandate that:

Each candidate required to file a Declaration of Candidacy for any federal, state, county, municipal or judicial office, or for the nomination of a recognized political party, in any general, primary, or special election shall, no later than twenty-four (24) hours after filing the Declaration of Candidacy, provide proof of identity and United States citizenship to the election board at which the Declaration was filed.

In **Tennessee**, veteran states' rights supporter, Senator Mae Beavers (Beavers battles boldly and relentlessly to beat back the encroachment of federal statutes into the sovereign territory of the Volunteer State), has introduced [SB 366](#) which would require all presidential candidates who wish their names on Tennessee's ballot in presidential election years starting in 2012 to file an "original long form birth certificate" with Tennessee's Secretary of State, along with a sworn affidavit declaring they do not hold dual citizenship in another country.

[Said](#) Beavers, "Somebody needs to be overseeing the qualifications of all candidates."

Last, but never least, **Texas**, the Lone Star State, is considering HB 295. This bill would prohibit the



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Secretary of State from certifying for election any candidate for president or vice-president that does not present his “original birth certificate indicating that the person is a natural-born United States citizen.”

Could all of these efforts be rendered moot if President Obama would voluntarily release the exculpatory documents that would prove beyond a reasonable doubt his own qualifications for the office of president? Perhaps. In the meantime, it is encouraging to see so many of the people’s duly elected state representatives riding to the defense of the Constitution on so many different fronts and using all the constitutional weapons at their disposal.



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