

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

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CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY  
ATTORNEY GENERAL



ORVILLE B. "BUD" FITCH II  
DEPUTY ATTORNEY GENERAL

**SECTION 5 VOTING SUBMISSION**

TO: Chief, Voting Section  
Civil Rights Division  
Room 7254 – NWB  
Department of Justice  
950 Pennsylvania Ave. NW  
Washington, DC 20530

DATE: August 2, 2010

RE: Submissions Under Section 5 of the Voting Rights Act for:  
**Laws of 1979, Chapter 308**

Dear Voting Section Chief:

Pursuant to 42 U.S.C. § 1973(c), the State of New Hampshire, through the Office of the New Hampshire Attorney General, hereby submits **Laws of 1979, Chapter 308**, relative to Absentee Voting by Persons Observing Religious Commitments, for preclearance by the U.S. Department of Justice.

Changes to RSA 669:26 and RSA 669:27 made in 2010 are being simultaneously submitted for preclearance in submission 2010:317. We are submitting this 1979 change to "catch up" preclearance of earlier changes to allow preclearance of the 2010 changes.

Submission: In accordance with 28 CFR §51.27 and 51.28, the submission is as follows:

**(a) A copy of any ordinance, enactment, order, or regulation embodying a change affecting voting (new law).**

Laws of 1979, Chapter 308, amending:

1. (Sec 1) RSA 656:33;
2. (Sec 7) RSA 669:26;
3. (Sec 8) RSA 669:27.

See Attached Exhibit 1979:308, #1.

(Sec 2) RSA 657:1 was previously precleared on 6/22/2004 by non-objection letter 2004-2563, 2581, 2582.

(Sec 3) RSA 657:4 was previously precleared on 6/22/2004 by non-objection letter 2004-2563, 2581, 2582.

(Sec 4) RSA 657:4 was previously precleared on 6/22/2004 by non-objection letter 2004-2563, 2581, 2582.

(Sec 5) RSA 657:7 was previously precleared on 6/22/2004 by non-objection letter 2004-2563, 2581, 2582.

(Sec 6) Subdivision Heading only, no substantive change therefore not subject to preclearance.

**(b) A copy of any ordinance, enactment, order, or regulation embodying the voting practice that is proposed to be repealed, amended or otherwise changed (prior law).**

1. (Sec 1) RSA 656:33 from Laws of 1979, 436:1. See Attached as Exhibit 1979:308, #2.
2. (Sec 7 &8) RSA 669:26 and 669:27 from Laws of 1979, 400:1. See Attached Exhibit 1979:308, #3.

**(c) A clear statement of the change explaining the difference between the submitted change and the prior law or practice, or explanatory materials adequate to disclose to the Attorney General the difference between the prior and proposed situation with respect to voting.**

Section 1 amends RSA 656:33 by inserting the words "Religious observance."

Section 7 amends RSA 669:26 by inserting the words "or who cannot appear in public on election day because of his observance of a religious commitment."

Section 8 amends RSA 669:27 by inserting absence because of religious observance as an additional circumstance qualifying the voter to vote absentee.

**(d) The name, title, address, and telephone number of the person making the submission.**

Orville B. Fitch II, Deputy Attorney General  
New Hampshire Attorney General's Office

33 Capitol Street  
Concord, New Hampshire 03301  
(603) 271-1238

Between 8/1/2010 and 8/31/2010 contact:

Richard Head, Associate Attorney General  
New Hampshire Attorney General's Office  
33 Capitol Street  
Concord, New Hampshire 03301  
(603) 271-1248

**(e) The name of the submitting authority and the name of the jurisdiction responsible for the change, if different.**

Attorney General Michael A. Delaney  
State of New Hampshire

**(f) If the submission is not from a State or county, the name of the county and State in which the submitting authority is located.**

Not applicable

**(g) Identification of person or body responsible for making the change and the mode of decision (e.g. act of state legislature, ordinance of city council, administrative decision by the registrar).**

This change is an act of the New Hampshire General Court, New Hampshire's state legislature, with approval of the legislation by the Governor of the State of New Hampshire.

**(h) A statement identifying the statutory or other authority under which the jurisdiction undertakes the change and a description of the procedures the jurisdiction was required to follow in deciding to undertake the change.**

The New Hampshire Constitution Part Second, Article 2, grants supreme legislative power within the state to the House of Representatives and Senate, who with a right to negate each other are granted power to make law through Part Second, Article 5. The legislature, through a bicameral process passed each Chapter Law set forth above. Each bill was signed into law by the Governor or allowed to become law without signature, pursuant to New Hampshire Constitution Part Second, Article 44.

**(i) The date of adoption of the change affecting voting.**

June 22, 1979.

**(j) The date on which the change is to take effect.**

August 21, 1979.

**(k) A statement that the change has not yet been enforced or administered, or an explanation of why such a statement cannot be made.**

This change to New Hampshire's voting laws has been enforced or administered.

As was exhaustively addressed in a 2004 letter to the federal Department of Justice, New Hampshire is engaged in an effort to catch up on preclearance submissions. This change is being submitted now to "catch up" the preclearance as there is a change in this act related to the subject of a 2010 change.

**(l) Where the change will affect less than the entire jurisdiction, an explanation of the scope of the change.**

This change affects the entire State of New Hampshire.

**(m) A statement of the reasons for the change.**

All three changes authorize absentee voting by a voter who cannot appear in public on election day due to the voter's observance of a religious obligation.

**(n) A statement of the anticipated effect of the change on members of racial or language minority groups.**

There is no anticipated adverse effect on members of racial or language minority groups.

**(o) Identify any past or pending litigation concerning the change or related voting practice.**

There is no known past or pending litigation concerning these changes or related voting practices.

**(p1) A Statement that the prior practice has been precleared, with the date, or is not subject to the preclearance requirement and**

1. (Sec 1) RSA 656:33 as amended by Laws of 1979, 436 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.
2. (Sec 7 &8) RSA 669:26 and 669:27 as amended by Laws of 1979, 400:1.were precleared on 10/4/2004 by Department of Justice non-objection letter 2004-2585.

**(p2) A statement that the procedure for the adoption of the change has been precleared, with the date, or is not subject to the preclearance requirement, or an explanation of why such statements cannot be made.**

New Hampshire's Constitution, in its current form, was adopted June 2, 1784, four years before the United States Constitution took effect upon its ratification by New Hampshire on June 21, 1788. No amendments to Part Second, article 2 or Part Second, article 44 have occurred since 1784, therefore the authority for adopting law changes predates New Hampshire's ten towns becoming subject to Preclearance on effective November 1, 1968.

**(q) For redistrictings and annexations.**

Not applicable.

**(r) Supplemental**

None.

**§51.28 (g) Public notice that announce the submission to the Attorney General, inform the public that a complete duplicate copy of the submission is available for public inspection and invites comments for the consideration of the Attorney General and statements regarding where such public notices appeared.**

Exhibit A is a copy of a press release issued July 19, 2010 announcing the 2010 round of Preclearance submissions, the availability of copies at the New Hampshire Attorney General's Website and Office, and inviting comments to the United States Attorney General.

I expect the foregoing information is sufficient to enable the United States Attorney General to make the required determination pursuant to Section 5 of the Voting Rights Act. If further information is required or would be helpful, please contact me.

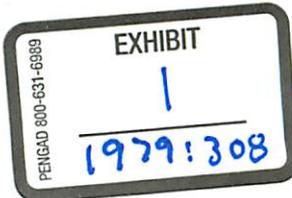
Very truly yours,



Orville B. Fitch II  
Deputy Attorney General  
bud.fitch@doj.nh.gov  
(603) 271-1238

Attachments

CC: Secretary of State William M. Gardner  
496410.doc



307 [1979  
take effect 60 days after its passage.

in accordance with 1979, 436:9.]

(HB 273)

ADMINISTRATIVE PROCEDURES.

*of Representatives in General Court*

Amend RSA 17-G:8, I (supp) as inserted by  
paragraph (c) the following new sub-

efficient or unnecessary rulemaking.

17-G:8 (supp) as inserted by 1977, 436:1  
adding new paragraph:

shall submit to the relevant commit-  
tee by RSA 17-G:6, an analysis of the  
action schedule established under RSA  
which shall be limited to the following:  
rules granting the agency rulemaking

and filing provisions of RSA 541-A;  
the director of legislative services meet  
and published under RSA 541-A:4, III;  
the rulemaking authority delegated to  
the committee;  
rules; and

and statutory passages granting rulemaking  
to effectuate the purposes of RSA

Amend RSA 541-A:1, IV (supp) as inserted by  
line 11 after the word "interpreta-  
line 13 after the word "him" the  
at said paragraph as amended shall

1, standard or other statement of  
policy to (a) implement, interpret or  
registered by such agency or (b) pres-  
cription or practice requirement bind-  
ing on members of the general public or  
which does not include (a) internal memo-  
randa of its own employees and which do not  
have the force of rules binding upon the public,  
or other explanatory material which  
does not state its substance or interpretation. (c)  
dismissal, promotion, or compensa-  
tion of such employee, or the  
or (d) declaratory rulings.

1979]

CHAPTER 308

301

**307:4 Notice.** Amend RSA 541-A:3, I (a) (supp) as inserted by 1973, 507:1 as  
amended by striking out in line 11 the word "registered" and by inserting in  
line 12 after the words "mail to" the following (the director of legislative  
services and to) so that said subparagraph as amended shall read as follows:

(a) give at least 20 days' notice of its intended action. The notice shall  
include a statement of either the terms or substance of the intended action or a  
description of the subjects and issues involved, and the time when, the place  
where and the manner in which interested persons may present their views  
thereon. The notice shall be mailed to all persons who have made timely  
request of the agency for advance notice of its rulemaking proceedings and  
shall be published at least once in a newspaper of general daily statewide  
circulation, provided, however, that publication may be omitted in the case of  
any notice the publication of which would in the judgment of the attorney  
general be unduly cumbersome or expensive, or otherwise inexpedient. The  
notice shall also be sent by mail to the director of legislative services and to the  
chairman of the legislative committee having jurisdiction over the subject  
matter;

**307:5 Rule Description.** Amend RSA 541-A:4, I (supp) as inserted by 1973,  
507:1 as amended by striking out said paragraph and inserting in place  
thereof the following:

I. Each agency shall file in the office of the director of legislative services a  
copy of each rule adopted or issued by it including all rules existing on the  
effective date of this chapter. At the time of filing, the rule so filed shall be  
accompanied by each of the following:

(a) A certificate of adoption signed by the agency official authorized by  
statute to make rules, or by the chief executive of an agency authorized to  
make rules, in the following form:

I, \_\_\_\_\_ (name and title) \_\_\_\_\_  
hereby certify that the above is a true copy of (a rule) (rules) adopted by  
\_\_\_\_\_ (name of agency) \_\_\_\_\_ on  
\_\_\_\_\_ (date) \_\_\_\_\_ .  
Date: \_\_\_\_\_ (signature) \_\_\_\_\_ .

(b) A separate document containing an analysis of the filed rule, or group  
of related rules, which includes a brief description of the substance of the rule  
and the specific reasons necessitating the rule.

The absence or inadequacy of the certificate or analysis required by this  
paragraph shall not affect the validity of a rule accepted for filing by the  
director of legislative services.

**307:6 Effective Date.** This act shall take effect 60 days after its passage.

[Approved June 22, 1979.]  
[Effective Date August 21, 1979.]

CHAPTER 308 (HB 281)

AN ACT RELATIVE TO ABSENTEE VOTING  
BY PERSONS OBSERVING RELIGIOUS COMMITMENTS.

*Be it Enacted by the Senate and House of Representatives in General Court  
convened:*

**308:1 Absentee Voting; Religious Restrictions.** Amend RSA 656:33

(supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

**656:33 Official Absence, Religious Observance, and Disability Absentee Ballots.** Prior to any state election, the secretary of state shall prepare, in such quantity as he may deem necessary, absence, religious observance, and disability absentee ballots in the same form as nearly as practicable as the official ballot to be used at said election. Said absentee ballots shall be similarly endorsed but printed on paper differing in color from that used for official and sample ballots.

**308:2 Absentee Voting; Requirements.** Amend RSA 657:1 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

**657:1 Absence, Religious Observance, and Disability Absentee Voting.** Any person who is absent on the day of any state election from the city, town or unincorporated place in which he is registered to vote or who cannot appear in public on any election day because of his observance of a religious commitment or who is unable to vote there in person by reason of physical disability may vote at such elections as provided in this chapter.

**308:3 Absentee Voting; Application.** Amend the introductory heading to RSA 657:4, I (a) (supp) as inserted by 1979, 436:1 by striking out said introductory heading and inserting in place thereof the following:

(a) Absence, Religious Observance, and Disability:

**308:4 Absentee Voting; Application.** Amend the introductory heading to RSA 657:4, II (a) (supp) as inserted by 1979, 436:1 by striking out said introductory heading and inserting in place thereof the following:

(a) Absence, Religious Observance, and Disability:

**308:5 Absentee Ballots and Affidavits.** Amend RSA 657:7, introductory paragraph and I and II (supp) as inserted by 1979, 436:1 by striking out said paragraphs and inserting in place thereof the following:

**657:7 Absence, Religious Observance, and Disability.** Prior to any state election, the secretary of state shall prepare the following forms in such quantity as he deems necessary:

I. Absence, religious observance, and disability absentee ballots as provided in RSA 656:33.

II. Affidavit envelopes of sufficient size to contain the ballots on which shall be printed the following:

(a) Absence from City or Town. A person voting by absentee ballot because of absence from the city or town in which he is entitled to vote shall fill out and sign the following certificate:

I do hereby certify under the penalties of perjury that I am a duly qualified voter in the city or town of \_\_\_\_\_, New Hampshire, in ward \_\_\_\_\_; that I will be absent on election day from said city or town and will be unable to vote in person; that I have carefully read the instructions forwarded to me with the ballot herein enclosed and that I personally marked the ballot within and sealed it in this envelope.

(Signature) \_\_\_\_\_

(b) Absence Because of Religious Observance or Physical Disability. A

person voting by absentee ballot because of physical disability shall fill out and sign the following:

I do hereby certify under the penalties of perjury that I am a duly qualified voter in the city or town of \_\_\_\_\_, New Hampshire, in ward \_\_\_\_\_, and that I will be absent on election day from said city or town and will be unable to vote in person; that I have carefully read the instructions forwarded to me with the ballot herein enclosed and sealed it in this envelope.

(Signature) \_\_\_\_\_

**308:6 Absentee Voting; Procedure.** Amend RSA 657:11 by striking out said section and inserting in place thereof the following:

**Procedure for Absence, Religious Observance, and Disability Absentee Voting**

**308:7 Absentee Voting, Town.** Amend RSA 410:1 by striking out said section and inserting in place thereof the following:

**669:26 Absentee Voting.** Every person who is a duly qualified voter in the city or town in which he is registered to vote on the day of a town election, or who is absent on that day because of his observance of a religious commitment or who is unable to vote there in person because of physical disability, is unable to vote at such elections as provided in this chapter in accordance with the provisions hereof.

**308:8 Affidavit.** Amend RSA 657:7, introductory paragraph and I and II (supp) as inserted by 1979, 436:1 by striking out said paragraphs and inserting in place thereof the following:

III. Envelopes of sufficient size to contain the ballots on which shall be printed the following:

A. Absence. A person voting by absentee ballot because of absence from the city or town in which he is entitled to vote shall fill out and sign the following certificate:

I do hereby certify, under the penalties of perjury, that I am a duly qualified voter in the city or town of \_\_\_\_\_ (city or town or district) of \_\_\_\_\_, New Hampshire, in ward \_\_\_\_\_; that I will be absent on election day from said city or town and will be unable to vote in person; that I have carefully read the instructions forwarded to me with the ballot herein enclosed and that I personally marked the within and sealed it in this envelope.

(Signature) \_\_\_\_\_

B. Absence Because of Religious Observance or Physical Disability. A person voting by absentee ballot because of absence from the city or town in which he is entitled to vote shall fill out and sign the following certificate:

I do hereby certify, under the penalties of perjury, that I am a duly qualified voter in the city or town of \_\_\_\_\_ (city or town or district) of \_\_\_\_\_, New Hampshire, in ward \_\_\_\_\_, and that I will be absent on election day from said city or town and will be unable to vote in person; that I have carefully read the instructions forwarded to me with the ballot herein enclosed and that I personally marked the within and sealed it in this envelope.

ng out said section and inserting in

servance, and Disability Absentee; secretary of state shall prepare, in absence, religious observance, and form as nearly as practicable as the said absentee ballots shall be simulating in color from that used for

ts. Amend RSA 657:1 (supp) as said section and inserting in place

and Disability Absentee Voting. state election from the city, town or red to vote or who cannot appear in observance of a religious commitment by reason of physical disability his chapter.

Amend the introductory heading to 436:1 by striking out said introductory of the following:

nd Disability:

Amend the introductory heading to 1979, 436:1 by striking out said e thereof the following:

d Disability:

Amend RSA 657:7, introductory by 1979, 436:1 by striking out said the following:

and Disability. Prior to any state are the following forms in such

ability absentee ballots as provided

o contain the ballots on which shall

erson voting by absentee ballot which he is entitled to vote shall fill

ties of perjury that I am a duly

\_\_\_\_\_ ; that I will be r town and will be unable to vote in instructions forwarded to me with rsonally marked the ballot within

ervance or Physical Disability. A

person voting by absentee ballot because of religious observance or physical disability shall fill out and sign the following certificate:

I do hereby certify under the penalties of perjury that I am a duly qualified voter in the city or town of \_\_\_\_\_, New Hampshire, in ward \_\_\_\_\_; that I will be observing a religious commitment which prevents me from voting in person or that on account of physical disability I am unable to vote in person; that I have carefully read the instructions forwarded to me with the ballot herein enclosed and that I personally marked the ballot within and sealed it in this envelope.

(Signature) \_\_\_\_\_

**308:6 Absentee Voting; Procedure.** Amend the subdivision heading following RSA 657:11 by striking out said heading and inserting in place thereof the following:

**Procedure for Absence, Religious Observance, and Disability and Overseas Voting**

**308:7 Absentee Voting, Towns.** Amend RSA 669:26 (supp) as inserted by 1979, 410:1 by striking out said section and inserting in place thereof the following:

**669:26 Absentee Voting.** Every town which has adopted an official ballot system for town elections as provided in RSA 669:12 or 669:13, shall provide for absentee voting. Any registered voter who is absent from such a town on the day of a town election, or who cannot appear in public on election day because of his observance of a religious commitment, or who, by reason of physical disability, is unable to vote in person may vote at a town election in accordance with the provisions hereinafter set forth.

**308:8 Affidavit.** Amend RSA 669:27, III (supp) as inserted by 1979, 410:1 by striking out said paragraph and inserting in place thereof the following:

III. Envelopes of sufficient size to contain the ballots specified in paragraph I, on which shall be printed the following affidavit:

Absence. A person voting by absentee ballot because of absence from the place in which he is entitled to vote shall fill out and sign the following certificate:

I do hereby certify, under the penalties of perjury, that I am a duly qualified voter in the town (city, village district, school district) of \_\_\_\_\_, New Hampshire, that I will be absent on election day from said town (city, village district, school district) and will be unable to vote in person; that I have carefully read the instructions forwarded to me with the ballot herein enclosed and that I personally marked the within ballot and enclosed and sealed it in this envelope.

(Signature) \_\_\_\_\_

Absence Because of Religious Observance or Physical Disability. A person voting by absentee ballot because of religious observance or physical disability shall fill out and sign the following certificate:

I do hereby certify, under the penalties of perjury, that I am a duly qualified voter in the town (city, village district, school district) of \_\_\_\_\_, New Hampshire, that I will be observing a religious commitment which prevents me from voting in person, or that on account of physical disability I am unable to vote in



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EXHIBIT  
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**Absentee Voters**

andidates for nomination to the same l be alternated on the state primary all appear thereon as nearly as may he bottom, and in each intermediate s. Names of candidates for nomina- all be arranged in the alphabetical

**656:33 Official Absence and Disability Absentee Ballot.** Prior to any state election, the secretary of state shall prepare, in such quantity as he may deem necessary, absence and disability absentee ballots in the same form as nearly as practicable as the official ballot to be used at said election. Said absentee ballots shall be similarly endorsed but printed on paper differing in color from that used for official and sample ballots.

state primary election ballots of all per, but no ballots of any political ame or a closely similar color as the ack of each ballot shall be printed in

**656:34 Official Overseas Citizens Federal Election Absentee Ballot.** Prior to any federal election, the secretary of state shall prepare, in such quantity as he may deem necessary, overseas citizens federal election absentee ballots as nearly as practicable in the same form as the official ballot to be used at said election. Said ballots shall be similarly endorsed but printed on paper differing in color from that used for official, sample, or absence and disability ballots. Such ballots shall provide for voting absentee only for candidates seeking election to federal offices and for no other candidates.

shall furnish to each town or ward f each political party as follows: for arty as he may determine from the on the checklist as used at the last ots of said party; except that, when hecklist, he shall furnish 25 ballots.

**656:35 Armed Services Absentee Ballot.** Prior to any state election, the secretary of state shall prepare, in such quantity as he may deem necessary, armed services absentee ballots in the same form as the absence and disability absentee ballot to be used at said election.

the first state primary election at nomination, the secretary of state ber of state primary election ballots pproximate the figures provided in

**656:36 Questions on the Ballot.** Whenever a question to voters is printed on an official state election ballot, the secretary of state shall ensure that said question is also printed on the absence and disability absentee ballot and on the armed services absentee ballot, except as otherwise provided.

f state shall furnish 10 sample state arty printed on white paper to each reasonable number of such sample ars upon the ballot as a candidate. nple ballot of each political party in d within one day of receiving such be posted on the day of the primary

**656:37 Constitutional Amendments.** Whenever a question to voters related to a proposed constitutional amendment is printed on a special and separate ballot as provided in RSA 663:3, the question shall also be printed on a separate absentee ballot of a different color to be included with each absence and disability or armed services absentee ballot.

**ary Election**

**656:38 Forwarding Absentee Ballots.** The secretary of state shall forward absentee ballots to the town and city clerks as provided in RSA 657:10.

fore any presidential primary elec- l primary election ballot for each / of state to the city and town clerks.

**Voters in Unincorporated Places**

**656:39 Preparation of Special Ballots.** The secretary of state shall prepare special state election ballots for inhabitants of unincorporated places as provided in RSA 668.

l primary election ballot shall be as the state primary election ballot.

**Voting Machines**

ary election ballot of each political office of president and one for the be headed "Candidate of the (insert e-President) of the United States". ar the words: "I hereby declare my resident (or Vice-President) of the e words, there shall be printed the / to the right. There shall always be didates' names to allow for writing

**656:40 Adoption.** The mayor and aldermen of any city or the selectmen of any town, subject to the approval of the ballot law commission, may authorize the use of one or more voting machines or devices for computerized casting and counting of ballots in such city or town on a trial basis for any regular or special election and pay the expense of such trial from any available funds. The use of such machines or devices so authorized shall be valid for all purposes. Any town, or the mayor and aldermen of any city, may vote to lease or purchase voting machines or devices for the elections held in said town or city. Any town, or the mayor and aldermen of any city, so acting shall notify the secretary of state of the action taken in regard to voting machines or devices; and, after said action, voting machines or devices shall be used in said town or city in accordance with said vote or authorization. Notwithstanding any vote of adoption of voting machines, the mayor and aldermen of any city or

s of RSA 656:24 - 656:28 relating to o presidential primary ballots.

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EXHIBIT  
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1979:308

printed upon the ballot, without the all be substantially as follows:  
**IAMPSHIRE**  
y request the printing of my name or the office of \_\_\_\_\_ at the \_\_\_\_\_, 19 \_\_\_\_\_. In support of said wits signed by legal voters in said

known to me, appeared and made scribed is true.

Justice of the Peace or Notary Public.  
**FFIDAVIT**

hereby join in the petition for the he non-partisan ballot as candidate at the annual meeting of said town ify that I am qualified to vote for a is time, a signer of any other similar office.

known to me, appeared and made scribed is true.

Justice of the Peace or Notary Public.

own may determine, by vote, the t be filed by a candidate, under the ave his name printed on the non-ired number be less than 5; and, in ted upon by a town, the number of

e had duly filed according to law for arty nominee has been certified to partisan town election, no withdra- e accepted by the town clerk subse- ne candidate dies or shall make oath e for which he is filed because of age, ability acquired subsequent to his nself as provided in this section, the hat candidate on the ballot. If the remove that name using pasters.

als. The town clerk shall prepare the ange the names of candidates upon ely above the names of each block of office for which they are candidates, each office shall be printed in small

but easily legible type the words "Vote for" followed by a spelled number designating the number of persons to be elected to such office. Directly to the right of the name of each candidate there shall be a square. Whenever there are 2 or more candidates for the same office the names shall be printed upon the ballot in the alphabetical order of their surnames. Following the names printed on the ballot under the title of each office, there shall be as many blank lines as there are persons to be elected to that office.

**669:24 Paper, Uniformity, Endorsement.** The ballots shall be printed on plain white paper, in weight not less than that of ordinary printing paper. There shall be no impression or mark to distinguish one ballot from another. The names of all candidates shall be printed in uniform type and the ballots shall be folded so that their width and length when folded shall be uniform. On the back, or at the top of the face, of each ballot shall be printed the words "Official Ballot for the Town of \_\_\_\_\_", the date of the election and a facsimile of the signature of the town clerk who prepared the ballot.

**669:25 Conduct.** In towns which have adopted an official ballot system, the town election shall be conducted in the same manner as a state general election as provided in RSA 658 and 659, except that all duties required to be performed by the secretary of state under those chapters shall be performed by the town clerk, and except that no copy of marked or unmarked checklists need be forwarded to the state library or federal district court as provided in RSA 659:102.

**669:26 Absentee Voting.** Every town which has adopted an official ballot system for town elections as provided in RSA 669:12 or 669:13, shall provide for absentee voting. Any registered voter who is absent from such a town on the day of a town election or who, by reason of physical disability, is unable to vote in person may vote at a town election in accordance with the provisions hereinafter set forth.

**669:27 Forms.** Prior to each such election, the clerk shall prepare in such quantities as he may deem necessary the following forms:

I. Official absent voting ballots similar in form to the official ballot to be used at said election, and similarly endorsed, but printed on paper differing in color from that used for official or sample ballots;

II. Blank forms of application for such ballots worded as follows:

To the clerk of \_\_\_\_\_, I, \_\_\_\_\_, am a duly qualified voter and entitled to vote in \_\_\_\_\_ (insert name of town, city, village district or school district).

Mail absentee voter's ballot to:

(Signature) \_\_\_\_\_

(Street and number) \_\_\_\_\_

(Town, state and country) \_\_\_\_\_;

III. Envelopes of sufficient size to contain the ballots specified in paragraph I, on which shall be printed the following affidavit:

Absence. A person voting by absentee ballot because of absence from the place in which he is entitled to vote shall fill out and sign the following certificate:

I do hereby certify, under the penalties of perjury, that I am a duly qualified voter in the town (city, village district, school district) of \_\_\_\_\_, New Hampshire, that I will be absent on election day from

said town (city, village district, school district) and will be unable to vote in person; that I have carefully read the instructions forwarded to me with the ballot herein enclosed and that I personally marked the within ballot and enclosed and sealed it in this envelope.

(Signature) \_\_\_\_\_

**Absence Because of Physical Disability.** A person voting by absentee ballot because of physical disability shall fill out and sign the following certificate:

I do hereby certify, under the penalties of perjury, that I am a duly qualified voter in the town (city, village district, school district) of \_\_\_\_\_, New Hampshire, that on account of physical disability I am unable to vote in person; that I have carefully read the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the within ballot and sealed it in this envelope.

(Signature) \_\_\_\_\_;

**IV. Return envelopes of size sufficient to contain the affidavit envelopes, addressed to the clerk upon which shall be printed, "Enclosed, is the ballot of an absentee voter", and at the top thereof blank spaces for the name, address, and voting place of the sender, with the words "name," and "address" appropriately printed thereon.**

**V. Mailing envelopes large enough to contain all of the above materials in which the town clerks shall mail or deliver them to absentee voters.**

**669:28 Instructions; Information.** The secretary of state shall prepare for the use of the clerks such printed information and instructions, subject to the approval of the attorney general, as he shall deem appropriate to carry into effect the purposes hereof. The secretary of state shall furnish such material to the clerks of all towns, cities, village districts and school districts.

**669:29 Application of Statutes.** The procedure for absentee voting in town elections shall be the same as in state elections as provided in RSA 657:6, 11, 12, 14 through 18, and 22 through 24.

### Recounts

**669:30 Recounts; Application.** If any person for whom a vote was cast and recorded for any office at a town election shall, before the expiration of 15 days from the date of the election, apply in writing to the town clerk for a recount of the ballots cast for such office, the clerk shall appoint a time for the recount not earlier than 7 days nor later than 10 days after the receipt of said application.

**669:31 Notice; Fee.** The clerk shall order the applicant to give notice thereof by giving to each of the opposing candidates, or leaving at his place of abode, a copy of the application at least 5 days prior to the day appointed for the recount of ballots. No other notice shall be required. The applicant shall pay to the town clerk, for the use of the town, a fee of \$10.

**669:32 Board of Recount.** At the time and place so appointed and notified, the clerk shall publicly break the seal of and open the package in which the ballots of said election are kept; and, thereupon, said ballots shall be recounted by the clerk, the moderator and the selectmen of said town who shall constitute the board of recount.

**669:33 Preservation of Ballots after Recount.** Upon the conclusion of the recount, the clerk shall place the ballots and all envelopes or wrappers which had previously contained them in a new envelope showing the contents and the date when and the reason why it was opened; and said clerk shall retain said ballots until the expiration of 30 days from the date of the meeting unless some

action is pending which makes their enjoined by action brought before t

**669:34 Declaration of Results.** If that a person was elected other than have been elected, the board of recount elected and shall, after 5 days from certify such declaration to the town certificate; and the person so declared result is changed upon appeal to the of such town.

**669:35 Appeal from Recount.** board of recount with respect to a appeal to the superior court for the such court shall have jurisdiction in tions presented.

**669:36 Tie Vote.** In case of a tie vote for unofficial ballots in RSA 669:60 the town clerk in the presence of t from him, they elect to be present.

### Special Provisions:

**669:37 Nomination by Caucus** ballot system under RSA 669:12, r legal voters representing a political preceding polled at least 3 percent office of governor.

**669:38 Party Regulations.** A convention or by its recognized p cerning the manner of holding the subdivision.

**669:39 When Held.** Any caucus town officers shall be held at least such officers are to be elected.

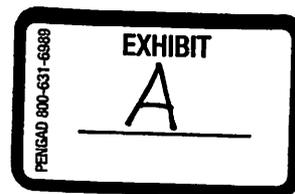
**669:40 Notice.** All town caucus conspicuous places in the town an any published in the town, 10 day notice shall specify the place, day which the polls shall be open for

**669:41 Checklists.** The checklist the local executive committee of times when, and places where, t purpose of receiving evidence and list shall be included in the notice

**669:42 Filing.** A candidate for a declaration of the office for which party holding the caucus at least 5 shall prepare the ballots to be used used at said caucus.

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397



**MICHAEL A. DELANEY**  
ATTORNEY GENERAL



**ORVILLE B. "BUD" FITCH II**  
DEPUTY ATTORNEY GENERAL

**News Release**

**RELEASED BY:** Attorney General Michael A. Delaney

**SUBJECT:** Voting Rights Act – Submission of a request for preclearance of 2010 changes to New Hampshire Voting laws and procedures

**DATE:** July 19, 2010

**RELEASE TIME:** Immediate

**Contact:** Deputy Attorney General Bud Fitch (603) 271-1238

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Attorney General Michael A. Delaney announces the submission of requests for preclearance of changes made to the election laws in New Hampshire to the Federal Department of Justice. Preclearance submissions will address changes made to New Hampshire's election laws since jurisdictions in the State became subject to preclearance. Submissions will be made over the next several weeks until all 2010 changes to New Hampshire's election laws have been submitted.

Ten New Hampshire towns are subject to section 5 of the federal Voting Rights Act. Changes to New Hampshire election laws that affect any of these ten towns must be submitted for review by either the Federal Department of Justice or the Federal District Court for Washington D.C. The federal Department of Justice will review the changes to New Hampshire's election laws to ensure that the changes do not have the effect of denying or abridging the right to vote on account of race or color, or membership in a language minority group. Changes to New Hampshire redistricting statutes have been submitted to, and approved by, the U.S. Justice Department since the 1980 census. Federal regulations require that the public be notified that the State has filed a request for preclearance and that the submission be available for public inspection.

Copies of each submission by the Attorney General for the State of New Hampshire are available at the office of the Attorney General at 33 Capitol Street, Concord New Hampshire, 03301. Each document will also be made available at the Attorney General's Office web site at:

<http://www.doj.nh.gov/elections/>

Attorney General Delaney and the federal Department of Justice We invite persons interested in pending submissions to submit comments and information, in writing or by telephone, to the Voting Section of the Civil Rights Division at the earliest possible date to assure that they may be considered during the preclearance review time period. Telephone 1-800-253-3931 or (202) 307-2385 or write Chief, Voting Section, Civil Rights Division, Room 7254 - NWB, Department of Justice, 950 Pennsylvania Ave., NW, Washington D.C. 20530 (the envelope and first page should be marked "Comment under Section 5"). Further information on the federal Department of Justice's Voting Rights Section can be found at:

<http://www.justice.gov/crt/voting/>

The New Hampshire Attorney General's Office Voting section can be contacted at:

<http://www.doj.nh.gov/elections/>  
New Hampshire Toll Free 1-866-868-3703  
or 1-866-VOTER03  
[electionlaw@doj.nh.gov](mailto:electionlaw@doj.nh.gov)

A Letter describing the historical circumstances of the ten New Hampshire towns becoming subject to the Voting Rights Act preclearance requirements, originally sent to the federal Department of Justice in 2004, is available at:

<http://www.doj.nh.gov/elections/>

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