

**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: September 13, 2010

RE: Supplement to 2010-3020
Submissions Under Section 5 of the Voting Rights Act for:
Laws of 1987, Chapter 284

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 a supplement to federal DOJ file 2010-3020, this preclearance submission for **Laws of 1987, Chapter 284**, which in pertinent part is relative to the form of the presidential primary election ballot, for preclearance by the U.S. Department of Justice.

Changes to RSA 656:31 are related to changes being reviewed in federal DOJ file 2010-3020 and this submission is, to that extent, supplemental to federal file 2010-3020. We are submitting this change to "catch up" preclearance of earlier changes to allow preclearance of the previously submitted 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 1987, Chapter 284:

1. (Sec 1) is a chapter law unrelated to elections or voting and is not submitted;
2. (Sec 2) is a chapter law unrelated to elections or voting and is not submitted;
3. (Sec 3) amends RSA 21-I:18 which is unrelated to elections or voting and is not submitted;
4. (Sec 4) amends RSA 656:31, Form; which was previously amended in 1979. The 1979 change has been precleared and will be the baseline.

See Attached Exhibit 1987:284, #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(b) A copy of any ordinance, enactment, order, or regulation embodying the voting practice that is proposed to be repealed, amended or otherwise changed (prior law).

RSA 656:31, as amended in 1979. See Attached Exhibit 1987:284, #2.

(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.

1. (Sec 4) amends RSA 656:31.
 - a. The 1987 change adds a requirement that the town or city and state of the candidate's domicile be included on the ballot next to the candidate's name.
 - b. The 1979 version is the baseline, as it has been precleared.

(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

(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.

May 25, 1987.

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

May 25, 1987.

(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.

2. (Sec 1) amends RSA 656:31, Form of Presidential Primary Ballot.
 - a. The 1987 change adds a requirement that the town or city and state of the candidate's domicile be included on the ballot next to the candidate's name. The purpose of this change is to aid voters in identifying the candidate of their choice.
 - a. The 1979 version is the baseline, as it has been precleared.

(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. The statute as amended in 1979 were 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

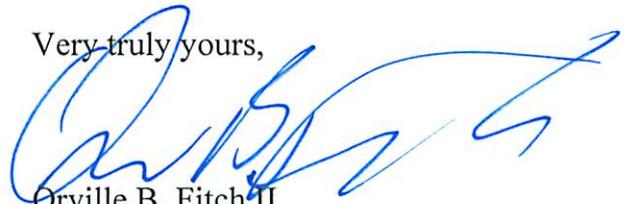
None.

§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

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and analysis of the technical assistance agencies in support of local growth maintenance to the governor and legislature, and appropriate legislative committees, improving the delivery of technical assistance agencies. The strategy shall include ways such services can be made more where additional assistance may be all be presented to the governor and 8. n plan and the overall effectiveness of rt to the governor, the president of the the results of such monitoring and an December 1, 1990.

-v, relative to the office of state plan-

Distribution Authority.

onal planning commissions established s require timely access to grant funds , and that such timely access would be of RSA 4-C:5, I as inserted by section 3 lanning to distribute fiscal year 1988 egiional planning commissions and af-

nstrued to exempt the office of state ; required under RSA 4-C:5, I as in- e distribution of fiscal year 1988 grant l municipalities.

ector of the office of state planning is funds from appropriation class 11 to l of the fiscal year 1988-1989 general the change in the status of positions

13 of this act, relative to the federal-

lassified positions to permanent posi-

3:1, establishing a program of regional f state planning, shall not take effect.

Council. RSA 125-G:6, II is repealed

sources and development established bership of the nuclear waste technical

uly 1, 1987. ffect upon its passage.

[Approved May 25, 1987.] [Effective Date I. Section 9 of this act shall take effect July 1, 1987. II. The remainder of this act shall take effect May 25, 1987.]

CHAPTER 284 (HB 105)

AN ACT RELATIVE TO SUNSET REVIEW OF THE SECRETARY OF STATE - LEGISLATIVE SERVICES.

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

284:1 Sunset; The Secretary of State - Legislative Services Renewed. The secretary of state - legislative services, PAU 010603 (formerly PAU 010703), is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

284:2 Effect of Later Enactments. Passage of this act renewing the secretary of state - legislative services shall not limit any subsequent legislative action affecting this agency or program. The general court shall retain its full power to make amendments to or to terminate the secretary of state - legislative services, pursuant to RSA 17-G:9.

284:3 Secretary of State Added. Amend RSA 21-I:18, III to read as follows: III. The legislature, secretary of state, court systems and the state reporter are completely exempted from the provisions of this chapter.

284:4 Reference Addition. Amend RSA 656:31 to read as follows:

656:31 Form. On the presidential primary election ballot of each political party, there shall be one column for the office of president and one for the office of vice-president. The columns shall be headed "Candidate of the (insert name of party) Party for President (or Vice-President) of the United States". Underneath this heading there shall appear the words: "I hereby declare my preference for candidate for the office of President (or Vice-President) of the United States to be as follows". Below these words, there shall be printed the name, town or city, and state of each candidate with boxes directly to the right. There shall always be one blank space on the ballot below the candidates' names to allow for writing in the name of a candidate.

284:5 Effective Date. This act shall take effect upon its passage.

[Approved May 25, 1987.] [Effective Date May 25, 1987.]

CHAPTER 285 (HB 107)

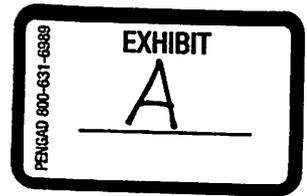
AN ACT RELATIVE TO SUNSET REVIEW OF THE DEPARTMENT OF REVENUE ADMINISTRATION - COMMUNITY SERVICES.

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

285:1 Sunset; Department of Revenue Administration - Community Services Renewed. The department of revenue administration - community services, PAU

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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

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

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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