

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

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CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY  
ATTORNEY GENERAL



ORVILLE B. "BUD" FITCH II  
DEPUTY ATTORNEY GENERAL

**SECTION 5 VOTING SUBMISSION**

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

DATE: September 11, 2010

RE: Supplement to 2010-3020  
Submissions Under Section 5 of the Voting Rights Act for:  
**Laws of 1998, Chapter 246, and sections of other laws necessary to  
complete preclearance of the RSAs changed by this act**

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 1998, Chapter 246**, which is relative to indigent filing for the office of president and vice-president in the presidential primary, prohibiting counting absentee ballots before closing the polls and other technical changes to the election laws, and sections of other laws necessary to allow preclearance of the RSAs changed by this act, for preclearance by the U.S. Department of Justice.

Changes to RSA 655:48 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 1998, Chapter 246:

1. (Sec 1) Section 1 amends RSA 655:40-a, Nomination of a Party. RSA 655:40-a was initially enacted in 1996 and has also been amended twice in 2001, preclearance for those submissions are included in this request;
2. (Sec 2) amends RSA 655:48, Fees, which was previously amended in 1979 and 1983. The 1979 change has been precleared. The 1983 changes are being submitted simultaneously in submission 1983:298 for preclearance;
3. (Sec 3) amends RSA 657:15, Sending Absentee Ballots. Our tracking chart indicates that all prior changes to RSA 657:15 were precleared by non-objection letters 2004-2598, 2599, issued on 10/4/04 and 2004-2563, 2581, 2582, issued on 6/22/2004. However, I am currently unable to locate our copy of that letter to verify that these pre-clearances cover all changes. The statute was amended in the 1979 recodification which was precleared by 2004-2563, 2581, 2582. Since 1979 the statute has been amended in 1986, 1990, 1996, 1998, and most recently in 2003. All these changes to RSA 657:15 are included in submission 1990:119 to ensure that you have the information necessary to complete preclearance of this statute;
4. (Sec 4) enacts RSA 659:3-a, Early Closing of Polls in Dixville and Hart's Location. This statute received technical changes in a 2003 amendment which were precleared by non-objection letter 2004-2557 issued on 7/22/2004. There have been no subsequent amendments. This submission, therefore, seeks preclearance for the substantive adoption of this act.
5. (Sec 5) amends RSA 659:49, Processing Absentee Ballots, which was previously amended in 1979, 1985, 1995, and 1997. The 1979 change was precleared by non-objection letter 2004-2563, 2581, 2582, issued on 6/22/2004. Preclearance requests have been submitted and are awaiting your analysis for the 1985 change (Submission 1985:122) and the 1995 change (Submission 1995:48). This submission also seeks preclearance of the 1997 change.
6. (Sec 6) repeals RSA 658:27, Absentee List Posting. Changes to RSA 658:27 have been precleared through 1981, most recently by non-objection letter 2010-3025 issued on 9/1/2010. This submission also seeks preclearance of an additional change made in 1990.

Section 6 also repeals RSA 659:49-a, Counting Absentee Ballots before the closing of the polls. This submission also seeks preclearance of the 1987 enactment and a 1988 amendment to this statute.

See Attached Exhibit 1998:246, #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 655:40-a, as enacted in 1996. See Attached Exhibit 1998:246, #2.

RSA 655:40-a, as amended in 2001, by Laws of 2001 Chapter 74. See Attached Exhibit 1998:246, #3.

RSA 655:40-a, as amended in 2001, by Laws of 2001 Chapter 185. See Attached Exhibit 1998:246, #4.

RSA 655:48, as amended in 1983. See Attached Exhibit 1998:246, #5.

RSA 655:48, as amended in 1979. See Attached Exhibit 1998:246, #6.

RSA 657:15 as amended in 1996. See Attached Exhibit 1998:246, #6-A.

RSA 659:49, as amended in 1997. See Attached Exhibit 1998:246, #7.

RSA 659:49, as amended in 1995. See Attached Exhibit 1998:246, #8.

RSA 658:27, as amended in 1990. See Attached Exhibit 1998:246, #9.

RSA 658:27, as amended in 1981. See Attached Exhibit 1998:246, #10.

RSA 659:49-a, as enacted in 1987. See Attached Exhibit 1998:246, #11.

RSA 659:49-a, as amended in 1988. See Attached Exhibit 1998:246, #12.

**(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 1) Section 1 amends RSA 655:40-a, Nomination of a Party.

- a. The 1996 change enacts the provision for the first time, thereby establishing the opportunity for a political party who has not gained recognition by receiving the required votes at a prior election to gain ballot access for the general election ballot through nominating papers.
  - b. The 1998 change adds the phrase “in the form prescribed by the secretary of state” to the first sentence;
  - c. The 2001 change substitutes the word “qualified” with the word “registered” in describing the persons entitled to sign a nominating paper.
2. (Sec 2) amends RSA 655:48, Fees.
- a. The 1983 change increases the filing fee from \$500 to \$1000. It also adds the phrase “Notwithstanding any other provision of law” to the first sentence.
  - b. The 1998 change strikes the phrase “Notwithstanding any other provision of law” from the 1983 version and numbers the remaining paragraph as “I.” The 1998 change also adds paragraph II
3. (Sec 3) amends RSA 657:15, Sending Absentee Ballots. Our tracking chart indicates that all prior changes to RSA 657:15 were precleared by non-objection letters 2004-2598, 2599, issued on 10/4/04 and 2004-2563, 2581, 2582, issued on 6/22/2004. However, I am currently unable to locate our copy of that letter to verify that these pre-clearances cover all changes. The statute was amended in the 1979 recodification which was precleared by 2004-2563, 2581, 2582. This submission seeks preclearance of the 1998 change. All other changes are addressed in Submission 1990:119.

The 1998 change stops the practice of posting the list of voters who receive and return absentee ballots, but makes the list available to candidates in that election or by court order.

4. (Sec 4) enacts RSA 659:3-a, Early Closing of Polls in Dixville and Hart’s Location. This change establishes for the first time a policy limiting the ability of these towns to close their polls early, requiring that they must first determine if anyone domiciled in their town is qualified to register to vote on election day and if so, whether that person wishes to have the polls kept open during the regular hours to allow him or her to register and vote. As this is the enactment of a new statute, there is no prior statute.

5. (Sec 5) amends RSA 659:49, Processing Absentee Ballots.

The 1998 change in concert with the repeal of RSA 659:49-a in section 6, prohibits counting absentee ballots before the closing of the polls. Processing the ballots, which entails validating the voter status and signature match between the application and the affidavit, checking the voter off as voted on the checklist, and depositing the ballot in a ballot box or ballot counting machine in the same manner as election-day ballots are deposited, is still permitted.

The 1997 change amends the time at which processing of absentee ballots will start from 2:00 pm to 1:00 pm and makes a corresponding adjustment to the time for filing a challenge to delay the processing until after the polls close.

6. (Sec 6) repeals RSA 658:27, Absentee List Posting. This statute was also amended in 1990.

The 1998 change repeals the statute thereby prohibiting the public posting of the list of absentee voters.

The 1990 change adds the phrase “and identified as having been returned,” reflecting the change in other law requiring that the absentee voter list include data on which voters returned a, presumably marked, absentee ballot.

Section 6 also repeals RSA 659:49-a, Counting Absentee Ballots before the closing of the polls.

The 1998 change repeals the statute, thereby prohibiting counting absentee ballots prior to the closing of the polls.

The 1988 change alters the time when counting of absentee ballots may occur from “no later than 2 hours before the closing of the polls” to “not earlier than 2 hours before the closing of the polls.”

- (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.**

June 25, 1998.

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

June 25, 1998.

- (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.**

1. (Sec 1) Section 1 amends RSA 655:40-a, Nomination of a Party.
  - a. The 1996 change enacts the provision for the first time, thereby establishing the opportunity for a political party who has not gained recognition by receiving the required votes at a prior election to gain ballot access for the general election ballot through nominating papers. The purpose of this change was to allow new political organizations or those whose candidates did not receive sufficient votes to qualify for party statute to gain access to the general election ballot as a party with a full slate of candidates.
  - b. The 1998 change adds the phrase “in the form prescribed by the secretary of state” to the first sentence. The purpose of this change was to clarify the Secretary of State’s authority to set the form of the nominating petition.
  - c. The 2001 change substitutes the word “qualified” with the word “registered” in describing the persons entitled to sign a nominating paper. The purpose of this change was to clarify the intent of the state as requiring that a person be registered as a voter to sign a nominating paper, not merely qualified to get registered as a voter.
2. (Sec 2) amends RSA 655:48, Fees.
  - a. The 1983 change increases the filing fee from \$500 to \$1000. It also adds the phrase “Notwithstanding any other provision of law” to the first sentence. The purpose of this change is to align the filing fee with the actual associated costs. It also has the purpose of ensuring that this statute trumps any conflicting statute.

- b. The 1998 change strikes the phrase “Notwithstanding any other provision of law” from the 1983 version and numbers the remaining paragraph as “I.” The 1998 change also adds paragraph II. The purpose of paragraph II is to provide ballot access to a candidate who is indigent, by allowing access upon a showing of a modicum of support.
3. (Sec 3) amends RSA 657:15, Sending Absentee Ballots. Our tracking chart indicates that all prior changes to RSA 657:15 were precleared by non-objection letters 2004-2598, 2599, issued on 10/4/04 and 2004-2563, 2581, 2582, issued on 6/22/2004. However, I am currently unable to locate our copy of that letter to verify that these pre-clearances cover all changes. The statute was amended in the 1979 recodification which was precleared by 2004-2563, 2581, 2582. This submission seeks preclearance of the 1998 change. All other changes are addressed in Submission 1990:119.

The 1998 change stops the practice of posting the list of voters who receive and return absentee ballots, but makes the list available to candidates in that election or by court order.

The purpose of this change is to reduce the risk that public publishing of the list of absentee voters could be used by criminals to target those who are away from home.

4. (Sec 4) enacts RSA 659:3-a, Early Closing of Polls in Dixville and Hart’s Location. This change establishes for the first time a policy limiting the ability of these towns to close their polls early, requiring that they must first determine if anyone domiciled in their town is qualified to register to vote on election day and if so, whether that person wishes to have the polls kept open during the regular hours to allow him or her to register and vote. As this is the enactment of a new statute, there is no prior statute. The purpose of this change is to require the two very small towns who are authorized to close the polls as soon as everyone in town who wishes to vote, has voted, to verify whether persons domiciled in town who have not yet registered to vote wish to do so on election day and if so to allow them to do so before closing the polls. These are the towns that typically exercise this prerogative immediately after midnight on presidential primary election days.
5. (Sec 5) amends RSA 659:49, Processing Absentee Ballots.

The 1998 change in concert with the repeal of RSA 659:49-a in section 6, prohibits counting absentee ballots before the closing of the polls. Processing the ballots, which entails validating the voter status and signature match

between the application and the affidavit, checking the voter off as voted on the checklist, and depositing the ballot in a ballot box or ballot counting machine in the same manner as election-day ballots are deposited, is still permitted.

The purpose of this change is to ensure that the counting process does not disclose how any voter voted. When absentee votes in small towns were counted before the polls closed or where all absentee voters voting for the same candidate, it had the potential to reveal how every absentee voter voted. The resulting procedure has absentee ballots comingled with election day ballots and counted at the same time.

The 1997 change amends the time at which processing of absentee ballots will start from 2:00 pm to 1:00 pm and makes a corresponding adjustment to the time for filing a challenge to delay the processing until after the polls close.

6. (Sec 6) repeals RSA 658:27, Absentee List Posting. This statute was also amended in 1990.

The 1998 change repeals the statute thereby prohibiting the public posting of the list of absentee voters.

The 1990 change adds the phrase “and identified as having been returned,” reflecting the change in other law requiring that the absentee voter list include data on which voters returned a, presumably marked, absentee ballot.

Section 6 also repeals RSA 659:49-a, Counting Absentee Ballots before the closing of the polls.

The 1998 change repeals the statute, thereby prohibiting counting absentee ballots prior to the closing of the polls. The purpose of this change is to eliminate the possibility that the earlier counting of what in small towns may be a small number of absentee ballots does not inadvertently disclose how those voters voted.

The 1988 change alters the time when counting of absentee ballots may occur from “no later than 2 hours before the closing of the polls” to “not earlier than 2 hours before the closing of the polls.”

**(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) Section 1 amends RSA 655:40-a, Nomination of a Party. RSA 655:40-a was initially enacted in 1996 and has also been amended twice in 2001, a preclearance request for the 1996 adoption and the two 2001 amendments also included in this submission;
2. (Sec 2) amends RSA 655:48, Fees, which was previously amended in 1979 and 1983. The 1979 change has been precleared by non-objection letter 2004-2563, 2581, 2582 issued on 6/22/2004. The 1983 changes are being submitted simultaneously in submission 1983:298;
3. (Sec 3) amends RSA 657:15, Sending Absentee Ballots. Our tracking chart indicates that all prior changes to RSA 657:15 were precleared by non-objection letters 2004-2598, 2599, issued on 10/4/04 and 2004-2563, 2581, 2582, issued on 6/22/2004. However, I am currently unable to locate our copy of that letter to verify that these pre-clearances cover all changes. The statute was amended in the 1979 recodification which was precleared by 2004-2563, 2581, 2582. Since 1979 the statute has been amended in 1986, 1990, 1996, 1998, and most recently in 2003. These changes to RSA 657:15 are submitted simultaneously in Submission 1990:119.
4. (Sec 4) enacts RSA 659:3-a, Early Closing of Polls in Dixville and Hart's Location. This statute received technical changes in a 2003 amendment which was precleared by non-objection letter 2004-2557 issued on 7/22/2004. There have been no subsequent amendments. This submission, therefore, seeks preclearance for the substantive adoption of this act. There is no prior statute or practice to be precleared.

5. (Sec 5) amends RSA 659:49, Processing Absentee Ballots, which was previously amended in 1979, 1985, 1995, and 1997. The 1979 change has been precleared by non-objection letter 2004-2563, 2581, 2582 issued on 6/22/2004. Preclearance requests have been submitted and are awaiting your analysis for the 1985 change (Submission 1985:122) and the 1995 change (Submission 1995:48). Preclearance of the 1997 changes are also requested in this submission.
6. (Sec 6) repeals RSA 658:27, Absentee List Posting and RSA 659:49-a, Counting Absentee Ballots before the closing of the polls. Changes to RSA 658:27 have been precleared through 1981, most recently by non-objection letter 2010-3025 issued on 9/1/2010. There is one change made in 1990 which is being submitted separately and simultaneously in Submission 1990:119.

Preclearance of the adoption of RSA 659:49-a in 1987 and its amendment in 1988 are also requested in this submission.

**(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**

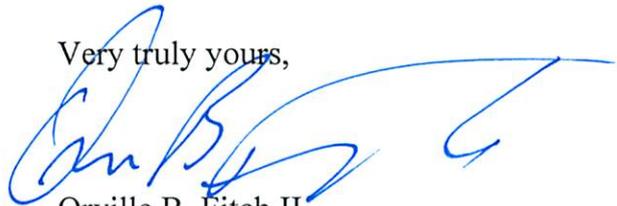
None.

**§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

509347.doc

purpose, subject to any equalization or proportionality factor to be applied within such municipality, if the lessee or authority determines that any valuation made by a municipality is excessive, it may seek a reduction of the valuation by following the procedures prescribed in RSA 76 for the abatement of taxes.

**244:3 Effective Date.** This act shall take effect 60 days after its passage.

[Approved: June 25, 1998]  
[Effective Date: August 24, 1998]

**CHAPTER 245 (HB 1129)**

AN ACT RELATIVE TO THE PENALTY AND SUBSTANCE ABUSE TREATMENT FOR MULTIPLE DWI OFFENDERS WHO HAVE PREVIOUSLY SUCCESSFULLY COMPLETED A MULTIPLE DWI OFFENDER INTERVENTION DETENTION CENTER PROGRAM.

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

**245:1 Multiple DWI Offender Intervention Detention Center Program; Subsequent Convictions.** Amend RSA 265:82-b, II(b)(2) to read as follows:

(2) If the person has completed the state-operated 7-day multiple DWI offender intervention detention center program as required under subparagraph (a)(3) upon conviction for a prior offense, the person shall be sentenced to imprisonment for a period of not less than 30 consecutive 24-hour periods, and shall complete at the person's own expense a residential treatment program of at least 28 days duration or an intensive course of substance abuse treatment based upon a formal evaluation by a licensed alcohol and other drug counselor and approved by the department of health and human services before the driver's license may be restored.

**245:2 Effective Date.** This act shall take effect January 1, 1999.

[Approved: June 25, 1998]  
[Effective Date: January 1, 1999]

**CHAPTER 246 (HB 1156)**

AN ACT RELATIVE TO PRIMARY ELECTIONS AND ABSENTEE BALLOTS.

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

**246:1 Elections; Nomination by Nomination Papers; Nomination of Party.** Amend RSA 655:40-a to read as follows:

**655:40-a Nomination of Party.** A political party may have its name placed on the ballot for the state general election by submitting the requisite number of nomination papers, in the form prescribed by the secretary of state, pursuant to RSA 655:42, III. Such papers shall contain the name of the political party and shall be signed by such persons only as are qualified to vote at the state general election. No voter shall sign more than one nomination paper which allows a political party access to the state general election ballot.

**246:2 Election**  
**655:48 to read**  
**655:48 Fees.**



I. No candidate... her name placed on the ballot for the pres... shall pay to the secretary of state at the dacy a fee of \$1,000.

II. Any person otherwise qualified to r... is unable to pay the filing fee as prescribe... may, after proving such indigence, have h... tial primary ballot of any party by filing... petitions from each county of the state si... who are domiciled in New Hampshire, to... didacy pursuant to RSA 655:25. The pri... the following form:

State of New  
I do hereby join in a petition for the p... ballot of the name of \_\_\_\_\_ of \_\_\_\_\_ (street & \_\_\_\_\_, in the cou... \_\_\_\_\_, for the office of \_\_\_\_\_ Tuesday, the \_\_\_\_\_ day of \_\_\_\_\_ qualified to vote for a candidate for sai... ber of the \_\_\_\_\_ party, an... other similar petition for any other ca...  
Voter's Signature \_\_\_\_\_  
Print Voter's Name \_\_\_\_\_  
Voter's Domicile \_\_\_\_\_

Voter's Mailing Address \_\_\_\_\_

I certify that the signer above is a re... party and a registered voter in the tow...  
Date of Filing \_\_\_\_\_  
Signature of Town (City) Clerk \_\_\_\_\_

**246:3 Absentee Voting; Sending Ab... With Court Order.** Amend RSA 657:15

**657:15 Sending Absentee Ballots.** If 657:12 or 657:13 has been made, the cler... out delay, personally deliver or mail to tl... materials as described in RSA 657:7 thro... deliver such materials to the applicant... sistant any person who is a candidate fi... ing for such a candidate. Any ballots s... section shall be mailed or delivered o... clerk's office and delivered only to the... absent voter's ballot is sent is outside t... pers shall be sent by air mail. Said cle... addresses, arranged by voting places, of

r proportionality factor to be applied within authority determines that any valuation made y seek a reduction of the valuation by fol- RSA 76 for the abatement of taxes.

all take effect 60 days after its passage.

245 (HB 1129)

ND SUBSTANCE ABUSE TREATMENT FOR HAVE PREVIOUSLY SUCCESSFULLY VI OFFENDER INTERVENTION NTER PROGRAM.

se of Representatives in General Court

vention Detention Center Program; A 265:82-b, II(b)(2) to read as follows: the state-operated 7-day multiple DWI program as required under subparagraph the person shall be sentenced to impris- consecutive 24-hour periods, and shall residential treatment program of at least f substance abuse treatment based upon and other drug counselor and approved services before the driver's license may

ake effect January 1, 1999.

(HB 1156)

IONS AND ABSENTEE BALLOTS.

of Representatives in General Court

nination Papers; Nomination of lows:

ical party may have its name placed by submitting the requisite number d by the secretary of state, pursuant n the name of the political party and qualified to vote at the state general e nomination paper which allows a ection ballot.

246:2 Elections; Presidential Nominations; Fees; Indigence. Amend RSA 655:48 to read as follows:

655:48 Fees.

I. No candidate for the office of president or vice-president shall have his or her name placed on the ballot for the presidential primary unless the candidate shall pay to the secretary of state at the time of filing the declaration of candidacy a fee of \$1,000.

II. Any person otherwise qualified to run for president or vice-president, who is unable to pay the filing fee as prescribed in paragraph I by reason of indigence may, after proving such indigence, have his or her name printed on the presidential primary ballot of any party by filing with the secretary of state 10 primary petitions from each county of the state signed by registered voters of the party, who are domiciled in New Hampshire, together with one written assent to candidacy pursuant to RSA 655:25. The primary petition shall be in substantially the following form:

State of New Hampshire

I do hereby join in a petition for the printing on the presidential primary ballot of the name of \_\_\_\_\_ whose domicile is in the city (town) of \_\_\_\_\_ (street and number and ward if in a city) \_\_\_\_\_, in the county of \_\_\_\_\_, state of \_\_\_\_\_, for the office of \_\_\_\_\_ to be voted for on Tuesday, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and certify that I am qualified to vote for a candidate for said office, that I am a registered member of the \_\_\_\_\_ party, and am not at this time a signer of any other similar petition for any other candidate for the above office.

Voter's Signature \_\_\_\_\_

Print Voter's Name \_\_\_\_\_

Voter's Domicile \_\_\_\_\_ street address

street address

Town or City (Ward)

Voter's Mailing Address \_\_\_\_\_ street address

street address

Town or City Zip Code

I certify that the signer above is a registered member of the \_\_\_\_\_ party and a registered voter in the town/city of \_\_\_\_\_.

Date of Filing \_\_\_\_\_

Signature of Town (City) Clerk \_\_\_\_\_

246:3 Absentee Voting; Sending Absentee Ballots; Lists Available Only With Court Order. Amend RSA 657:15 to read as follows:

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:9 or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absent

voting ballots have been sent, and shall identify those official absent voting ballots which have been returned to the clerk. Candidates whose names appear on the ballot may obtain copies of such lists; the lists shall not be available for public inspection at any time without a court order.

**246:4 New Section; Election Procedure; Hours of Polling; Early Closing of Polls in Dixville and Hart's Location.** Amend RSA 659 by inserting after section 3 the following new section:

**659:3-a Early Closing of Polls in Dixville and Hart's Location.** The polls may not be closed pursuant to RSA 659:3 in Dixville or Hart's Location until every person residing in the town who is not on the checklist has been contacted by the town clerk to see if they wish to register to vote prior to the closing of the polls.

**246:5 Election Procedure; Processing Absentee Ballots; Counting Ballots Prohibited.** Amend RSA 659:49, I to read as follows:

I. Processing of previously received absentee ballots shall begin at 1:00 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 1:00 p.m. and prior to 5:00 p.m. shall be processed as soon after receipt as possible. Under no circumstances shall absentee ballots be counted prior to the closing of the polls.

**246:6 Repeal.** The following are repealed:  
I. RSA 658:27, relative to absentee list posting.  
II. RSA 659:49-a, relative to counting absentee ballots before closing of polls.

**246:7 Effective Date.** This act shall take effect upon its passage.

[Approved: June 25, 1998]  
[Effective Date: June 25, 1998]

**CHAPTER 247 (HB 1174)**

AN ACT ESTABLISHING A COMMITTEE TO STUDY THE STATE  
SUBSTANCE ABUSE TREATMENT DELIVERY SYSTEM.

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

**247:1 Committee Established.** There is established a committee to study the services provided by the department of health and human services under the state substance abuse treatment delivery system.

**247:2 Membership and Compensation.**  
I. The members of the committee shall be as follows:  
(a) Three members of the house of representatives, appointed by the speaker of the house.  
(b) Three members of the senate, appointed by the president of the senate.

II. The committee shall solicit input and consultation from the commissioner of health and human services, or designee.  
III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

**247:3 Duties.** The committee shall study the services provided by the department of health and human services under the state substance abuse treatment delivery system.

**247:4 Chairperson; Quorum.** The elect a chairperson from among the members of the committee shall be called by the first-named member. The committee shall be held within 45 days after its organization. Four members of the committee shall constitute a quorum.

**247:5 Report.** The committee shall report to the speaker of the house and the president of the senate for proposed legislation to the speaker of the house, the senate president, the house clerk, the secretary of the senate library on or before November 1, 1998.

**247:6 Effective Date.** This act shall take effect upon its passage.  
[Approved: June 25, 1998]  
[Effective Date: August 24, 1998]

**CHAPTER 248**

AN ACT ESTABLISHING AN OVERSIGHT COMMITTEE TO MONITOR THE ALLOCATION OF FUNDS DISBURSED FOR THE DEVELOPMENT OF PERSONS WITH SEVERE DEVELOPMENTAL DISABILITIES

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

**248:1 New Section; Oversight Committee.** Amend RSA 171-A by inserting after section 1-a the following new section:

**171-A:1-b Oversight Committee; Membership.**  
I. There shall be an oversight committee consisting of six members as follows:

(a) Three members of the house of representatives, one of whom shall be a member of the house, health, human services, or disability services committee appointed by the speaker of the house.  
(b) Three members of the senate, one of whom shall be a member of the senate, health, human services, or disability services committee appointed by the president of the senate.

II. Membership on the oversight committee shall be coterminous with membership on the committee on health, human services, or disability services.

III. The oversight committee shall be appointed by vote from among the members of the committee on health, human services, or disability services. The committee shall be for the biennium. The members shall be appointed by vote by members of the committee on health, human services, or disability services. The legislative members shall receive mileage when in performance of their duties.

IV. The committee's duties shall include:  
(a) Reviewing the allocation of funds for persons with severe developmental disabilities classified as priority A.  
(b) Making recommendations to the speaker of the house and the president of the senate regarding the allocation of funds to persons with severe developmental disabilities.  
(c) Submitting quarterly reports to the speaker of the house and the governor.

**248:2 Repeal.** RSA 171-A:1-b, relative to the allocation of funds to persons with severe developmental disabilities, is repealed.

## HB 1161

## STATE OF NEW HAMPSHIRE

In the year of Our Lord  
One Thousand Nine Hundred and Ninety-Six

## AN ACT

relative to the information required on the state primary and state general election ballots, voter checklists of cities and towns, candidate and party nominations, nomination papers, and absentee ballots.

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

36:1 Session for Correction of Checklist. Amend RSA 654:27 to read as follows:

654:27 [Sessions] **Session** for Correction. In cities and towns, the supervisors of the checklist shall be in session for the correction of the checklist at some suitable place in the city or town [on at least 2 occasions prior to any state election, the last of which shall be] on the Saturday 10 days prior to the election and upon which all hearings shall be finally closed[,]; provided[, however,] that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 9:00 p.m. [The first session shall be upon the third Tuesday preceding the day of election and shall take place for 2 hours between 7:00 p.m. and 9:00 p.m. and shall be adjourned to such subsequent day or days at the same time as will permit all claims to be heard and decided. Notice of the day, hour and place of each session of the board of supervisors shall be given upon the checklists first posted and shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session.] The reconvening of any session which has been adjourned shall not require the publication of notice.

36:2 Procedure. Amend RSA 654:28 to read as follows:

654:28 Procedure. The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. [Any] **The** session which is held on the Saturday 10 days prior to election day shall be held as a minimum requirement between 11:00 a.m. and 12:00 p.m. and at the discretion of the supervisors for additional hours. No additions or corrections shall be made after the **Saturday** session [which is held on the Saturday 10 days prior to election day], except as provided in RSA 659:12 or RSA 654:27, provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 9:00 p.m. The additions and corrections resulting from such [sessions] **session** shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

36:3 New Sections; Nomination of Party; Filing Names of Candidates. Amend RSA 655 by inserting after section 40 the following new sections:

655:40-a Nomination of Party. A political party may have its name placed on the ballot for the state general election by submitting the requisite number of nomination papers pursuant to RSA 655:42, III.

21feb96.....4872h  
04/04/96.....5531L-EBA



HOUSE BILL - FINAL VERSION

1996 SESSION

3414L  
96-2574  
10/02

HOUSE BILL 1161

AN ACT relative to the information required on the state primary and state general election ballots, voter checklists of cities and towns, candidate and party nominations, nomination papers, and absentee ballots.

SPONSORS: Rep. McGovern, Rock 35; Rep. Flanagan, Rock 14

COMMITTEE: Constitutional and Statutory Revision

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AMENDED ANALYSIS

This bill modifies the requirements for sessions for corrections of voter checklists and allows the nomination of parties to be placed on ballots. It also changes the period in which nomination papers shall be filed with the secretary of state and sets the number of names of legal voters required to nominate by nomination papers a political party.

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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.

21feb96.....4872h  
04/04/96.....5531L-EBA

CHAPTER 36  
HOUSE BILL - FINAL VERSION

3414L  
96-2574  
10/02

Such papers shall contain the name of the political party and shall be signed by such persons only as are qualified to vote at the state general election. No voter shall sign more than one nomination paper which allows a political party access to the state general election ballot.

655:40-b Filing Names of Candidates. The names of the candidates to be listed on the state general election ballot under the political party nominated by this section shall be submitted to the secretary of state no later than 5:00 p.m. on the Monday immediately following the primary. When the list of candidates is filed, it shall be accompanied by a declaration of candidacy signed by each of the candidates. The declaration of candidacy shall be in the form provided by RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election.

36:4 Certification. Amend RSA 655:41 to read as follows:

655:41 Certification. Each nomination paper shall be submitted to the supervisors of the checklist of the town or ward in which the signer is domiciled or is registered, and a majority of the supervisors shall certify whether or not the signer is a legal voter in said town or ward. The supervisors of the checklist shall certify nomination papers under this section in a timely fashion, so that their certification shall be complete for each candidate, together with any objections to the nomination papers submitted, no later than 5:00 p.m. on the Wednesday [4] 2 weeks before the primary. Each nomination paper shall be submitted to the supervisors of the checklist no later than 5:00 p.m. on the Wednesday 5 weeks before the primary.

36:5 New Paragraph; Number. Amend RSA 655:42 by inserting after paragraph II the following new paragraph:

III. It shall require the names of legal voters equaling 3 percent of the total votes cast at the previous state general election to nominate by nomination papers a political party.

36:6 Filing Deadline. Amend RSA 655:43, I to read as follows:

I. Nomination papers shall be filed with the secretary of state no later than 5:00 p.m. on the Wednesday [3 weeks] **one week** before the primary. No nomination papers shall be accepted by the secretary of state unless the candidate shall have met the age and domicile qualifications for the office he seeks at the time of the general election and meets all the other qualifications at the time of filing; and, if a candidate for the office of governor, **executive** councilor, state senator, or state representative, unless he shall file with the nomination papers an affidavit of qualifications as provided in RSA 655:28 and 655:29; and if a candidate for United States senator or United States representative, unless he shall meet the qualifications for office under RSA 655:3 and 655:4.

36:7 Nomination. Amend RSA 655:81, XI to read as follows:

XI. The deadline for any candidate to request a recount pursuant to RSA 660:7 shall be [2] 3 days from the day of the primary.

36:8 Name and Domicile. Amend RSA 656:4 to read as follows:

656:4 Name **and Domicile**. Every state general election ballot shall contain the name 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 for "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.]

36:9 Sending Absentee Ballots. Amend RSA 657:15 to read as follows:

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:9 or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of

the names and addresses, arranged by voting places, of all applicants to whom official absent voting ballots have been sent, and shall identify those official absent voting ballots which have been returned to the clerk. Copies of said lists [shall be open to inspection and] **with names only** shall be posted at the polling places on the day of election as provided in RSA 658:27.

36:10 Candidate of One Party. Amend RSA 659:91-a, I to read as follows:

I. Any person who is a candidate on any party's state primary election ballot shall not run as the nominee of a different party in the state general election unless he is successful in securing the nomination of his own party in the primary. [Any person who runs as a candidate on any party's state primary election ballot and who is not chosen as the candidate for that party for the elective office for which he was a candidate shall not under any circumstances run as the nominee of a different party in the state general election.]

36:11 Voters and Checklists. Amend RSA 669:5 to read as follows:

669:5 Voters and Checklists. An updated checklist shall be used at all town meetings and elections for the same purposes a checklist is used at a state election and to insure that only qualified voters participate in town meeting discussions and votes, by voice or otherwise. The supervisors shall prepare, post and revise the checklist for a town meeting or election in the same manner as for a state election as provided in RSA 654:25-654:31[, except that the session for correction of the checklist 3 weeks prior to the day of the election as provided in RSA 654:27 shall not be required to be held before a town meeting or election]. The supervisors shall also hold one session for correction of the checklist on the day immediately prior to the first day of the filing period for candidates for town office, as provided in RSA 669:19 or 669:42, as applicable, from 7 p.m. to 9 p.m.

36:12 Repeal. RSA 659:68, relative to counting votes when a candidate is nominated by more than one party, is repealed.

36:13 Effective Date.

I. Sections 1, 2, and 7-13 of this act shall take effect 60 days after its passage.

II. Sections 3-6 of this act shall take effect January 1, 1997.

Approved: April 24, 1996

Effective: I. Sections 1, 2, and 7-13 shall take effect June 23, 1996.

II. Sections 3-6 shall take effect January 1, 1997.

## CHAPTER 74

## HB 224 - FINAL VERSION

2001 SESSION



01-0330

03/10

HOUSE BILL ***224***

AN ACT relative to persons who may sign nomination papers.

SPONSORS: Rep. Arndt, Rock 27

COMMITTEE: Election Law

## ANALYSIS

This bill requires that nomination papers be signed by registered voters.

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

Matter removed from current law appears [~~in brackets and struck through.~~]

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

01-0330

03/10

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand One*

AN ACT relative to persons who may sign nomination papers.

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

74:1 Elections; Nominations; Nomination by Nomination Papers; General Provisions; Signature by Registered Voter Only. Amend RSA 655:40 to read as follows:

655:40 General Provisions. As an alternative to nomination by party primary, a candidate may have his ***or her*** name placed on the ballot for the state general election by submitting the requisite number of nomination papers. Such papers shall contain the name and domicile of the candidate, the office for which ~~[he]~~ ***the candidate*** is nominated, and the political party or principles ~~[he]~~ ***the candidate*** represents. ***Nomination papers*** ~~[and]~~ shall be signed by such persons only as are ~~[qualified]~~ ***registered*** to vote at the state general election. No voter shall sign more than one nomination paper for each office to be voted for, and no nomination paper shall contain the names of more candidates than there are offices to be filled. Each voter shall sign an individual ~~[petition]~~ ***nomination paper***.

74:2 Elections; Nominations; Nominations by Nomination Papers; Nomination of Party; Signature by Registered Voter Only. Amend RSA 655:40-a to read as follows:

655:40-a Nomination of Party. A political party may have its name placed on the ballot for the state general election by submitting the requisite number of nomination papers, in the form prescribed by the secretary of state, pursuant to RSA 655:42, III. Such papers shall contain the name of the political party and shall be signed by such persons only as are [qualified] *registered* to vote at the state general election. No voter shall sign more than one nomination paper which allows a political party access to the state general election ballot.

74:3 Effective Date. This act shall take effect 60 days after its passage.

(Approved: June 19, 2001)

(Effective Date: August 18, 2001)



CHAPTER 185

HB 579 - FINAL VERSION

13june01...1602eba

2001 SESSION

01-0627

03/10

HOUSE BILL **579**

AN ACT relative to nominating a political organization by nomination papers.

SPONSORS: Rep. Stritch, Rock 5

COMMITTEE: Election Law

ANALYSIS

This bill changes the term "party" to "organization" in certain laws relating to nomination by nomination papers.

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

Matter removed from current law appears [~~in brackets and struck through.~~]

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

13june01...1602eba

01-0627

03/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand One*

AN ACT relative to nominating a political organization by nomination papers.

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

185:1 Nomination by Nomination Papers; "Party" Changed to "Organization". Amend RSA 655:40-40-b to read as follows:

655:40 General Provisions. As an alternative to nomination by party primary, a candidate may have his *or her* name placed on the ballot for the state general election by submitting the requisite number of nomination papers. Such papers shall contain the name and domicile of the candidate, the office for which

~~[he] the candidate~~ is nominated, and the political ~~[party] organization~~ or principles ~~[he] the candidate~~ represents and shall be signed by such persons only as are qualified to vote at the state general election. No voter shall sign more than one nomination paper for each office to be voted for, and no nomination paper shall contain the names of more candidates than there are offices to be filled. Each voter shall sign an individual petition.

655:40-a Nomination of ~~[Party] Organization~~. A political ~~[party] organization~~ may have its name placed on the ballot for the state general election by submitting the requisite number of nomination papers, in the form prescribed by the secretary of state, pursuant to RSA 655:42, III. Such papers shall contain the name of the political ~~[party] organization~~ and shall be signed by such persons only as are qualified to vote at the state general election. No voter shall sign more than one nomination paper which allows a political ~~[party] organization~~ access to the state general election ballot.

655:40-b Filing Names of Candidates. The names of the candidates to be listed on the state general election ballot under the political ~~[party] organization~~ nominated pursuant to RSA 655:40-a shall be submitted to the secretary of state no later than 5:00 p.m. on the Monday immediately following the primary. When the list of candidates is filed, it shall be accompanied by a declaration of candidacy signed by each of the candidates. The declaration of candidacy shall be in the form provided by RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election.

185:2 Number of Names Required to Nomination by Nomination Papers; "Party" Changed to "Organization". Amend RSA 655:42, III to read as follows:

III. It shall require the names of legal voters equaling 3 percent of the total votes cast at the previous state general election to nominate by nomination papers a political ~~[party] organization~~.

185:3 Nomination Papers; Number; HB 677 Amendment. Amend RSA 655:42, III to read as follows:

III. It shall require the names of registered voters equaling 3 percent of the total votes cast at the previous state general election to nominate by nomination papers a political ~~[party] organization~~.

185:4 Contingency. If HB 677 of the 2001 regular session becomes law, section 3 of this act shall take effect at 12:01 a.m. on the effective date of HB 677 and section 2 of this act shall not take effect. If HB 677 of the 2001 regular session does not become law, section 2 of this act shall take effect 60 days after its passage and section 3 of this act shall not take effect.

185:5 Nomination by Nomination Papers; "Party" Changed to "Organization"; HB 224 Amendment. Amend RSA 655:40-40-b to read as follows:

655:40 General Provisions. As an alternative to nomination by party primary, a candidate may have his or her name placed on the ballot for the state general election by submitting the requisite number of nomination papers. Such papers shall contain the name and domicile of the candidate, the office for which the candidate is nominated, and the political ~~[party] organization~~ or principles the candidate represents. Nomination papers shall be signed by such persons only as are qualified to vote at the state general election. No voter shall sign more than one nomination paper for each office to be voted for, and no nomination paper shall contain the names of more candidates than there are offices to be filled. Each voter shall sign an individual nomination paper.

655:40-a Nomination of ~~[Party] Organization~~. A political ~~[party] organization~~ may have its name placed on the ballot for the state general election by submitting the requisite number of nomination papers, in the form prescribed by the secretary of state, pursuant to RSA 655:42, III. Such papers shall contain the name of the political ~~[party] organization~~ and shall be signed by such persons only as are registered to vote at the state general election. No voter shall sign more than one nomination paper which allows a political ~~[party] organization~~ access to the state general election ballot.

655:40-b Filing Names of Candidates. The names of the candidates to be listed on the state general election ballot under the political ~~[party]~~ **organization** nominated pursuant to RSA 655:40-a shall be submitted to the secretary of state no later than 5:00 p.m. on the Monday immediately following the primary. When the list of candidates is filed, it shall be accompanied by a declaration of candidacy signed by each of the candidates. The declaration of candidacy shall be in the form provided by RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election.

185:6 Contingency. If HB 224 of the 2001 regular session becomes law, section 5 of this act shall take effect at 12:01 a.m. on the effective date of HB 224 and section 1 of this act shall not take effect. If HB 224 of the 2001 regular session does not become law, section 1 of this act shall take effect 60 days after its passage and section 5 of this act shall not take effect.

185:7 Effective Date.

- I. Sections 2 and 3 of this act shall take effect as provided in section 4 of this act.
- II. Sections 1 and 5 of this act shall take effect as provided in section 6 of this act.
- III. The remainder of this act shall take effect 60 days after its passage.

(Approved: July 5, 2001)

(Effective Date: I. Sections 2 and 3 shall take effect as provided in section 4.

II. Sections 1 and 5 shall take effect as provided in section 6.

III. Remainder shall take effect September 3, 2001)

**230:66 Powers and Duties of Commission.** The commission shall file a return of highway layout in the same manner as required of commissions in laying out class I or class II highways and, in all matters pertaining to such layout, shall have the same powers and duties as commissioners have in laying out class I or class II highways.

**297:12 Acquiring by Eminent Domain.** Amend RSA 4:30 by striking out said section and inserting in place thereof the following:

**4:30 By Eminent Domain.** The governor and council, for the purposes aforesaid, are empowered to take and appropriate any such real estate for the use of the state in accordance with RSA 498-A.

**297:13 Repeal.** The following are hereby repealed:

- I. RSA 4:31, relative to vesting of title.
- II. RSA 4:32, relative to notice.
- III. RSA 4:33, relative to hearing.
- IV. RSA 4:34, relative to assessment of damages.
- V. RSA 4:35, relative to jury trial.
- VI. RSA 4:36, relative to decree of damages.

**297:14 Attorney General.** Amend RSA 4:37 by striking out in line 1 the words "The petition" and inserting in place thereof the following (Any such takings and appropriations) so that said section as amended shall read as follows:

**4:37 Attorney General to Act.** Any such takings and appropriations shall be prosecuted or defended on the part of the state by the attorney general under the advice of the governor and council.

**297:15 Effective Date.** This act shall take effect 60 days after its passage.

[Approved June 18, 1983.]

[Effective Date August 17, 1983.]

**CHAPTER 298 (HB 589)**

**AN ACT REQUIRING DECLARATIONS OF CANDIDACY FOR CANDIDATES FOR THE OFFICE OF PRESIDENT AND VICE-PRESIDENT.**

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

**298:1 Method of Nominating Presidential Candidate.** Amend RSA 655:47 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

**655:47 Declaration of Candidacy.**

I. The names of any persons to be voted upon as candidates for president and vice-president at the presidential primary shall be printed on the ballots upon the filing of declarations of candidacy with the secretary of state in the following form and signed by the candidate:

I, \_\_\_\_\_, declare that I am domiciled in \_\_\_\_\_, in the city (or town or unincorporated place) of \_\_\_\_\_, county of \_\_\_\_\_, state of \_\_\_\_\_, and meet the qualifications for the office for which I am a candidate; that I am a registered member of the

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**298:2 Fee for Declaration o** inserted by 1979, 436:1 by strik thereof the following:

**655:48 Fees.** Notwithstanding the office of president or vice-p ballot for the presidential prima at the time of filing his declarat

**298:3 Repeal.** RSA 655:49, re presidential candidates, is herel

**298:4 Effective Date.** This a [Approved June 18, 1983.] [Effective Date August 17, 1983]

CHAP'

AN ACT RELATIVE TO THE STATE-OWNED LAND IN ALL FORMER C

*Be it Enacted by the Senate and convened:*

**299:1 New Chapter.** Amend following new chapter:

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GOVEF

**216-H:1 Declaration of Poli** population and the effects of the tial and other purposes, few larg frontage, remain available in N training center, located in the mately 3,500 feet on Lake Winni state and is deemed to be a natu enjoyment and benefit of the cit other states and countries who v to be a major asset and a signific wonderful shoreline on the lake the contiguous property immedi perpetually preserved as a state

[1983

1983]

CHAPTER 299

309

..... party; that I am a candidate for nomination for the office of  
..... to be made at the primary election to be held on the ..... day of  
..... ; and I hereby request that my name be printed on the official  
primary ballot of said ..... party as a candidate for such nomination.

II. The declaration of candidacy shall be filed by each candidate not more  
than 74 nor less than 60 days before the presidential primary.

III. The decision of the secretary of state as to the regularity of declarations  
of candidacy filed under this section shall be final.

**298:2 Fee for Declaration of Candidacy.** Amend RSA 655:48 (supp) as  
inserted by 1979, 436:1 by striking out said section and inserting in place  
thereof the following:

**655:48 Fees.** Notwithstanding any other provision of law, no candidate for  
the office of president or vice-president shall have his name placed on the  
ballot for the presidential primary unless he shall pay to the secretary of state  
at the time of filing his declaration of candidacy a fee of \$1,000.

**298:3 Repeal.** RSA 655:49, relative to notification of presidential and vice-  
presidential candidates, is hereby repealed.

**298:4 Effective Date.** This act shall take effect 60 days after its passage.

[Approved June 18, 1983.]

[Effective Date August 17, 1983.]

**CHAPTER 299 (HB 598)**

AN ACT RELATIVE TO THE ESTABLISHMENT OF A STATE PARK ON  
STATE-OWNED LAND IN THE CITY OF LACONIA IN HONOR OF  
ALL FORMER GOVERNORS OF THE STATE.

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

**299:1 New Chapter.** Amend RSA by inserting after chapter 216-G the  
following new chapter:

**CHAPTER 216-H**

**GOVERNORS STATE PARK**

**216-H:1 Declaration of Policy.** Under the impact of a steadily increasing  
population and the effects of the continuing development of land for residen-  
tial and other purposes, few large tracts of forest land, particularly with a lake  
frontage, remain available in New Hampshire. The Laconia state school and  
training center, located in the city of Laconia, with a shoreline of approxi-  
mately 3,500 feet on Lake Winnisquam, is one such tract which is owned by the  
state and is deemed to be a natural resource that should be preserved for the  
enjoyment and benefit of the citizens of this state and the many tourists from  
other states and countries who visit here. The general court therefore deems it  
to be a major asset and a significant benefit to the general public to retain this  
wonderful shoreline on the lake and approximately 200 acres, more or less, of  
the contiguous property immediately back from the shoreline of the lake, to be  
perpetually preserved as a state park for the generations to come.

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Amend RSA 4:30 by striking out  
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NDIDACY FOR CANDIDATES  
ND VICE-PRESIDENT.

representatives in General Court

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previously authorized by the same, offices of United States senator, councilor and state senator. or county offices and state representing more than one town, ward,

party for state representative if the own or ward.

after the holding of a state primary been made for any office on a party led in this section. The appropriate of state in writing of a person they o designated shall no later than 10 ith the secretary of state a declara- 5:17 with the understanding that hall be construed to mean general : the office of governor, councilor, ill also file, before the expiration of riate affidavit as provided in RSA the forms required by this section have his name printed on the state

If a candidate to be voted for at the he date of his nomination and the or the public office which he seeks : physical disability acquired sub- te may remove said person's name bstituted by the appropriate party tate. The name of the substitute provided in RSA 656:21.

idate to be voted for at the general ation and the day of election, a new riate party committee by notify- bstitute candidate shall be placed

**ation Papers**

ernative to nomination by party placed on the ballot for the state te number of nomination papers. micile of the candidate, the office party or principles he represents : are qualified to vote at the state an one nomination paper for each er shall contain the names of more . Each voter shall sign an individ-

paper shall be submitted to the ard in which the signer is domi- perversors shall certify whether or r ward.

nes of 1,000 legal voters to nomi-

nate by nomination papers a candidate for president, vice-president, United States senator or governor; 500 to nominate a candidate for United States representative; 250 to nominate a candidate for councilor, state senator or county officer; and 50 to nominate a candidate for state representative.

**655:43 Filing Deadline.** Nomination papers shall be filed with the secretary of state no later than 40 days prior to the day of the state general election. No nomination papers shall be accepted by the secretary of state unless the candidate will have met the age and domicile qualifications for the office he seeks at the time of the general election and meets all the other qualifications at the time of filing, and, if a candidate for the office of governor, councilor, state senator, or state representative, unless he shall file therewith an affidavit of qualifications as provided for in RSA 655:28 and 655:29.

**655:44 Objections.** Nomination papers made in accordance with the provisions of this chapter shall be regarded as valid and shall be received by the secretary of state unless objection thereto is made in writing within 3 days of the last day for the filing of such papers.

**655:45 Nomination Papers Protected.** No person shall falsely make or file or knowingly deface or destroy any nomination paper, or any part thereof, or sign any nomination paper contrary to the provisions of law knowing the same, or any part thereof, to be falsely made or suppress any nomination paper, or any part thereof, which has been duly filed. Whoever knowingly violates any of the provisions of this section shall be guilty of a misdemeanor if a natural person or be guilty of a felony if any other person.

**Withdrawal**

**655:46 Withdrawal.** Where a nomination has been made according to this chapter, no withdrawal or declination of a candidate shall be accepted by the secretary of state except as provided in RSA 655:38.

**Presidential Nominations**

**655:47 Nomination Petition.** The names of any persons to be voted upon for candidates for president and vice-president at the presidential primary shall be printed on the ballots solely on petition of New Hampshire voters of the same political party as the prospective candidates. A separate petition shall be presented from each United States congressional district in the state. Each must be signed by 500 qualified voters from the congressional district and filed with the secretary of state not more than 74 nor less than 60 days before the presidential primary. The petitions shall be in such form as may be prescribed by the secretary of state and shall contain an affirmation under the penalties for perjury that each signer is a qualified voter in his congressional district and is a member of the same political party as the proposed candidate. The decision of the secretary of state as to the regularity of petitions shall be final.

**655:48 Fees.** No candidate for the office of president or vice-president shall have his name placed on the ballot for the presidential primary unless he shall pay to the secretary of state at the time of filing his nomination petitions a fee of \$500.

**655:49 Notification of Candidate.** Whenever the secretary of state shall receive petitions which appear to qualify the name of a candidate for president or vice-president to be placed on such ballot, he shall forthwith send notice to the prospective candidate and shall advise the candidate that, unless he withdraws his name from the ballot within 10 days after receipt of such

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04/04/96....5531L-EBA



HOUSE BILL - FINAL VERSION

1996 SESSION

3414L  
96-2574  
10/02

HOUSE BILL **1161**

AN ACT relative to the information required on the state primary and state general election ballots, voter checklists of cities and towns, candidate and party nominations, nomination papers, and absentee ballots.

SPONSORS: Rep. McGovern, Rock 35; Rep. Flanagan, Rock 14

COMMITTEE: Constitutional and Statutory Revision

-

AMENDED ANALYSIS

This bill modifies the requirements for sessions for corrections of voter checklists and allows the nomination of parties to be placed on ballots. It also changes the period in which nomination papers shall be filed with the secretary of state and sets the number of names of legal voters required to nominate by nomination papers a political party.

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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.

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04/04/96....5531L-EBA

CHAPTER 36  
HOUSE BILL - FINAL VERSION

3414L  
96-2574  
10/02

Such papers shall contain the name of the political party and shall be signed by such persons only as are qualified to vote at the state general election. No voter shall sign more than one nomination paper which allows a political party access to the state general election ballot.

655:40-b Filing Names of Candidates. The names of the candidates to be listed on the state general election ballot under the political party nominated by this section shall be submitted to the secretary of state no later than 5:00 p.m. on the Monday immediately following the primary. When the list of candidates is filed, it shall be accompanied by a declaration of candidacy signed by each of the candidates. The declaration of candidacy shall be in the form provided by RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election.

36:4 Certification. Amend RSA 655:41 to read as follows:

655:41 Certification. Each nomination paper shall be submitted to the supervisors of the checklist of the town or ward in which the signer is domiciled or is registered, and a majority of the supervisors shall certify whether or not the signer is a legal voter in said town or ward. The supervisors of the checklist shall certify nomination papers under this section in a timely fashion, so that their certification shall be complete for each candidate, together with any objections to the nomination papers submitted, no later than 5:00 p.m. on the Wednesday [4] 2 weeks before the primary. Each nomination paper shall be submitted to the supervisors of the checklist no later than 5:00 p.m. on the Wednesday 5 weeks before the primary.

36:5 New Paragraph; Number. Amend RSA 655:42 by inserting after paragraph II the following new paragraph:

III. It shall require the names of legal voters equaling 3 percent of the total votes cast at the previous state general election to nominate by nomination papers a political party.

36:6 Filing Deadline. Amend RSA 655:43, I to read as follows:

I. Nomination papers shall be filed with the secretary of state no later than 5:00 p.m. on the Wednesday [3 weeks] **one week** before the primary. No nomination papers shall be accepted by the secretary of state unless the candidate shall have met the age and domicile qualifications for the office he seeks at the time of the general election and meets all the other qualifications at the time of filing; and, if a candidate for the office of governor, **executive** councilor, state senator, or state representative, unless he shall file with the nomination papers an affidavit of qualifications as provided in RSA 655:28 and 655:29; and if a candidate for United States senator or United States representative, unless he shall meet the qualifications for office under RSA 655:3 and 655:4.

36:7 Nomination. Amend RSA 655:81, XI to read as follows:

XI. The deadline for any candidate to request a recount pursuant to RSA 660:7 shall be [2] 3 days from the day of the primary.

36:8 Name and Domicile. Amend RSA 656:4 to read as follows:

656:4 **Name and Domicile**. Every state general election ballot shall contain the name 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 for "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.]

36:9 Sending Absentee Ballots. Amend RSA 657:15 to read as follows:

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:9 or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of

the names and addresses, arranged by voting places, of all applicants to whom official absent voting ballots have been sent, and shall identify those official absent voting ballots which have been returned to the clerk. Copies of said lists [shall be open to inspection and] **with names only** shall be posted at the polling places on the day of election as provided in RSA 658:27.

~~36:10 Candidate of One Party. Amend RSA 659:91-a, I to read as follows:~~

~~I. Any person who is a candidate on any party's state primary election ballot shall not run as the nominee of a different party in the state general election unless he is successful in securing the nomination of his own party in the primary. [Any person who runs as a candidate on any party's state primary election ballot and who is not chosen as the candidate for that party for the elective office for which he was a candidate shall not under any circumstances run as the nominee of a different party in the state general election.]~~

~~36:11 Voters and Checklists. Amend RSA 669:5 to read as follows:~~

~~669:5 Voters and Checklists. An updated checklist shall be used at all town meetings and elections for the same purposes a checklist is used at a state election and to insure that only qualified voters participate in town meeting discussions and votes, by voice or otherwise. The supervisors shall prepare, post and revise the checklist for a town meeting or election in the same manner as for a state election as provided in RSA 654:25-654:31[, except that the session for correction of the checklist 3 weeks prior to the day of the election as provided in RSA 654:27 shall not be required to be held before a town meeting or election]. The supervisors shall also hold one session for correction of the checklist on the day immediately prior to the first day of the filing period for candidates for town office, as provided in RSA 669:19 or 669:42, as applicable, from 7 p.m. to 9 p.m.~~

~~36:12 Repeal. RSA 659:68, relative to counting votes when a candidate is nominated by more than one party, is repealed.~~

~~36:13 Effective Date.~~

~~I. Sections 1, 2, and 7-13 of this act shall take effect 60 days after its passage.~~

~~II. Sections 3-6 of this act shall take effect January 1, 1997.~~

Approved: April 24, 1996

Effective: I. Sections 1, 2, and 7-13 shall take effect June 23, 1996.

II. Sections 3-6 shall take effect January 1, 1997.



CHAPTER 103

HB 277 - FINAL VERSION

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1997 SESSION

97-0481

05/08

HOUSE BILL **277**

AN ACT relative to processing absentee ballots.

SPONSORS: Rep. McGovern, Rock 35

COMMITTEE: Election Law

AMENDED ANALYSIS

The bill changes the time to begin processing previously received absentee ballots and the time at which voters must be present to submit written challenges which postpone the processing of absentee ballots.

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

Matter removed from current law appears [~~in brackets and struck through~~]

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

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97-0481

05/08

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord One Thousand Nine Hundred and Ninety-Seven*

AN ACT relative to processing absentee ballots.

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

103:1 Processing Absentee Ballots. Amend RSA 659:49 to read as follows:

659:49 Processing Absentee Ballots.

I. Processing of previously received absentee ballots shall begin at [~~2:00 p.m.~~] **1:00 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.~~] **1:00 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 voters who are present at the polls no later than [~~2:00 p.m.~~] **1:00 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.

103:2 Effective Date. This act shall take effect January 1, 1998.

(Approved: June 9, 1997)

(Effective Date: January 1, 1998)

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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

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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.

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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.

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CHAPTER 48



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

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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shall be the same as their terms in  
ms, provided, however, that for the  
subparagraphs:  
one year;  
2 years; and  
years.  
st meeting no later than September  
son and vice-chairperson, who shall  
shall be at the call of the chair, or at  
The lakes coordinator referred to in  
f to the committee.  
he commissioner and lakes coordina-  
r.

**n Plans.**  
ith the advisory committee and with  
of state planning, shall develop  
nent and shoreland protection plans  
entation. Upon acceptance of the  
es coordinator and members of the  
s regarding the guidelines. At least  
trict.  
of state planning, with the help of  
nent agencies, shall provide techni-  
ive appropriations, award financial  
blished under RSA 36:45-53 in sup-  
ection planning. The commissioner,  
he advisory committee, shall adopt  
arding financial grants under this

state planning, in cooperation with  
council on resources and develop-  
nce and information in support of  
s efforts consistent with the guide-  
ompatible with the criteria estab-

borders a lake, all such municipali-  
development of a coordinated lake

developed pursuant to paragraphs  
, the following:  
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abitats, and other significant natu-  
ures.

nts.  
ving.

owage rights.  
ved lake uses.

**483-A:8 Acceptance and Expenditures of Funds.**

I. The commissioner may apply for and accept, from any source, gifts; dona-  
tions of money; grants; federal, local, private, and other funds and incentives; and  
interests in land for the purposes of this chapter.

II. The lakes coordinator, with the approval of the commissioner, may expend  
any funds received under paragraph I for the purposes of this chapter, and such  
funds are hereby continually appropriated.

**483-A:9 State Agency Cooperation.** Affected state agencies shall cooperate  
with and assist the lakes coordinator and the advisory committee in the develop-  
ment and implementation of lakes management plans established under RSA 483-  
A:7.

**118:3 Reports.** Proposed state level management criteria under RSA 483-A:5  
shall be submitted by the lakes coordinator to the speaker of the house and presi-  
dent of the senate in the form of proposed legislation on or before December 1,  
1991.

**118:4 New Section; Rivers Management and Protection.** Amend RSA 483 by  
inserting after section 13 the following new section:

**483:14 Disposition of State Property.** No state-owned property adjacent to or  
providing access to a river shall be disposed of by the state except upon the  
review and recommendation of the advisory committee.

**118:5 Repeal.** 1986, 190, relative to lakes and rivers deserving protection, is  
repealed.

**118:6 Effective Date.** This act shall take effect 60 days after its passage.

[Approved April 19, 1990.]  
[Effective Date June 18, 1990.]

**CHAPTER 119 (HB 562)**

AN ACT MAKING TECHNICAL CHANGES IN THE ELECTION LAWS.

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

**119:1 Form of Voter Registration Card.** RSA 654:7 is repealed and reenacted  
to read as follows:

**654:7 Voter Registration Form.** A standard registration application form shall  
be used throughout the state. The registration form shall be 4 inches by 6 inches  
and shall be made in triplicate. The secretary of state shall provide for the prepa-  
ration of the voter registration form which shall be in substantially the following  
form:

0 days prior to any session provided and place of the session or sessions such checklist.

t. Amend RSA 654:39, II to read as

and thereafter in each year ending and post notice of their sessions at ion and at the office of the town or ient sessions for verification of the rible voters in said town or ward to r as the case may be. Whenever a if any, on the checklist undergoing ed in RSA 654:34.

ification Purposes. RSA 654:39, IV

on shall be deemed reregistered and

vious state general elections imme-

n election in the year of a 10-year gular city election held prior to the

. Amend RSA 656:21 to read as fol-

the event that a candidate dies or is 39, the name of the substitute candi-lection ballot. If the state general d time will permit, the secretary of s with the name of the substitute e town or city clerks representing ified candidate was to be voted for. ovided in RSA 658:34. The name of the secretary of state no later than substitute name to be placed on the

ed. Amend RSA 657:15 to read as

the verification required by RSA . retain the application and, without nt the appropriate ballot and mate- or designate an assistant to deliver y not designate as an assistant any office or who is working for such a provisions of this section shall be y or town clerk's office and deliv- rich the absent voter's ballot is sent pers shall be sent by air mail. Said sses, arranged by voting places, of ballots have been sent, and shall ich have been returned to the clerk. and shall be posted at the polling A 658:27.

**119:12 Posting General Election Warrant.** Amend RSA 658:1 to read as follows:

**658:1 General Election.** At least 14 days before any state general election, the selectmen shall post a warrant at all the polling places and at the office of the town or city clerk or at the town hall. Said warrant shall prescribe the hour the polls are to open and the hour before which they may not close as provided in RSA 659:1. It shall also state all offices and questions which are to be voted on and the location of the central polling place and of any additional polling places. If the selectmen neglect to issue a warrant for the state general election, or if they neglect to cause copies of such warrant to be posted agreeably to any vote of the town, they shall for each offense be guilty of a violation and any fines collected shall be remitted to the town.

**119:13 Appointment of Assistant Election Officials.** Amend RSA 658:7 to read as follows:

**658:7 Appointment.** For all state elections, the moderator is authorized to appoint an assistant moderator who shall take the oath of office in the same manner as the moderator. The moderator may also appoint such other election officials as he deems necessary and request the town clerk to appoint an assistant town clerk. The assistant moderator, assistant town clerk and said other election officials shall take the oath of office and perform such duties and have such powers as the moderator may delegate to them, except that the power of making the declaration of the vote cast shall not be delegated to them. The provisions of this section shall apply only to the appointment of assistant election officials to serve at the central polling place. Appointment of officers to act at additional polling places shall be accomplished as provided in RSA 658:14.

**119:14 Checklist at Additional Polling Places.** Amend RSA 658:12 to read as follows:

**658:12 Checklist.** Immediately after the establishment of an additional polling place and the creation of the voting district to be served thereby, the supervisors of the checklist shall prepare a separate checklist of the voters entitled to vote at such a polling place. Such separate checklist shall thereafter be posted and revised along with the checklist for the central polling place as provided in RSA 654. At least 14 days before any state election, the supervisors shall post at the town or city clerk's office or at the town hall a true and attested copy of such list and shall, before the election, lodge with the town clerk 2 copies of such list.

**119:15 Appointing Clerk Pro Tem.** Amend RSA 658:20 to read as follows:

**658:20 Clerk Pro Tem.** If a town or ward clerk is absent from any state election or is unable to perform his duties and there is no deputy clerk as provided in RSA 41:18, a town or ward clerk pro tempore shall be appointed by the town clerk.

**119:16 Disqualifying Election Officials.** Amend RSA 658:24 to read as follows:

**658:24 Disqualification of Certain Persons.** Any person whose name appears on a ballot for an elective position, other than a position of an election official, shall be disqualified from performing duties as an election official in that election. A person so disqualified shall not be considered to have vacated any office but rather only to be absent therefrom. A temporary replacement shall be appointed as provided in RSA 658:19-658:22.

**119:17 Posting Absentee List.** Amend RSA 658:27 to read as follows:

**658:27 Absentee List to be Posted.** The town or city clerk shall cause a copy of the list of persons to whom absentee ballots have been sent and identified as

having been returned, as provided for in RSA 657:15, to be posted outside the guardrail in the central polling place and any additional polling places.

**119:18 Repeal.** RSA 654:12, relative to qualification of applicants and checklists, is repealed.

**119:19 Effective Date.** This act shall take effect 60 days after its passage.

[Approved April 19, 1990.]

[Effective Date June 18, 1990.]

## CHAPTER 120 (HB 591)

AN ACT REQUIRING GROCERY STORES TO MARK EACH PACKAGED ITEM OFFERED FOR SALE WITH A PRICE.

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

**120:1 New Section; Grocery Stores; Prices on Items.** Amend RSA 438 by inserting after section 26 the following new section:

### 438:26-a Grocery Stores; Prices.

I. In this section, the term "grocery store" means any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premise consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged, non-potentially hazardous foods; roadside markets that offer only fresh fruits and fresh vegetables for sale; food service establishments; or food beverage vending machines.

II. Any person who offers items for sale in a grocery store shall mark clearly upon the package of each item sold in packaged form the price of such item, or shall place under the shelf containing the item a uniform shelf tag, or a larger sign indicating item price.

III. A uniform shelf tag shall include:

- (a) The regular price of each individual item. The price numbers shall be at least 7/16 of an inch in height;
- (b) The unit price; and
- (c) The name of the item or a description of the item.

IV. The following items shall not require individual prices:

- (a) Cold beverages.
- (b) Snack items packaged in individual sizes and designed for immediate consumption.

V. The commissioner shall adopt rules, pursuant to RSA 541-A, regarding:

- (a) The pricing of items by grocery stores under this section.
- (b) The definition of snack items excepted from the requirements of this section under subparagraph IV(b).

**120:2 Effective Date.** This act shall take effect January 1, 1991.

[Approved April 19, 1990.]

[Effective Date January 1, 1991.]

## CHAPTE

AN ACT REVIVING THE CHARTERS OF  
AND LOCTITE LUMINESCENT SY  
OF THE NEW HAMPS

*Be it Enacted by the Senate and H  
convened:*

**121:1 New Hampshire Karting A**  
standing RSA 292:30, II(g), the New  
the revival of its March 14, 1977 char  
by complying with all other requirem  
such requirements, including the pay  
the secretary of state any returns rec  
retroactive to January 2, 1986.

**121:2 Reinstatement of Charter c**  
charter of Loctite Luminescent Syst  
forfeited on November 1, 1989, unde  
fees in arrears plus a reinstatement f  
required by law, Loctite Luminesce  
purposes as a New Hampshire corpor  
active to November 1, 1989.

**121:3 Authority to Amend Charte**  
New Hampshire Historical Society, :  
by special act of the legislature, 1823:  
ered to amend its charter as if it were  
and scope as voluntary corporations  
except that any amendment shall be  
present and voting at a regular or sp  
set forth in the notice of the meeting  
bylaws. A certified copy of such ame  
secretary of state upon payment of 1  
shall be recorded in the office of the c  
place of business. Amendments shall

**121:4 Effective Date.** This act shal

[Approved April 19, 1990.]

[Effective Date April 19, 1990.]

## CHAPTE

AN ACT EXEMPTING PERSONS  
FROM THE IMPORTAI

*Be it Enacted by the Senate and H  
convened:*

**122:1 New Paragraph; Falconry.** :  
graph III the following new paragra  
IV. Any person permitted und  
requirements of RSA 207:14, when tl

**122:2 Cross Reference.** Amend RS

special meeting to act upon any question specified in such application. The checklist for an annual or special town meeting shall be corrected by the supervisors of the checklist as provided in RSA 654:25-31, except that the session 3 weeks before the meeting shall not be required. Those persons qualified to vote whose names are on the corrected checklist shall be entitled to vote at the meeting. The same checklist used at a recessed town meeting shall be used at any reconvened session of the same town meeting.

**454:2 Recount after Town Meeting.** Amend RSA 40:4-c, I (supp) as inserted by 1979, 410:23 by striking out said paragraph and inserting in place thereof the following:

I. If any 10 voters of a town shall, before the expiration of 7 days from the date of an annual meeting or special meeting, apply in writing to the town clerk for a recount of the ballots given in at said meeting on any question, affecting said town only, legally appearing on the official Australian or non-partisan ballot used at said meeting, said clerk shall appoint a time and place for the recount not earlier than 5 days nor later than 10 days after the receipt of said application. The applicants for such recount shall pay to the town clerk, for the use of the town, a fee of \$10.

**454:3 Section Reinserted.** Amend RSA 245 by inserting after section 12 the following new section:

**245:13 Term of Office.** Highway agents shall hold their respective offices for the terms of one year from the date of their qualification, or until the election, or appointment, and qualification of their respective successors.

**454:4 Two Copies Required.** Amend RSA 654:29, II (supp) as inserted by 1979, 436:1 by striking out in line 1 the words "a true copy" and inserting in place thereof the following (2 true copies) so that said paragraph as amended shall read as follows:

II. They shall file 2 true copies of the corrected list, attested by them, with the town clerk. The checklists so corrected shall be used at the election. Any person who swears falsely in making such certificate shall be guilty of perjury.

**454:5 Absentee List Posted.** Amend RSA 658:27 (supp) as inserted by 1979, 436:1 by striking out in line 4 the words "polling place" and inserting in place thereof the following (central polling place and any additional polling places) so that said section as amended shall read as follows:

**658:27 Absentee List to be Posted.** The town or city clerk shall cause a copy of the list of persons to whom absentee ballots have been sent, as provided for in RSA 657:15, to be posted outside the guardrail in the central polling place and any additional polling places.

**454:6 Absentee Ballots at Additional Polling Place.** Amend RSA 658:33 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

**658:33 Delivery of Ballots to Additional Polling Place.** Before the polls are opened at the central polling place on the day of an election, the town clerk shall seal up the 2 duplicate copies of the checklist for each additional polling place lodged with him by the supervisors with a number of blank ballots equal to the number of voters on such checklist and 50 additional ballots. If the moderator has authorized the counting of votes and thereby authorized the processing of absentee ballots at the additional polling place, the absentee ballots of those persons qualified to vote in that additional polling place shall

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be sealed  
tional p  
shall be prepared  
and shall be delivered immedi  
tional polling place by 2 electio

**454:7 Processing Absentee**  
RSA 659:59 (supp) as inserted b  
inserting in place thereof the fo

**659:59 Optional Counting** (moderator may order the assist  
ballots and to count the votes  
presence of and with the assist  
officials in the manner prescri  
absentee ballots and the count  
place the counted ballots in the  
town clerk shall certify the sam  
package the duplicate checklist  
with the absentee envelopes a  
together with the assistant tow  
box, checklists, absentee envelc  
report of his count signed by hin  
of the town at the central polli  
counting as provided herein, tl  
provisions of RSA 659:62.

**454:8 Votes Counted After**  
inserted by 1979, 436:1 by inse  
55" the following (and after t  
amended shall read as follows:

**659:61 Votes Counted Afte**  
absentee ballots have been proc  
the polls have closed, the electic  
dance with RSA 659:58, shall, u  
diately begin counting the vote

**454:9 Disposition of Ballots**  
inserted by 1979, 436:1 by str  
thereof the following:

**660:16 Disposal of Ballots**  
secretary of state shall replac  
envelopes in a suitable contai  
retain the ballots and the abser  
recount. Upon an order of the  
shall produce the ballots for th  
commission's inspection, the s  
envelopes, seal them, and cert  
examined by the commission. I  
order of the body to which suc  
required by law to examine th  
such office or of any court hav

**454:10 Town Meeting El**  
(supp) as inserted by 1979, 4  
"RSA 659:102." the following





III. The remainder of this act shall take effect 60 days after its passage.

[Enacted in accordance with article 44, part II of N.H. Constitution, without signature of Governor, May 26, 1987.]

[Effective Date I. Sections 6 and 8 shall take effect May 26, 1987. II. Section 9 shall take effect July 1, 1987, at 12:01 a.m. III. The remainder of this act shall take effect July 25, 1987.]

CHAPTER 371 (SB 62)

AN ACT RELATIVE TO COUNTING ABSENTEE BALLOTS IN CITIES AND TOWNS WHICH USE VOTING MACHINES.

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

371:1 New Section; Counting Absentee Ballots. Amend RSA 659 by inserting after section 49 the following new section:

659:49-a Option to Count Absentee Ballots Before Closing of Polls. At the direction of the moderator, absentee ballots may be counted 2 hours before the closing of the polls in cities and towns which authorize the use of one or more voting machines for computerized casting and counting of ballots, as provided in RSA 656:40. The option provided under this section shall not be used by cities or towns which use devices for computerized casting and counting of ballots. If absentee ballots are counted before the closing of the polls, the moderator shall exercise his option under RSA 659:49, and the absentee ballots shall be processed and then counted immediately following their processing. If the option to count absentee ballots is exercised by the moderator under this section, counting shall begin no later than 2 hours before the closing of the polls, at which time the processing shall also begin. The counting of absentee ballots shall be done by the election officials, except those disqualified under RSA 659:58, under the supervision of the moderator. The final count of absentee ballots shall not be announced before the polls close, and shall be announced as provided in RSA 659:70.

371:2 Time for Counting Absentee Ballots. Amend RSA 659:61 to read as follows:

659:61 Votes Counted After Processing of Absentee Ballots. After all absentee ballots have been processed, or processed and counted, as provided in RSA 659:49-55 and after the polls have closed, the election officials, except those disqualified in accordance with RSA 659:58, shall, under the supervision of the moderator, immediately begin counting the votes cast at the election.

371:3 Effective Date. This act shall take effect 60 days after its passage.

[Enacted in accordance with Article 44, part II of N.H. Constitution, without signature of Governor, May 26, 1987.]

[Effective Date July 25, 1987.]

AN ACT RELATIVE TO THE OF CHILD ABUSE AN APPRO

Be it Enacted by the Senate and convened:

372:1 Trust Fund. Amend RSA 169-C:39

II. The purpose of this subdivision known as the trust fund for the pre increase the funds available for th legislature does not intend that th funds available from federal, state, does the legislature intend that th tions to the budget of the division f state agency.

372:2 Definition. Amend RSA 169-C:39

II. "Fund" means the trust fund held and administered as a design Fund or its successor or replacement.

372:3 New Paragraph; Definition paragraph V the following new paragraph

VI. "Interest" means the incor (exclusive of capital gains which sh ment fees and administrative exper ble Fund in connection with the inv

372:4 Trust Fund. RSA 169-C:39 lows:

I. There is hereby established i cial fund to be known as the trus neglect. The sole purpose of the fu est as defined in RSA 169-C:39-b, fund board for programs as define not be available for any other pur graph shall be held and administe Charitable Fund, subject to its art change in the purpose of the fund made without an amendment to t Fund shall provide an annual accou shall have the responsibility of sc general fund, including federal mo ceived as a result of solicitation i abuse and neglect. The board may Fund assist them or their designe from sources other than the gener: shall be entitled to make an admin prevention of child abuse and negl services in an amount comparable t the New Hampshire Charitable F Hampshire Charitable Fund and th addition to the administrative exper



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CHAPTER 108

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which once comprised the Laconia state school and training center shall be the New Hampshire community services center.

**107:2 Name Change.** Amend RSA 10:1 to read as follows:

**10:1 Governor and Council.** The ultimate executive authority over the New Hampshire hospital, formerly the state hospital; Laconia developmental services, formerly the Laconia state school and the Laconia state school and training center; the New Hampshire youth development center, formerly the industrial school; and the Glencliff home for the elderly, formerly the state sanitarium, including all real and personal estate used in connection therewith, the purchase of materials and supplies for said institutions and the departments of state, as hereinafter provided, is vested in the governor and council.

**107:3 Reference Change.** Amend RSA 464-A:8, III to read as follows:

III. The medical affidavit shall be evidence only of the proposed ward's inability to attend the hearing and shall not be considered in determining his or her incapacity. If the proposed ward is a patient at a county nursing home, state hospital or Laconia developmental services, the affidavit shall be by the medical director or medical superintendent of such county nursing home, state hospital, or developmental services.

**107:4 Repeal.** RSA 126-A:31, relative to the transfer of the Laconia state school to the department of health and welfare, is repealed.

**107:5 Repetitive Name Change Amendments.** Amend the following RSA sections, paragraphs and subparagraphs by replacing "Laconia state school and training center", "Laconia state school", or "state school" with "Laconia developmental services": RSA 94:1-a, I groups N, Q and S; 94:8; 99:2-a; 99:11; 99:12; 99:13; 126-A:45, I(a); 126-A:62; 126-A:63; 126-A:64, I; 135:21-b; 135-C:4, I; 135-C:6, II; 161-D:2, III; 169-B:40, III; 169-C:27, III; 169-C:37; 169-D:29, III; 171-A:2, XVI; 171-A:4; 171-A:10, I and II; 171-A:16; 171-A:18, V; 186-C:19, I(c), II, and IV; 193:27, III; 214:14-a; 216-H:1; 216-H:2; 216-H:4; and 326-B:17, VII.

**107:6 Effective Date.** This act shall take effect 60 days after its passage.

[Approved April 18, 1988.]

[Effective Date June 17, 1988.]

CHAPTER 108 (HB 1178)

AN ACT RELATIVE TO COUNTING ABSENTEE  
BALLOTS BEFORE THE POLLS CLOSE.

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

**108:1 Counting Absentee Ballots.** Amend RSA 659:49-a to read as follows:

**659:49-a Option to Count Absentee Ballots Before Closing of Polls.** At the direction of the moderator, absentee ballots may be counted prior to the closing of the polls in cities and towns which authorize the use of one or more voting machines for computerized casting and counting of ballots, as provided in RSA 656:40. The option provided under this section shall not be used by cities or towns

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which use devices for computerized the option to count absentee ballot section, he shall exercise his option shall be processed not earlier than 2 counted immediately following their shall be done by the election official under the supervision of the moderator not be announced before the polls RSA 659:70.

**108:2 Effective Date.** This act shall

[Approved April 18, 1988.]

[Effective Date June 17, 1988.]

CHAPTER

AN ACT ESTABLISHING  
CARE INSURANCE

*Be it Enacted by the Senate and  
convened:*

**109:1 Task Force Established.**

I. There is hereby established for the elderly. The members of the (a) Six public members, appointed elderly consumer; one shall represent the nursing home industry; one shall represent a residential elderly care provider.

(b) Two members of the house of the house.

(c) Two members of the senate

(d) The insurance commissioner

(e) The commissioner of the designee.

(f) The director of mental health

(g) The director of the division

(h) The director of the division

II. The appointed general council the task force no later than June members to act as chairman. The provide administrative support to call assistance, and any other relevant

**109:2 Duties.** The primary duties recommendations on the kinds of available to the elderly in the state of New

**109:3 Report.** The task force shall the speaker of the house, the president than October 1, 1988, with proposals

d training center shall be the  
s follows:

ative authority over the New  
conia developmental services,  
state school and training cen-  
ter, formerly the industrial  
erly the state sanitarium, in-  
ion therewith, the purchase of  
departments of state, as here-  
icil.

II to read as follows:  
of the proposed ward's inabil-  
red in determining his or her  
county nursing home, state  
idavit shall be by the medical  
rsing home, state hospital, or

fer of the Laconia state school  
l.

mend the following RSA sec-  
g "Laconia state school and  
chool" with "Laconia develop-  
4:8; 99:2-a; 99:11; 99:12; 99:13;  
:21-b; 135-C:4, I; 135-C:6, II;  
169-D:29, III; 171-A:2, XVI;  
7; 186-C:19, I(c), II, and IV;  
326-B:17, VII.

days after its passage.

8)

.BSENTEE  
LOSE.

sentatives in General Court

59:49-a to read as follows:

ore Closing of Polls. At the  
ounted prior to the closing of  
se of one or more voting ma-  
ballots, as provided in RSA  
ot be used by cities or towns

which use devices for computerized casting and counting of absentee ballots. If the option to count absentee ballots is exercised by the moderator under this section, he shall exercise his option under RSA 659:49, and the absentee ballots shall be processed not earlier than 2 hours before the closing of the polls, and then counted immediately following their processing. The counting of absentee ballots shall be done by the election officials, except those disqualified under RSA 659:58, under the supervision of the moderator. The final count of absentee ballots shall not be announced before the polls close, and shall be announced as provided in RSA 659:70.

**108:2 Effective Date.** This act shall take effect 60 days after its passage.

[Approved April 18, 1988.]

[Effective Date June 17, 1988.]

CHAPTER 109 (HB 1192)

AN ACT ESTABLISHING A TASK FORCE TO STUDY LONG TERM CARE INSURANCE FOR THE ELDERLY.

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

**109:1 Task Force Established.**

I. There is hereby established a task force to study long term care insurance for the elderly. The members of the task force shall include the following:

(a) Six public members, appointed by the governor of whom one shall be an elderly consumer; one shall represent an elderly organization; one shall represent the nursing home industry; one shall be a home health care provider; one shall represent a residential elderly care facility; and one shall represent health insurance providers.

(b) Two members of the house of representatives, appointed by the speaker of the house.

(c) Two members of the senate, appointed by the president of the senate.

(d) The insurance commissioner or designee.

(e) The commissioner of the department of health and human services or designee.

(f) The director of mental health and developmental services or designee.

(g) The director of the division of elderly and adult services or designee.

(h) The director of the division of human services or designee.

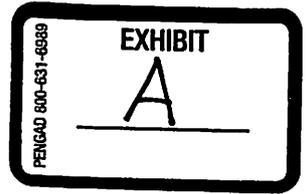
II. The appointed general court members shall convene the first meeting of the task force no later than June 30, 1988. The task force shall select one of its members to act as chairman. The department of health and human services shall provide administrative support to the task force, including meeting space, technical assistance, and any other relevant support.

**109:2 Duties.** The primary duty of the task force shall be to study and make recommendations on the kinds of long term care insurance which should be available to the elderly in the state of New Hampshire.

**109:3 Report.** The task force shall report its findings and recommendations to the speaker of the house, the president of the senate, and the governor no later than October 1, 1988, with proposed legislation for the 1989 legislative session.

**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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