
AMERICANS FOR **RESPONSIBLE** SOLUTIONS

To: Interested Parties

From: Americans for Responsible Solutions PAC

Re: Senator Ayotte's Record of Voting to Protect Background Check Loopholes for Gun Sales

Date: July 12, 2016

Gun lobby-backed candidate Senator Kelly Ayotte and her allies are trying to mislead Granite State voters into believing that the Senator has voted to close the loopholes in our federal laws that let felons, domestic abusers, and the dangerously mentally ill buy guns with no questions asked. **The facts are clear: During her time in Washington, Senator Ayotte has stood with the gun lobby and voted to protect dangerous loopholes in our background check system.**

In April 2013, months after the tragedy at Sandy Hook Elementary School, Senator Ayotte voted against a bipartisan proposal that would have closed loopholes in our background check system by requiring that gun sales at gun shows and online be subject to a federal criminal background check. The bipartisan proposal, offered by Senator Joe Manchin (D-WV) and Senator Pat Toomey (R-PA), would have also strengthened the National Instant Criminal Background Check System (NICS), so that states could improve background check records submission and automated reporting.

In standing with the Washington gun lobby in 2013, Senator Ayotte voted against a policy that 88% of Granite Staters said they supported. In April 2013, a Quinnipiac poll found that 91% of Americans, including 88% of Republicans, supported requiring background checks for all gun buyers.¹ In February 2013, a WMUR Granite State poll found that 88% of Granite Staters strongly favored background checks for felons, including 83% of gun owners who favored this policy. The poll also showed that 84% of Granite Staters strongly supported closing the gun show loophole, including 80% of gun owners.² The Manchin-Toomey proposal also had the backing of major law enforcement organizations, including the International Association of Chiefs of Police.

Instead, Senator Ayotte voted for the gun lobby's plan that completely ignored the gaping loopholes in our background check system. Senator Ayotte voted for an amendment sponsored by Senator Chuck Grassley (R-IA) and Senator Ted Cruz (R-TX) that did not close loopholes that allow criminals to buy guns online and at gun shows without background checks.

¹ Quinnipiac University, "April 4, 2013 - Background Checks Could Lead To Gun Confiscation, Many Voters Tell Quinnipiac University National Poll; But 91 Percent Want Universal Gun Checks." April 4, 2013, available at <https://www.qu.edu/news-and-events/quinnipiac-university-poll/national/release-detail?ReleaseID=1877>

² Andrew E. Smith, Ph.D and Chad S. Novack, M.A., "Granite Staters Support Gun Control Proposals," UNH Survey Center. February 3, 2013, available at <http://www.wmur.com/blob/view/-/18472800/data/1/-/2wh1wf/-/Granite-State-Poll--Gun-Control.pdf>

The Grassley-Cruz amendment was a weak “fig leaf” alternative to Manchin-Toomey. The legislation 1) simply did not address and did not close the loopholes that allow prohibited purchasers to buy guns without a background check at guns shows and online, and 2) offered only a small portion of the funding that Manchin-Toomey provided for records submission to the background check system. The Grassley-Cruz amendment also weakened existing gun laws, 1) easing the current gun prohibition on individuals involuntarily committed to mental institutions, and 2) making it easier to transport and sell guns across state lines.

Non-partisan fact checkers have said that Ayotte voted for “a bill that left in place exceptions for gun shows and purchases over the Internet.” In defending her vote, Reclaim America PAC’s TV ad claimed that Senator Ayotte voted to “fix background checks.” A *Politifact* article from June 2013 refutes this claim, stating that “Ayotte voted for a bill that left in place exceptions for gun shows and purchases over the Internet.”³

Senator Ayotte’s most recent opportunity to vote for more background checks was in June 2016, and she once again sided with the gun lobby and voted for the same weak alternative. Senator Ayotte voted against the amendment sponsored by Senator Chris Murphy (D-CT) which, in addition to closing the loopholes that allow dangerous people to buy a gun without a background check, does more to improve the background checks system than the alternative by requiring states to develop a plan to ensure records are submitted to NICS and holding states accountable for adequate record submission. The alternative amendment sponsored by Senator Grassley, which Senator Ayotte voted for, does not hold states accountable for withholding records from NICS. Instead, this amendment weakens current law and does not force states to comply with established standards to receive federal criminal justice grant funding. The amendment would also allow gun purchases and possession by many potentially dangerously mentally ill Americans who are currently prohibited from purchasing or possessing a gun, including some people who have been recently released from mental institutions.

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³ Molly Moorhead, “Digging deeper on gun background check legislation,” *PolitiFact*. June 3, 2013, available at <http://www.politifact.com/truth-o-meter/article/2013/jun/03/digging-deeper-gun-background-check-legislation/>