

**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: July 26, 2010

RE: Submissions Under Section 5 of the Voting Rights Act for:
Laws of 1995, Chapter 48

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 1995, Chapter 48**, relative to absentee voting, for preclearance by the U.S. Department of Justice.

A change to RSA 657:22 made in 2010 is being simultaneously being submitted for preclearance in submission 2010:182. Changes made to RSA 657:22, RSA 659:47, and RSA 659:49 in 1979 have been precleared. We are submitting this 1995 change to RSA 657:22, RSA 659:47, and 659:49 to "catch up" preclearance of RSA 657:22 to allow preclearance of the 2010 change to RSA 657:22. We will be simultaneously submitting preclearance request 1985:122 for a 1985 change to RSA 659:49 to "catch up" that statute and allow preclearance of this 1995 change to it.

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 1995, Chapter 48, amending RSA 657:22, RSA 659:47, and RSA 659:49. See Attached Exhibit 1995:48, #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(b) A copy of any ordinance, enactment, order, or regulation embodying the voting practice that is proposed to be repealed, amended or otherwise changed (prior law).

Laws of 1983, Chapter 176:2, is the prior form of RSA 657:22. See Attached Exhibit 1995:48, #2.

Laws of 1979, Chapter 436:1, is the prior form of RSA 659:47. See Attached Exhibit 1995:48, #3.

Law of 1985, Chapter 122, is the prior form of RSA 659:49. See Attached Exhibit 1995:48, #4.

(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 657:22 to strike a reference to “armed services or federal overseas citizens” thereby removing that limit and applying the statute to those types of absentee ballots and all other absentee ballots. This change also corrects a pronoun gender reference. This change further removes differential treatment of non-armed services and non-federal overseas citizen absentee ballots which previously would not be accepted after 5:00 pm on the day immediately prior to the election.

Section 2 amends RSA 659:47 to replace the word “cast” with the word “processed.” This change also strikes “or the time set for the processing of absentee ballots as provided in RSA 659:49” thereby eliminating that potentially earlier deadline for receipt of absentee ballots. The resulting statute makes the deadline the time when the polls close to election day voters being allowed to vote.

Section 3 amends RSA 659:49 by rewriting paragraph I into a single paragraph without subsections and set the time to start processing absentee ballots at 2:00 p.m., providing further that absentee ballots received between 2:00 p.m. and 5:00 p.m. shall be processed as soon as possible after receipt. The prior practice gave the moderator discretion to start processing any time from 3:00 p.m. on and required posting of the planned time to start. A provision requiring the moderator to designate another election official to receive the ballots of election day voters was removed, however, the general election statutes gave and continue to give the moderator authority to

appoint an assistant moderator for this purpose. The effect of this aspect of the change is to leave it to the discretion of the moderator whether he or she can simultaneously process absentee ballots and receive election day voter ballots or whether an assistant is to be appointed for either task.

A new paragraph II establishes for the first time authority for 10 or more voters who are present at the polling place to submit a written "challenge" which requires that absentee ballots be processed after the polls close, but before any ballots are counted.

(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.

May 3, 1995.

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

July 2, 1995.

(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, preclearance for which is being sought simultaneously through submission 2010:182.

(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.

Section 1 amends RSA 657:22 to strike a reference to “armed services or federal overseas citizens” thereby removing that limit and applying the statute to those types of absentee ballots and all other absentee ballots. This change also corrects a pronoun gender reference. This change further removes differential treatment of non-armed services and non-federal overseas citizen absentee ballots which previously would not be accepted after 5:00 pm on the day immediately prior to the election. The reason for this change is to treat all absentee voter’s absentee ballots more equally.

Section 2 amends RSA 659:47 to replace the word “cast” with the word “processed.” This change also strikes “or the time set for the processing of absentee ballots as provided in RSA 659:49” thereby eliminating that potentially earlier deadline for receipt of absentee ballots. The resulting statute makes the deadline the time when the polls close to election day voters being allowed to vote. The reason for this is to establish that it is the opening, reviewing of affidavit signatures against application signatures, and verifying registration status as well as actually casting the ballot into the ballot box (or ballot counting machine), that cannot occur before the specified time. The change in deadline for receipt is for the purpose of extending until later in the day on election day the deadline for absentee ballots to be received. These changes typically related to the variability of the time of day when the United Postal Service delivered mail or made mail available at the Post Office on election day. Extending the deadline made it virtually certain that an absentee ballot arriving in the jurisdiction’s post office on election day would get delivered to the clerk and thereby to the polls.

Section 3 amends RSA 659:49 by rewriting paragraph I into a single paragraph without subsections and set the time to start processing absentee ballots at 2:00 p.m., providing further that absentee ballots received between 2:00 p.m. and 5:00 p.m. shall be processed as soon as possible after receipt. The prior practice gave the moderator discretion to start processing any time from 3:00 p.m. on and required posting of the planned time to start. A provision requiring the moderator to designate another election official to receive the ballots of election day voters was removed, however, the general election statutes gave and continue to give the moderator authority to appoint an assistant moderator for this purpose. The effect of this aspect of the change is to leave it to the discretion of the moderator whether he or she can simultaneously process absentee ballots and receive election day voter ballots or whether an assistant is to be appointed for either task.

A new paragraph II establishes for the first time authority for 10 or more voters who are present at the polling place to submit a written “challenge” which requires that absentee ballots be processed after the polls close, but before any ballots are counted.

The reason for the changes in section 3 were to establish more uniform absentee ballot processing timelines and procedures statewide. It also afforded voters who preferred to witness the processing after the polls closed with a mechanism to delay the processing of the absentee ballots until the polls closed, but before any ballots were counted.

(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

Laws of 1983, Chapter 176:2, is the prior form of RSA 657:22. See Attached Exhibit 1995:48, #2. The 1979 change to RSA 657:22 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. The 1983 change to RSA 657:22 is being simultaneously submitted for preclearance in submission 1983:176.

Laws of 1979, Chapter 436:1, is the prior form of RSA 659:47. See Attached Exhibit 1995:48, #3. The 1979 change to RSA 659:47 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.

Law of 1985, Chapter 122, is the prior form of RSA 659:49. See Attached Exhibit 1995:48, #4. The 1979 change to RSA 659:49 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. The 1985 change to RSA 659:49 is being simultaneously submitted for preclearance in submission 1985:122.

(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

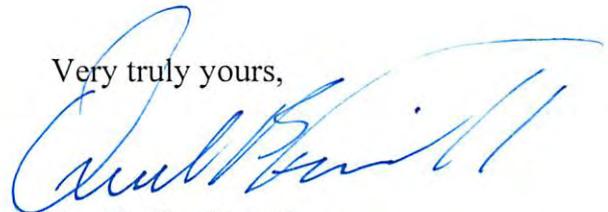
None.

§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

494439.doc



HOUSE BILL - FINAL VERSION

0738L

95-0654

10/09

HB 360

STATE OF NEW HAMPSHIRE

In the year of Our Lord

One Thousand Nine Hundred and Ninety-Five

AN ACT

relative to absentee voting.

Be it Enacted by the Senate and House of

Representatives in General Court convened:

48:1 Time for Accepting Absentee Ballots. Amend RSA 657:22 to read as follows:

657:22 Cutoff. In any state election, a town or city clerk shall not accept any completed [armed services or federal overseas citizens] absentee ballots delivered to [him] **the clerk** [by any means] after 5:00 p.m. on election day. [All other absentee ballots shall not be accepted after 5:00 p.m. on the day immediately prior to election day.] Ballots received after such [times] **time** shall be retained by the clerk unopened until the time set for the destruction of other state election ballots as provided in RSA 659:100 at which time the envelopes shall likewise be destroyed, unopened and unexamined.

48:2 Processing Late Absentee Ballots. Amend RSA 659:47 to read as follows:

659:47 Absentee Ballots Received Late. No absentee ballot shall be [cast] **processed** or counted unless it is delivered to the moderator at the proper polling place prior to the closing of the polls [or the time set for the processing of absentee ballots as provided in RSA 659:49].

48:3 Processing Absentee Ballots. RSA 659:49 is repealed and reenacted to read as follows:

659:49 Processing Absentee Ballots.

I. Processing of previously received absentee ballots shall begin at 2:00 p.m. The processing of the absentee ballots shall not unnecessarily interfere with normal voting procedures, nor shall the polls be closed at any time during the processing of such ballots. Absentee ballots which are received after 2:00 p.m. and prior to 5:00 p.m. shall be processed as soon after receipt as possible.

II. Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or more

15march95.....1450h

4/6/95....2051s

HOUSE BILL - FINAL VERSION

1995 SESSION 0738L

95-0654

10/09

HOUSE BILL **360**

AN ACT relative to absentee voting.

SPONSORS: Rep. Emerton, Hills 7; Rep. Flanagan, Rock 14; Rep. Dickinson, Carr 2

COMMITTEE: Constitutional and Statutory Revision

AMENDED ANALYSIS

This bill amends the absentee voting laws by:

- (1) Setting 5:00 p.m. on election day as the time for accepting all absentee ballots.
- (2) Requiring the processing of previously received absentee ballots to begin at 2:00 p.m. or as soon after receipt as is possible.
- (3) Allowing 10 or more voters present at the polls no later than 2:00 p.m. to challenge the early processing of absentee ballots, in which case the processing of all absentee ballots shall be postponed until after the polls close.

EXPLANATION: Matter added to current law appears in **bold italics**.

Matter removed from current law appears in [brackets].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

15march95.....1450h

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CHAPTER 48

voters who are present at the polls no later than 2:00 p.m., the moderator shall postpone the processing of all absentee ballots until after the polls close and prior to the counting of all ballots cast in the election.

48:4 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 3, 1995

Effective: July 2, 1995

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~~660:5 Conduct of Recount.~~ If directed by the secretary of state, the state police shall collect all ballots requested from the town or city clerks having custody of them and shall deliver them to the public facility designated by the secretary of state. At the time and place so appointed, the ballots cast for such office shall be counted by the secretary of state and such assistants as he may require. The candidates, their counsel and assistants shall have the right to inspect the ballots and participate in the recount under such suitable rules as the secretary of state may adopt. Each candidate or his counsel shall have the right to protest the counting of or failure to count any ballot. The secretary of state shall thereupon rule on said ballot and shall attach thereto a memorandum stating such ruling and the name of the candidate making the protest. If, at any time during the counting of the ballots, a discrepancy appears in any ballot for any reason, the secretary of state shall suspend the recount until the discrepancy is resolved, at which time he shall continue the recount. In no event shall a discrepancy result in a second recount for the same candidate, as provided in RSA 660:3.

~~175:6 Petitions Not Required.~~ Amend RSA 660:7 (supp) as inserted by 1979, 436:1 as amended by striking out said section and inserting in place thereof the following:

~~660:7 Application.~~ Any person for whom a vote was cast for any nomination of any party at a state or presidential primary may apply for a recount. The application shall be made in writing to the secretary of state and shall be submitted not later than 3 days after the publication of the result of the primary for a recount of all ballots cast for such nomination. Each candidate requesting a recount shall pay the secretary of state fees as provided in RSA 660:2. If the difference between the vote cast for the applying candidate and another candidate who was declared nominated or who qualified for at least one delegate under RSA 659:93 or who qualified for federal election funding shall be greater than one percent of the total vote cast for that office, the applying candidate shall agree in writing with the secretary of state to pay the full expense of the recount. In such case, the applying candidate shall deposit with the secretary of state an amount of money reasonably estimated to cover such expenses.

~~175:7 Effective Date.~~ This act shall take effect 60 days after its passage.

[Approved June 10, 1983.]

[Effective Date August 9, 1983.]

CHAPTER 176 (HB 558)

AN ACT RELATIVE TO OVERSEAS VOTERS.

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

~~176:1 Change in Definition of Election.~~ Amend RSA 652:13 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

~~652:13 Federal Election.~~ "Federal election" shall mean any state general, special, or primary election held solely or in part for the purpose of choosing or nominating any candidates for the offices of president, vice-president, presi-

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election.
EXHIBIT
2
1995:48
PENGAD 000-631-6089

~~176:2 Cutoff for Accepting I~~ RSA 657:22 (supp) as inserted b inserting in place thereof the fo

~~657:22 Cutoff.~~ In any state elc completed armed services or fe vered to him by any means afte ballots shall not be accepted aft election day. Ballots received a unopened until the time set for t provided in RSA 659:100 at wh troyed, unopened and unexamini

~~176:3 Effective Date.~~ This a [Approved June 10, 1983.] [Effective Date August 9, 1983.]

CHAIR

AN ACT INCREASING TH DEATH ACTION MAY B

Be it Enacted by the Senate an convened:

~~177:1 Actions by an Admin~~ said section and inserting in pl

~~556:11 New Action.~~ If an ac for such cause at any time withi subject to the provisions of RSA

~~177:2 Effective Date.~~ This a [Approved June 10, 1983.] [Effective Date August, 9, 1983.]

CHAIR

AN ACT RELATIVE TO ACTION

Be it Enacted by the Senate an convened:

~~178:1 Actions Covered by I~~ said section and inserting in pl

~~556:8 Effect of Insolvency.~~ trator after the estate is decre deceased was insured for the m

[1983

1983]

CHAPTER 177

147

he secretary of state, the state the town or city clerks having ublic facility designated by the ointed, the ballots cast for such and such assistants as he may assistants shall have the right to nt under such suitable rules as te or his counsel shall have the nt any ballot. The secretary of all attach thereto a memoran-andidate making the protest. If, a discrepancy appears in any l suspend the recount until the ll continue the recount. In no unt for the same candidate, as

A 660:7 (supp) as inserted by section and inserting in place

vote was cast for any nomina-ary may apply for a recount. secretary of state and shall be blication of the result of the h nomination. Each candidate state fees as provided in RSA or the applying candidate and d or who qualified for at least d for federal election funding vote cast for that office, the he secretary of state to pay the plying candidate shall deposit reasonably estimated to cover

ect 60 days after its passage.

558)

AS VOTERS.

esentatives in General Court

Amend RSA 652:13 (supp) as ection and inserting in place

shall mean any state general, t for the purpose of choosing or esident, vice-president, presi-

dential elector, United States senator, or United States representative. For federal overseas voters who are eligible to vote in federal elections as provided in RSA 657:2, "federal election" shall also include any presidential primary election.

176:2 Cutoff for Accepting Federal Overseas Absentee Ballots. Amend RSA 657:22 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

657:22 Cutoff. In any state election, a town or city clerk shall not accept any completed armed services or federal overseas citizens absentee ballots delivered to him by any means after 5:00 p.m. on election day. All other absentee ballots shall not be accepted after 5:00 p.m. on the day immediately prior to election day. Ballots received after such times shall be retained by the clerk unopened until the time set for the destruction of other state election ballots as provided in RSA 659:100 at which time the envelopes shall likewise be destroyed, unopened and unexamined.

176:3 Effective Date. This act shall take effect 60 days after its passage.

[Approved June 10, 1983.]

[Effective Date August 9, 1983.]

CHAPTER 177 (HB 671)

AN ACT INCREASING THE TIME WITHIN WHICH A WRONGFUL DEATH ACTION MAY BE BROUGHT BY AN ADMINISTRATOR.

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

177:1 Actions by an Administrator. Amend RSA 556:11 by striking out said section and inserting in place thereof the following:

556:11 New Action. If an action is not then pending, one may be brought for such cause at any time within 6 years after the death of the deceased party, subject to the provisions of RSA 508.

177:2 Effective Date. This act shall take effect 60 days after its passage.

[Approved June 10, 1983.]

[Effective Date August, 9, 1983.]

CHAPTER 178 (HB 672)

AN ACT RELATIVE TO ACTIONS ALLOWED AGAINST INSOLVENT ESTATES.

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

178:1 Actions Covered by Insurance. Amend RSA 556:8 by striking out said section and inserting in place thereof the following:

556:8 Effect of Insolvency. No action shall be begun against an administrator after the estate is decreed to be administered as insolvent, unless the deceased was insured for the matter which is the subject of the action, and, in

the polls or the time set for processing absentee ballots as provided in RSA 659:49, the town or city clerk shall deliver all absentee ballots to the moderator as provided in RSA 657:23.

659:47 Absentee Ballots Received Late. No absentee ballot shall be cast or counted unless it is delivered to the moderator at the proper polling place prior to the closing of the polls or the time set for the processing of absentee ballots as provided in RSA 659:49.

659:48 Death of a Voter. If the officers charged with the duty of processing absentee ballots are cognizant of the fact that the voter has died prior to the opening of the polls, they shall not open the envelope containing the absentee ballot.

659:49 Option to Process Absentee Ballots Before Closing of Polls.

I. At the direction of the moderator, absentee ballots may be processed before or after the closing of the polls but, in all cases, must be processed before any votes are tabulated. The moderator may direct that absentee ballots be processed before the closing of the polls provided that:

(a) The time for commencement of processing absentee ballots shall be posted by the moderator at each polling place with the warrant and shall be publicly announced by the moderator at the opening of the polls; and

(b) The time set for the commencement of processing absentee ballots shall be not earlier than 3:00 p.m. on election day; and

(c) Once processing of absentee ballots has commenced, it shall continue without interruption until completed.

II. The moderator shall designate one of the other election officials to receive ballots from voters while the absentee ballots are being processed.

659:50 Announcement by Moderator. The moderator shall begin processing absentee ballots by clearly announcing that he is about to open the envelopes which were delivered to him. The moderator shall then remove the affidavit envelope containing the ballots of each absentee voter and shall compare the signature on the affidavit envelope with the signature on the application for the ballot. If:

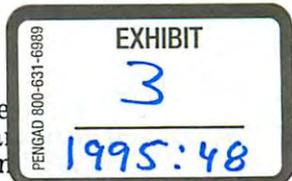
I. The name of the voter is on the checklist; and

II. The affidavit on the envelope appears to be properly executed; and

III. The signature on the affidavit appears to be executed by the same person who signed the application; and

IV. The signatures appear to be the signatures of a duly qualified voter who has not voted at the election; then the moderator shall publicly announce the name of the absentee voter. If these conditions are not met, the moderator shall follow the procedure provided in RSA 659:53.

659:51 Challenges. All absentee ballots are subject to challenge after the moderator publicly announces the name of the absentee voter but not after the ballot is removed from the envelope. A person who makes a challenge shall state the reason for the challenge. If the ballot is challenged, the moderator shall write on the affidavit envelope containing the ballot the word "challenged" and the name and address of the person who makes the challenge and the basis of the challenge. The moderator shall also number each challenged envelope consecutively by marking, for example, the first challenged ballot "Challenged Ballot No. 1". The moderator shall then determine if the challenge to the ballot is well grounded. If the moderator decides the challenge is well grounded, he shall not open the envelope but shall preserve it with the other ballots cast at the election as provided in RSA 659:101. If the moderator decides that the challenge is not well grounded, he shall open the affidavit envelope so the affidavit thereon is not destroyed and proceed first to mark on



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659:52 Opening Envelope; Dep challenged, the moderator shall, aft the affidavit envelope containing th not destroyed. He shall then take unfolding the ballot or without per shall preserve the affidavit envelo provided in RSA 659:101. The mode beside the name of the absentee vote letters "A.V." in red ink and shall t

659:53 Forms Not in Order. If th is not entitled to vote, he shall not op face of the envelope the reason the b voter", "voted in person", "affidav proper person", or whatever the re unopened envelopes and shall prese the election as provided in RSA 659

659:54 Immaterial Defects. No moderator for any immaterial addit aration or execution of any writing

659:55 Absentee Voter Not to Vo provision of law, if a red ink "A.V." voter who has voted by absentee ball ink "A.V." has been properly placed: not be permitted to vote in person.

Certificati

659:56 Certification of Checklis election, the moderator and the town list used by them that such checkli: election and that it contains a corre their town or ward.

659:57 Transfer of Checklist. prepare the election return as pro delivered to the supervisors by the t

Counti

659:58 Disqualification of Offic moderator, who is also a candidate within the guardrail during the cour candidate. Such official shall disqua to the tabulation of votes; and the r shall take the same oath as, serve i powers of the election official who properly return.

659:59 Optional Counting of Vo moderator may order the assistant cast at the additional polling place in the assistant town clerk and election.



es to submit primary petitions as ng declarations of candidacy each pay to the official with whom the nor and for United States senator, ; for councilor, \$25; for state sen- representative, \$2. Those candi- ay the same fee. Candidates for be required to pay a fee. The fees rded to the treasurer of the town own or city for its use.

ential Candidates. Amend RSA owing new section:

. Candidates Who File Nomina- rations of intent, each candidate mination papers shall pay to the himself and his vice-presidential

idential and Vice-Presidential o) as inserted by 1979, 436:1 as id inserting in place thereof the

andidate has duly filed according n, or other candidate has submit- declination of the candidate shall equent to the last dates for filing of nomination papers except as

tion Papers for Certification. 1979, 436:1 by striking out said e following:

on paper shall be submitted to the or ward in which the signer is y of the supervisors shall certify ter in said town or ward. Each he supervisors of the checklist no 5 weeks before the primary.

or Nomination Papers. Amend :36:1 as amended by striking out of the following:

ith the secretary of state no later s before the primary. No nomina- tary of state unless the candidate lifications for the office he seeks neets all the other qualifications r the office of governor, councilor, ess he shall file with the nomina- as provided in RSA 655:28 and

655:29; and if a candidate for United States senator or United States rep- resentative, unless he shall meet the qualifications for office under RSA 655:3 and 655:4.

II. No candidate who intends to run for any state or federal office in the state general election by means of nomination papers shall have his name placed on the ballot unless he files a declaration of intent, as provided in RSA 655:17-a or 655:17-b, within the filing deadline required by RSA 655:14-a.

III. No person who filed as a candidate in the state primary election shall be eligible to have his name placed on the ballot for the state general election by submitting nomination papers as provided in this subdivision.

121:9 Effective Date. This act shall take effect 60 days after its pas- sage.

[Approved May 20, 1985.] [Effective Date July 19, 1985.]

CHAPTER 122 (HB 91)

AN ACT RELATIVE TO COUNTING ABSENTEE BALLOTS.

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

122:1 Changing Time for Processing Absentee Ballots. Amend RSA 659:49, I(b) (supp) as inserted by 1979, 436:1 by striking out in line 2 the time "3:00 p.m." and inserting in place thereof the following (11:00 a.m.) so that said subparagraph as amended shall read as follows:

(b) The time set for the commencement of processing absentee ballots shall not be earlier than 11:00 a.m. on election day; and

122:2 Effective Date. This act shall take effect 60 days after its pas- sage.

[Approved May 20, 1985.] [Effective Date July 19, 1985.]

CHAPTER 123 (HB 94)

AN ACT TO AUTHORIZE REGISTERED NURSES AND PHYSICIANS' ASSISTANTS TO WITHDRAW BLOOD FOR PURPOSES OF BLOOD ALCOHOL CONTENT TESTING AND PRESCRIBING ADMINISTRATIVE FORMS FOR EVIDENTIARY PURPOSES.

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

123:1 Additional Persons Authorized; Alcohol Tests. Amend RSA 265:85, I (supp) as inserted by 1981, 146:1 as amended by striking out said paragraph and inserting in place thereof the following:

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 – Submissions of requests 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. The State has submitted preclearance requests for most of the changes made to New Hampshire voting law and is in the process of completing that updating of preclearance.

Federal regulations require that the public be notified that the State has filed requests for preclearance and that the submissions 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 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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