

**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

**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 1981, Chapter 512**

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 1981, Chapter 512**, relative to the Manner of Nominating Certain Candidates, for preclearance by the U.S. Department of Justice.

Changes to RSA 655:81 and RSA 655:82 made in 2010 are being simultaneously submitted for preclearance in submission 2010:317. We are submitting this 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 1981, Chapter 512 by:

1. (Sec 1) enacting for the first time RSA 655:81, Nomination of U.S. Representative, Executive Councilor, State Senator, and Representative to the General Court; and RSA 655:82, Waiver of Primary;
2. (Sec 2) amending RSA 661:8, Executive Councilor; State Senator; State Representative, was previously precleared on 8/8/2005 by Department of Justice non-objection letter 2005-2069, 2005-2070, therefore it is not included in this submission.
3. (sec 3) amending RSA 661:11, Nomination and Conduct; and
4. (Sec 4) making a related appropriation which is not subject to preclearance; and
5. (Sec 5) repealing RSA 655:55 through RSA 655:80, relative to the nominations for special state election through caucuses and conventions.

See Attached Exhibit 1981:512, #1.

**(b) A copy of any ordinance, enactment, order, or regulation embodying the voting practice that is proposed to be repealed, amended or otherwise changed (prior law).**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) enacting for the first time RSA 655:81, Nomination of U.S. Representative, Executive Councilor, State Senator, and Representative to the General Court; and RSA 655:82, Waiver of Primary. This is a new Statute and a new practice replacing the statutes and former practice embodied in the Exhibits to Section 5 below.
2. (Sec 2) Not submitted, already precleared.
3. (sec 3) amending RSA 661:11, Nomination and Conduct as enacted in 1979. See Attached Exhibit 1981:512, #2.
4. (Sec 4) making a related appropriation which is not subject to preclearance.
5. (Sec 5) repealing RSA 655:55 through RSA 655:80, relative to the nominations for special state election through caucuses and conventions. See Attached Exhibit 1981:512, #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.**

This act changes the method of determining the candidates for recognized political parties for special elections from a system of caucuses or conventions to a special primary.

**(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 29, 1981.

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

August 28, 1981.

**(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.**

The reason for this change is to provide voters with greater involvement in the special election process through the use of a special election primary to choose political party nominees.

**(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) enacting for the first time RSA 655:81, Nomination of U.S. Representative, Executive Councilor, State Senator, and Representative to the General Court; and RSA 655:82, Waiver of Primary. These are new statutes and a new practice, therefore these statutes have not previously been precleared, see Section 5 below.
2. (Sec 2) amending RSA 661:8, Executive Councilor; State Senator; State Representative, was previously precleared on 8/8/2005 by Department of Justice non-objection letter 2005-2069, 2005-2070, therefore it is not included in this submission.
3. (sec 3) amending RSA 661:11, Nomination and Conduct. RSA 661:11 as amended in 1979 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.
4. (Sec 4) making a related appropriation which is not subject to preclearance; and
5. (Sec 5) repealing RSA 655:55 through RSA 655:80, relative to the nominations for special state election through caucuses and conventions. RSA 655:55 through RSA 655:80 as amended in 1979 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.

**(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**

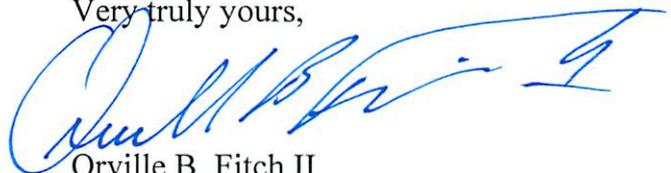
None.

**§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  
496415.doc



11 [1981  
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rial concerning the state, includ-  
nd its political subdivisions; and  
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to disposition of checklists is  
effect 60 days after its passage.

SB 48)

ED SENTENCES FOR PERSONS  
ELDERLY OR HANDICAPPED.

representatives in General Court

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71, 518:1 as amended by striking  
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1981]

CHAPTER 512

765

**511:2 Effective Date.** This act shall take effect 60 days after its passage.

[Approved June 29, 1981.]

[Effective Date August 28, 1981.]

**CHAPTER 512 (SB 50)**

AN ACT REVISING THE MANNER OF NOMINATING CERTAIN  
CANDIDATES FOR SPECIAL ELECTIONS AND  
PROVIDING A METHOD OF MAKING  
APPROPRIATIONS THEREFOR.

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

**512:1 New Section.** Amend RSA 655 by inserting after section 80 the  
following new sections:

**655:81 Nomination of U.S. Representative, Executive Councilor, State  
Senator and Representative to the General Court.** The nomination of  
candidates for the U.S. House of Representatives or for the executive council  
or for the state senate or for representative to the general court for special  
elections shall be accomplished through the holding of special election pri-  
maries. The filing of candidates for such primaries and all other matters  
connected with such primaries shall be the same as for primaries before a  
state general election except that:

I. The special election shall be held on the Tuesday not less than 80 nor more  
than 87 days following the day that the governor and council declare that  
there shall be a special election; and

II. The time limits in RSA 655:14 shall be changed to not more than 43 days  
nor less than 36 days prior to the primary; and

III. Under RSA 655:15, the official with whom state representative candi-  
dates shall file shall be the secretary of state; and

IV. The primary shall be held 34 days prior to the special election; and

V. Supplementary primary petitions may be filed as needed not less than 36  
days before the primary; and

VI. The deadline for filing nomination papers shall be no more than 34 days  
prior to the special election; and

VII. The notice of the primary in RSA 655:11 shall be prepared by the  
secretary of state and distributed to the town and city clerks as soon as  
practicable after the setting of the date for the special election; and

VIII. Under RSA 655:12, clerks shall post notices of special election prima-  
ries as soon as possible after they are received; and

IX. The names of all candidates for a party nomination at a special election  
primary shall be printed in alphabetical order on the ballot, and the same  
ballot listing shall be used at all polling places where the special primary  
election is held; and

X. The publication of the result provided in RSA 659:89 shall not be  
required; and

XI. The deadline for any candidate to request a recount pursuant to RSA  
660:7 shall be 2 days from the day of the primary.

**655:82 Waiver of Primary.** In the event that not more than one candidate's  
name will be printed on a party's special primary ballot, the secretary of state  
shall declare that candidate, or no candidate if there is no one, to be the  
nominee, and the primary for that party shall be waived. In the event that all

party primaries are waived pursuant to this section, the primary election shall not be conducted. In such a case, the special election shall be held on the day previously fixed as the day for the holding of the special primary election. The deadline for candidates to file nomination papers pursuant to RSA 655:40-45 shall be 32 days prior to the rescheduled special election date.

**512:2 Majority of Boards of Selectmen Required in Multi-town Representative Districts.** Amend RSA 661:8 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

**661:8 Executive Councilor; State Senator; State Representative.** If a vacancy occurs in the office of executive councilor or state senator, it shall be filled as provided in Part II, Articles 34 and 62 of the state constitution. If a vacancy occurs in the office of state representative from a single town or ward district, the vacancy may be filled following the provisions of RSA 655:81 and 82 in the same manner as a state general election is held. In a multi-town or multi-ward district, a vacancy in the office of state representative shall be filled following the provisions of RSA 655:81 and 82 by a special election if the selectmen of any town or ward in said district so request of the governor or council. Within 21 days after proof of a vacancy or a request that a vacancy be filled, the governor, in the case of an executive council vacancy, or the governor and council, in the case of any other vacancy, shall declare that there shall be a special election which shall be held as provided in RSA 655:81 and 82.

**512:3 References Changed and Session Eliminated.** Amend RSA 661:11 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

**661:11 Nomination and Conduct.** Where a vacancy as described in this chapter is to be filled by a special state general election, nominations shall be made in accordance with RSA 655:81 and 655:82. The general election shall be conducted in as nearly as practicable the same manner as are regular state general elections except that the deadline for requesting a recount pursuant to RSA 660:1 shall be 2 days following the day of the election.

**512:4 Appropriation.** All necessary expenses required to administer any special state election incurred by the secretary of state shall be paid by the state upon approval of the governor and council from funds not otherwise appropriated.

**512:5 Repeal.** RSA 655:55 through RSA 655:80, relative to the nominations for special state election through caucuses and conventions, are hereby repealed.

**512:6 Effective Date.** This act shall take effect 60 days after its passage.

[Approved June 29, 1981.]

[Effective Date August 28, 1981.]

## CHAPTER 513 (SB 63)

### AN ACT TO PROHIBIT THE SALE OF DRUG PARAPHERNALIA.

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

**513:1 Drug Paraphernalia Defined.** Amend RSA 318-B:1 by inserting after paragraph X the following new paragraph:

X-a. "Drug paraphernalia" any kind which are used or intended, growing, harvesting, marketing, processing, preparing, testing, containing, concealing, introducing into the human body chapter. It includes, but is not limited to:

- (a) Kits used or intended for growing or harvesting of any or from which a controlled substance is produced;
- (b) Kits used or intended for growing, harvesting, marketing, processing, preparing, testing, containing, concealing, introducing into the human body;
- (c) Isomerization devices for the production of any species of plant or animal;
- (d) Testing equipment used for analyzing the strength, effect, or purity of any controlled substance;
- (e) Scales and balances used for weighing controlled substances;
- (f) Diluents and adulterants such as mannite, dextrose and lactose;
- (g) Separation gins and sifts for seeds from, or in otherwisely processing, controlled substances;
- (h) Blenders, bowls, containers, and mixing devices intended for use in compounding controlled substances;
- (i) Capsules, balloons, envelopes, and other devices used in packaging small quantities of controlled substances;
- (j) Containers and other devices for concealing controlled substances;
- (k) Objects used or intended for introducing marihuana, cocaine, or other controlled substances, such as:
  - (1) Metal, wooden, acrylic, or plastic pipes, without screens, permanent bowls;
  - (2) Water pipes;
  - (3) Carburetion tubes and devices;
  - (4) Smoking and carburetion devices;
  - (5) Chamber pipes;
  - (6) Carburetor pipes;
  - (7) Electric pipes;
  - (8) Air-driven pipes;
  - (9) Chillums;
  - (10) Bongs;
  - (11) Ice Pipes or chillers.

**513:2 Sale of Drug Paraphernalia.** Amend RSA 318-B:2 (supp) as inserted by 1969, 421:1 by striking out said section and inserting in place thereof the following:

**318-B:2 Acts Prohibited.**  
 I. It shall be unlawful for any person to manufacture, possess, control, sell, purchase, prepare, or attempt to sell, dispense, or compound a controlled drug, or any paraphernalia used or intended for introducing such drug into the human body.  
 II. It shall be unlawful for any person to manufacture, possess, control, sell, purchase, prepare, or attempt to sell, dispense, or compound a controlled drug, or any paraphernalia used or intended for introducing such drug into the human body.



**661:3 Duties; Privileges.** A person appointed or elected to fill a vacancy in a public office shall, during the unexpired term, perform the same duties as did his predecessor, be subject to the same requirements as was his predecessor and be entitled to the same privileges and emoluments as was his predecessor.

**661:4 Qualifications.** A person appointed or elected to fill a vacancy in a public office shall meet the qualifications of the office as provided in RSA 655:3-10 at the time of his election or appointment.

**By Office**

**661:5 United States Senator.** If a vacancy occurs in the office of United States senator, the governor shall fill the vacancy by temporary appointment until the next state general election, when a senator shall be elected for the unexpired term.

**661:6 United States Representative.** If a vacancy occurs in the office of United States representative, the governor with advice of council shall, as soon as practicable, have precepts issued to the selectmen of the towns and cities in the district where the vacancy exists directing them to call a special state general election on the day he designates to fill the vacancy. Such election shall be conducted as provided in RSA 661:11 and shall fill the vacancy for the unexpired term.

**661:7 Governor.** If a vacancy occurs in the office of governor, the vacancy shall be filled as provided in part II, article 49 of the state constitution.

**661:8 Executive Councilor; State Senator; State Representative.** If a vacancy occurs in the office of executive councilor or state senator, it shall be filled as provided in part II, articles 34 and 62 of the state constitution. If a vacancy occurs in the office of state representative from a single town or ward district, the vacancy may be filled in the same manner as a state general election is held. In a multi-town or multi-ward district, a vacancy in the office of state representative shall be filled by a special election if the selectmen of any town or ward in said district so request of the governor or council. The special election held to fill said vacancy shall be held on the date set by the governor and council.

**661:9 County Officers.** If a vacancy occurs in the office of county commissioner, sheriff, county attorney, register of deeds or register of probate, the superior court, shall appoint a commissioner to fill the vacancy for the unexpired term. If any person holding a county office becomes temporarily absent or incapacitated, the superior court may, upon application of the county attorney or county commissioners, declare a temporary absence and fill the same for a limited period of time expressed in the appointment. Any officer of a county may be removed by the superior court for official misconduct.

**661:10 Delegate to State Party Convention.** If a vacancy occurs in the office of delegate to a state party convention, the vacancy shall not be filled.

**Conduct Of Special State General Elections To Fill Vacancies**

**661:11 Nomination and Conduct.** Where a vacancy as described in this chapter is to be filled by a special state general election, nominations shall be made in accordance with RSA 655:55 - 655:80. The general election shall be conducted in as nearly as practicable the same manner as are regular state general elections.

6 for the district may elect one representative follows:

- I. The first district is constituted
  - (a) The counties of
    - (1) Belknap,
    - (2) Carroll, and
    - (3) Strafford; and
  - (b) In the county of Hillsborough
    - (1) Bedford,
    - (2) Goffstown,
    - (3) Manchester, and
    - (4) Merrimack; and
  - (c) In the county of Merrimack
    - (1) Canterbury,
    - (2) Chichester,
    - (3) Epsom,
    - (4) Hooksett,
    - (5) Loudon,
    - (6) Northfield, and
    - (7) Pittsfield; and
  - (d) In the county of Rockingham
    - (1) Atkinson,
    - (2) Auburn,
    - (3) Brentwood,
    - (4) Candia,
    - (5) Chester,
    - (6) Danville,
    - (7) Deerfield,
    - (8) Derry,
    - (9) East Kingston,
    - (10) Epping,
    - (11) Exeter,
    - (12) Fremont,
    - (13) Greenland,
    - (14) Hampstead,
    - (15) Hampton,
    - (16) Hampton Falls,
    - (17) Kensington,
    - (18) Kingston,
    - (19) Londonderry,
    - (20) New Castle,
    - (21) Newfields,
    - (22) Newington,
    - (23) Newmarket,
    - (24) Newton,
    - (25) North Hampton,
    - (26) Northwood,
    - (27) Nottingham,
    - (28) Plaistow,
    - (29) Portsmouth,
    - (30) Raymond,

notice, his name will appear on the ballot of his party at such presidential primary. If a candidate signifies his desire to withdraw his name within the above time limit, the secretary of state shall not print his name on the ballot.

**655:50 Selection of Delegates.** Each presidential candidate who has filed pursuant to RSA 655:47 shall file with the secretary of state not more than 74 nor less than 44 days before the presidential primary the names, addresses and the order of preference of the delegates and their alternates, one alternate per delegate, who shall represent him as his delegation to the national convention. Such filing with the secretary of state shall be accompanied by payment of a \$10 fee for each proposed delegate to be paid by the proposed delegate or some person for him.

**655:51 Certification of Delegates Selected.** All delegates and their alternates selected by each candidate in the presidential primary shall file with the secretary of state the following certification:

I, \_\_\_\_\_, certify that my domicile is in ward \_\_\_\_\_ in the city (or town) of \_\_\_\_\_, county of \_\_\_\_\_, state of New Hampshire, and am a qualified voter therein; that I am a registered member of the \_\_\_\_\_ party; that, if selected, I shall serve as delegate or alternate to the national convention of the \_\_\_\_\_ party next to be held for the nomination of candidates of said party for president and vice-president of the United States. I further certify that, if selected as delegate or alternate delegate, I will attend such convention unless I shall be prevented by sickness or other occurrence over which I have no control. I pledge myself, if selected as delegate or alternate delegate to said convention, whenever I shall vote, to vote for the nomination of (inserting the name of any person) as the candidate for said party for president so long as he shall be a candidate before said convention.

**655:52 Vacancies.** If there is a vacancy in the slate of delegates and alternate delegates of a presidential candidate, such vacancies may be filled after the expiration of the time allowed for filing and at least 41 days before the primary by the presidential candidate without the payment of an additional fee if the filing fee has been previously paid.

**655:53 By Nomination Papers.** Candidates for president and vice-president may be nominated by nomination papers as provided in RSA 655:40 through 655:45.

**655:54 Nomination of Presidential Electors.** Presidential electors shall be nominated by state party conventions as provided in RSA 667:21.

#### Nominations for Special State Elections

**655:55 Caucuses.** Any caucus of legal voters, representing a political party which at the state general election next preceding polled at least 3 percent of the entire vote of the state given in for governor, may choose delegates to conventions and may nominate candidates for all officers to be chosen at any special state election.

**655:56 Notice.** Any caucus held under the provisions of RSA 655:55 shall be called by a notice posted in 3 conspicuous places in the town 10 days or more before the day of the caucus, provided that, in the case of a town with less than 600 inhabitants, the notice shall be posted not less than 5 days before the caucus. Such notice shall specify the place, day and hour of the meeting.

**655:57 Conventions.** The nomination of a candidate in an electoral district

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**655:58 Time** are made of ca  
held at least 35 days prior to the da  
made of candidates to be voted for by  
days; and in all other cases, when the  
of state, at least 28 days.

**655:59 Alternates.** At all caucus nominating conventions of political p each delegate therein chosen in the s No person shall be selected as alter convention, and all alternates shall h as the delegates whom they represen

**655:60 Certification of Names** together with the names of their alter officer and clerk of the caucus to the after the caucus adjourns.

**655:61 Penalty.** For every failure RSA 655:60, officers of caucuses sha

**655:62 Convention Rolls.** The sec delegates and alternates elected to al certify and deliver such rolls to the respective political parties at least conventions.

**655:63 Use of Roll.** None but deleg such convention, and, upon the req entitled to sit in any convention, the r used in voting for any candidate to b

**655:64 Convention Final Judge.** l of the election and qualification of provided for may be amended by the contested elections of its members.

**655:65 Penalty for Unlawful Pa** whose names shall be upon the roll of take part in any convention, he shall

**655:66 Certificates of Nominati** accordance with the provisions of thi domicile of each candidate, the offi political principles or party he repr shall be signed by the chairman and when practicable, such certificates candidate. But the absence of the sigr a certificate of nomination.

**655:67 Party Regulations.** Any pa caucus or convention or by its politica ing the manner of holding such cauc

**655:68 Notice.** All town and war

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to be held for the nomination of  
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#### ate Elections

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y and hour of the meeting.

ndidate in an electoral district

containing more than one town or more than one ward of a city may be made by a convention, except as otherwise provided for the nomination of a candidate for mayor or other city officer.

**655:58 Time of Holding.** Any caucus or convention wherein nominations are made of candidates to be voted for by the voters of the entire state shall be held at least 35 days prior to the day of election; wherein nominations are made of candidates to be voted for by the voters of cities and wards, at least 21 days; and in all other cases, when the ballot is to be prepared by the secretary of state, at least 28 days.

**655:59 Alternates.** At all caucuses held for the choice of delegates to the nominating conventions of political parties, an alternate shall be selected for each delegate therein chosen in the same manner as the delegates are chosen. No person shall be selected as alternate for more than one delegate to any convention, and all alternates shall have domiciles in the same towns or wards as the delegates whom they represent.

**655:60 Certification of Names of Delegates.** The names of delegates, together with the names of their alternates, shall be certified by the presiding officer and clerk of the caucus to the secretary of state not later than 48 hours after the caucus adjourns.

**655:61 Penalty.** For every failure to comply with the duties imposed by RSA 655:60, officers of caucuses shall be guilty of a violation.

**655:62 Convention Rolls.** The secretary of state shall prepare rolls of all delegates and alternates elected to all such nominating conventions. He shall certify and deliver such rolls to the chairmen of the state committees of the respective political parties at least 5 days prior to the assembling of such conventions.

**655:63 Use of Roll.** None but delegates or their alternates shall take part in such convention, and, upon the request of 10 percent of all the delegates entitled to sit in any convention, the roll prepared for such convention shall be used in voting for any candidate to be chosen therein.

**655:64 Convention Final Judge.** Every convention shall be the final judge of the election and qualification of its own members; and the roll herein provided for may be amended by the convention to conform to its decisions of contested elections of its members.

**655:65 Penalty for Unlawful Participation.** If any person except those whose names shall be upon the roll of delegates shall vote, ballot or otherwise take part in any convention, he shall be guilty of a misdemeanor.

**655:66 Certificates of Nomination.** Certificates of nominations made in accordance with the provisions of this subdivision shall contain the name and domicile of each candidate, the office for which he is nominated and the political principles or party he represents. Such certificates of nomination shall be signed by the chairman and clerk of the caucus or convention; and, when practicable, such certificates of nomination shall be signed by each candidate. But the absence of the signature of a candidate shall not invalidate a certificate of nomination.

**655:67 Party Regulations.** Any party qualified to hold conventions may, in caucus or convention or by its political committee, make regulations concerning the manner of holding such caucuses and conventions.

**655:68 Notice.** All town and ward caucuses shall be called by a notice

posted in 4 conspicuous places in the town or ward and published in some newspaper, if there be any published in the town or city, 10 days or more before the day of the caucus. Such notice shall specify the place, day and hour of meeting, and the time during which the polls will be open for the reception of ballots.

**655:69 Additional Polling Place.** Any caucus held under the provisions of this subdivision in a town which has voted to adopt the provisions for additional polling places in said town may be held at the central polling place in said town and also at said additional polling place. The local executive committee of the party holding the caucus shall prepare a checklist for each polling place. The polls at the additional polling place shall close one hour prior to the closing of polls at the central polling place and the ballot boxes from the additional polling place shall be opened and counted at the central polling place.

**655:70 Filing.** In any town covered by the provisions of RSA 655:69, any candidate for nomination for office shall file his name, with a declaration of the office for which he is filing, with the clerk of the political party holding the caucus 5 days before the date of the caucus. The clerk shall prepare the ballots to be used for said caucus, and no other ballots shall be used at said caucus.

**655:71 Time Polls to Open.** The time the polls shall be open at caucuses shall be fixed by the executive committee of the party in the town or ward holding the caucus. It shall be not less than one hour at caucuses for the election of delegates to conventions. At all other caucuses, it shall be not less than 2 hours in towns and wards having not more than 2,000 inhabitants according to the last preceding national census, and not less than 3 hours in those towns and wards having more than 2,000 inhabitants according to such census.

**655:72 Voting.** All nominations and elections at any caucus shall be by ballot. In balloting, a checklist shall invariably be used; and a plurality shall be sufficient to nominate or elect.

**655:73 Checklists.** The checklist for use at any caucus shall be prepared by the local executive committee of the party holding the caucus. Notice of the times when and places where the executive committee will attend for the purpose of receiving evidence and suggestions as to the make-up of the checklist shall be given in the same manner as notice of the caucus. No person shall be allowed to vote in the caucus unless his name is on the checklist.

**655:74 Additions.** No name shall be placed on the checklist after the hour for opening the caucus has arrived except the name of a person whose right to vote is well known to the executive committee.

**655:75 Voter's Rights.** No person shall vote in any caucus unless his name is on the checklist used by said caucus, or upon the name of any other person. No person shall vote in the caucus of more than one political party or, having voted in the caucus of a political party, sign the nomination papers of any other political party. No person shall vote in any caucus unless he intends to support the ticket of the party holding the caucus at the next ensuing election.

**655:76 Challenge.** When the right of any person to vote in a caucus is challenged, he shall subscribe to the following oath or affirmation before his vote shall be received: I, \_\_\_\_\_, do solemnly swear (or affirm) that I am a legal voter in \_\_\_\_\_, and that I intend to vote the ticket of the party holding this caucus at the next ensuing election.

**655:77 Ballots; Regulations.** The late the form, size and character of the manner of conducting the caucus of this subdivision.

**655:78 Filing Checklists.** Within presiding officer shall file with the caucus was held the checklist used in for 2 calendar months thereafter, in citizen of such city or town, and shall such checklist any mark whatever.

**655:79 Certificate of Regularity.** of state, the presiding officer of the called and conducted according to the nations are not accompanied by such the official ballot.

**655:80 Penalty for Violations.** E) any person who shall violate any of the guilty of a violation. Any person who the provisions of this subdivision shall accordingly.

#### CHAP PREPARATION OF General

**656:1 General Responsibility.** Ballot prepared and delivered by the secret

**656:2 Prohibitions.** No person engaged in election ballot shall purloin, give away or otherwise dispose of. Whoever knowingly violates this provision shall be guilty of a crime.

#### State General

**656:3 Preparation.** At least 6 days before the election, the official state general election ballot shall be prepared and delivered to the state to the city and town clerks.

**656:4 Name and Domicile.** Every ballot shall contain the name and domicile of each elector in accordance with the election laws, except that the names of the presidential electors shall not be printed thereon under the designation "President of the United States". If a no party, the words "Nom. Papers" shall be printed thereon.

**656:5 Party Columns.** The names of the candidates shall be arranged in successive party columns. If the names of the candidates of one party, and the names of the candidates of another party is nominated by a political party,

or ward and published in some town or city, 10 days or more shall specify the place, day and hour and the polls will be open for the reception

caucus held under the provisions of RSA 655:69, any person who shall adopt the provisions for additional polling places at the central polling place in any town or city. The local executive committee shall prepare a checklist for each polling place and the ballot boxes shall be opened and counted at the central

provisions of RSA 655:69, any person whose name, with a declaration of affiliation with the political party holding the caucus, shall be used at said caucus.

polls shall be open at caucuses for the party in the town or ward for one hour at caucuses for the party. For other caucuses, it shall be not less than one hour and not more than 2,000 inhabitants at caucuses, and not less than 3 hours in any town or city of 100 inhabitants according to such

provisions at any caucus shall be by ballot and a plurality shall be required.

any caucus shall be prepared by the local executive committee holding the caucus. Notice of the caucus shall be given by the committee will attend for the caucus as to the make-up of the checklist for the caucus. No person shall be on the checklist.

marked on the checklist after the hour of the caucus of a person whose right to vote is on the checklist.

any caucus unless his name is on the name of any other person. No person shall be on the name of one political party or, having nomination papers of any other political party, shall be on the caucus unless he intends to support the next ensuing election.

any person to vote in a caucus is required to take an oath or affirmation before his name is on the checklist, do so as a voter in \_\_\_\_\_, and hold this caucus at the next

**655:77 Ballots; Regulations.** The committee shall have full power to regulate the form, size and character of the ballots to be used and also to regulate the manner of conducting the caucus in any way consistent with the provisions of this subdivision.

**655:78 Filing Checklists.** Within 48 hours after the close of any caucus, the presiding officer shall file with the clerk of the city or town in which such caucus was held the checklist used in the caucus. The clerk shall keep the same for 2 calendar months thereafter, in his office, open to the inspection of every citizen of such city or town, and shall not make nor permit to be made upon such checklist any mark whatever.

**655:79 Certificate of Regularity.** In filing nominations with the secretary of state, the presiding officer of the caucus shall certify that the caucus was called and conducted according to the provisions of this subdivision. If nominations are not accompanied by such certificate, they shall not be placed upon the official ballot.

**655:80 Penalty for Violations.** Except as otherwise specifically provided, any person who shall violate any of the provisions of this subdivision shall be guilty of a violation. Any person who shall swear falsely in making oath under the provisions of this subdivision shall be guilty of perjury and punished accordingly.

## CHAPTER 656

### PREPARATION OF VOTING MATERIALS

#### General Provisions

**656:1 General Responsibility.** Ballots for use in all state elections shall be prepared and delivered by the secretary of state at the expense of the state.

**656:2 Prohibitions.** No person engaged in preparing or printing a state election ballot shall purloin, give away, or allow to be removed any such ballot. Whoever knowingly violates this provision shall be guilty of a misdemeanor if a natural person or shall be guilty of a felony if any other person.

#### State General Election

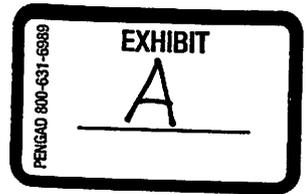
**656:3 Preparation.** At least 6 days before any state general election is to be held, the official state general election ballot shall be sent by the secretary of state to the city and town clerks.

**656:4 Name and Domicile.** Every state general election ballot shall contain the name and domicile of each candidate who has been nominated in accordance with the election laws, except as hereinafter provided, and shall contain no other name except party appellations. The names and addresses of the presidential electors shall not be printed on the ballot; but, in lieu thereof, the names of a party's candidates for president and vice-president shall be printed thereon under the designation "Electors of President and Vice-President of the United States". If a nomination has been made by nomination papers, the words "Nom. Papers" shall be added to the name of the political party.

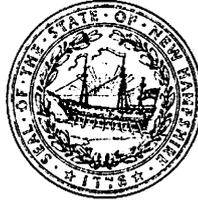
**656:5 Party Columns.** The names of all candidates nominated in accordance with the election laws shall be arranged upon the state general election ballot in successive party columns. Each separate column shall contain the names of the candidates of one party; except that, if only a part of a full list of candidates is nominated by a political party, 2 or more such lists may be

**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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