

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

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ATTORNEY GENERAL



ORVILLE B. "BUD" FITCH II
DEPUTY ATTORNEY GENERAL

SECTION 5 VOTING SUBMISSION

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

DATE: September 13, 2010

RE: Supplement to 2010-3020
Submissions Under Section 5 of the Voting Rights Act for:
Laws of 2007, Chapter 331

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 2007, Chapter 331**, which in pertinent part is relative to the form of the presidential primary election ballot and assistant election officials, for preclearance by the U.S. Department of Justice.

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

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

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

Laws of 2007, Chapter 331:

1. (Sec 1) amends RSA 656:31, Form of Presidential Primary Ballot, which was previously amended in 1979 and 1987, and which is also the subject of submission 2009:33 seeking preclearance for a 2009 change. The 1979 change has been precleared. The 1987 change will be submitted simultaneously in separate submission, 1987:284, for preclearance;
2. (Sec 2) amends RSA 92:5, Tenure and Oath of Office in Certain Cases; Who May Administer, which is not related to the administration of elections or voting and therefore is not submitted;
3. (Sec 3) amends RSA 658:7, Assistant Election Officials; Appointment, which was previously amended in 1979 and 1990. The 1979 change has been precleared and will be the baseline. The 1990 change will be simultaneously submitted for preclearance in a separate submission, 1990:119.
4. (Sec 4) amends RSA 658:8, Term; which was previously amended in 1979. The 1979 change has been precleared and will be the baseline.

See Attached Exhibit 2007:331, #1.

(b) A copy of any ordinance, enactment, order, or regulation embodying the voting practice that is proposed to be repealed, amended or otherwise changed (prior law).

RSA 656:31, as amended in 1987. See Attached Exhibit 2007:331, #2.

RSA 656:31, as amended in 1979. See Attached Exhibit 2007:331, #3.

RSA 658:7, as amended in 1990. See Attached Exhibit 2007:331, #4.

RSA 658:7 and RSA 658:8, as amended in 1979. See Attached Exhibit 2007:331, #5.

(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) amends RSA 656:31, Form of Presidential Primary Ballot.
 - a. The 2007 change adds a requirement that the ballot contain the phrase “vote for not more than one” for each office. The 2007 change also

adds the provision that if no one files for the office of vice-president, then that office shall not be listed on the ballot.

- b. The 1987 change adds a requirement that the town or city and state of the candidate's domicile be included on the ballot next to the candidate's name.
 - c. The 1979 version is the baseline, as it has been precleared.
2. (Sec 3) amends RSA 658:7, Assistant Election Officials; Appointment.
- a. The 2007 change corrects pronoun gender references and authorizes the Supervisors of the Checklist to also appoint assistant supervisors of the checklist for the purpose of registering voters on election day.
 - b. The 1990 change transfers the authority to appoint an assistant town clerk from the Selectmen to the Town Clerk.
 - c. The 1979 version is the baseline, as it has been precleared.
3. (Sec 4) amends RSA 658:8, Term.
- a. The 2007 change corrects a pronoun gender reference.
 - b. The 1979 change has been precleared and will be the baseline.

(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.

July 16, 2007.

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

July 16, 2007.

(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) amends RSA 656:31, Form of Presidential Primary Ballot.

- a. The 2007 change adds a requirement that the ballot contain the phrase “vote for not more than one” for each office. The 2007 change also adds the provision that if no one files for the office of vice-president, then that office shall not be listed on the ballot. The reason for the first change is to provide voters with clear instructions on how to avoid overvoting. The purpose of the second change is to eliminate the opportunity for write-in votes when there is no declared candidate. The rationale set forth above in m (1) a explains the objective of this change.
 - b. The 1987 change adds a requirement that the town or city and state of the candidate’s domicile be included on the ballot next to the candidate’s name. The purpose of this change is to aid voters in identifying the candidate of their choice.
 - c. The 1979 version is the baseline, as it has been precleared.
2. (Sec 3) amends RSA 658:7, Assistant Election Officials; Appointment.
- a. The 2007 change corrects pronoun gender references and authorizes the Supervisors of the Checklist to also appoint assistant supervisors of the checklist for the purpose of registering voters on election day. The purpose of this change is to ensure that an adequate number of election officials will be available to register voters on election day in a timely manner. The adoption of election day registration resulted in increasing numbers of persons choosing to register on election day, sometimes resulting in waiting lines. The Supervisors of the Checklist are the authority for registering voters. Additional supervisors working on election day eliminates or diminishes waiting lines.
 - b. The 1990 change transfers the authority to appoint an assistant town clerk from the Selectmen to the Town Clerk. Other changes in New Hampshire law unrelated to elections authorized town clerks, with approval of the Board of Selectmen, to appoint assistants in the usual course of business for all purposes, most of which do not relate to elections. The purpose of this change is to eliminate having a different appointing authority for assistant clerks for elections versus other clerks functions.
 - c. The 1979 version is the baseline, as it has been precleared.
3. (Sec 4) amends RSA 658:8, Term.
- a. The 2007 change corrects a pronoun gender reference.
 - b. The 1979 change has been precleared and will be the baseline.

(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. All the amended sections as amended in 1979 were precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.
2. As noted above the changes between 1979 and 2007 are being simultaneously submitted for preclearance. To aid your review, the detail of those changes have also been included 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

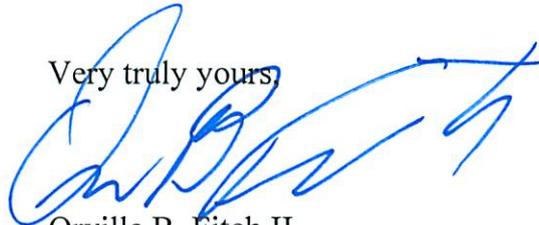
None.

§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

509343.doc

CHAPTER 331

HB 735 - FINAL VERSION



05/24/07 1673s

27Jun2007... 2163cofc

2007 SESSION

07-1036

03/05

HOUSE BILL **735**

AN ACT relative to the form of the presidential primary election ballot, relative to administration of official oaths, and relative to assistant election officials.

SPONSORS: Rep. Harvey, Hills 21

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill:

- I. Clarifies the form of the presidential primary election ballot.
- II. Modifies who may administer official oaths.
- III. Authorizes the appointment of assistant supervisors of the checklist to register voters on election day.

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

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

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

05/24/07 1673s

27Jun2007... 2163cofc

07-1036

03/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seven

AN ACT relative to the form of the presidential primary election ballot, relative to administration of official oaths, and relative to assistant election officials.

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

331:1 Presidential Primary Election Ballot; Form of Ballot. Amend RSA 656:31 to read as follows:

656:31 Form. On the presidential primary election ballot of each political party, there shall be one column for the office of president and one for the office of vice-president. The columns shall be headed "Candidate of the (insert name of party) Party for President (or Vice-President) of the United States." Underneath this heading there shall appear the words: "I hereby declare my preference for candidate for the office of President (or Vice-President) of the United States to be as follows." Below these words, there shall be printed "***(VOTE FOR NOT MORE THAN ONE)***" followed by the name, town or city, and state of each candidate with boxes directly to the right. There shall always be one blank space on the ballot below the candidates' names to allow for writing in the name of a candidate. *If no one files for the office of vice-president, that office shall not be listed on the ballot.*

331:2 Tenure and Oath of Office in Certain Cases; Who May Administer. Amend RSA 92:5 to read as follows:

92:5 Who May Administer. Official oaths may be administered as follows: To the clerk of any court, by any 2 justices thereof, or by any 2 justices of the peace [~~one of whom shall be of the quorum~~]; to all military officers above the rank of field officers, and to all other officers appointed by the governor and council, by any 2 members of the council, or by any member of the council with a justice of the peace, or by any 2 justices of the peace [~~one of whom shall be of the quorum~~] *or by any justice of the peace with any notary public*; to all other officers, by any justice of the peace within his *or her* county; to town officers in town meeting, by the moderator, or at any time by the town clerk, one of the selectmen, or a justice of the peace; to officers of school districts, in school meeting, by the moderator, or at any time by the clerk, one of the school board of the district, or a justice of the peace; and to the moderator of the district, by any legal voter of the district.

331:3 Assistant Election Officials; Appointment. 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 *or she* 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 supervisors of the checklist are authorized to appoint assistant supervisors of the checklist who shall be assistant election officials and have the powers of supervisors for the purpose of registering voters on election day.* 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.

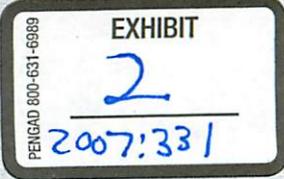
331:4 Gender Neutral. Amend RSA 658:8 to read as follows:

658:8 Term. The term of office of each of the assistant election officials appointed as provided in RSA 658:7 shall expire at the termination of the proceedings at the election for which he *or she* was appointed.

331:5 Effective Date. This act shall take effect upon its passage.

Approved: July 16, 2007

Effective: July 16, 2007



and analysis of the technical assistance agencies in support of local growth maintenance to the governor and legislature. and appropriate legislative committees, improving the delivery of technical assistance agencies. The strategy shall include ways such services can be made more where additional assistance may be all be presented to the governor and 3. n plan and the overall effectiveness of rt to the governor, the president of the the results of such monitoring and an December 1, 1990.

2-v, relative to the office of state plan-

Distribution Authority.

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

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

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

13 of this act, relative to the federal-

lassified positions to permanent posi-

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

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

sources and development established bership of the nuclear waste technical

uly 1, 1987. ffect upon its passage.

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

CHAPTER 284 (HB 105)

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

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

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

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

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

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

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

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

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

CHAPTER 285 (HB 107)

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

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

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

tative, whenever there are 2 or more candidates for nomination to the same office, the names of such candidates shall be alternated on the state primary election ballots used so that each name shall appear thereon as nearly as may be an equal number of times at the top, at the bottom, and in each intermediate place, if any, of the list in which it belongs. Names of candidates for nomination to the office of state representative shall be arranged in the alphabetical order of their surnames.

656:25 Color; Party Designation. The state primary election ballots of all parties shall be printed upon colored paper, but no ballots of any political party shall be printed upon paper of the same or a closely similar color as the ballots of another political party. On the back of each ballot shall be printed in prominent type the name of the party.

656:26 Number. The secretary of state shall furnish to each town or ward clerk the state primary election ballots of each political party as follows: for each 50 and fraction of 50 voters of each party as he may determine from the number of voters of the respective party on the checklist as used at the last preceding state primary election, 60 ballots of said party; except that, when any party has less than 10 voters on said checklist, he shall furnish 25 ballots.

656:27 Number for New Party. For the first state primary election at which a political party has candidates for nomination, the secretary of state shall print for said party a sufficient number of state primary election ballots which in his discretion shall most closely approximate the figures provided in RSA 656:26.

656:28 Sample Ballots. The secretary of state shall furnish 10 sample state primary election ballots of each political party printed on white paper to each town or ward clerk and, upon request, a reasonable number of such sample ballots to each person whose name appears upon the ballot as a candidate. Each town or ward clerk shall post one sample ballot of each political party in each of 3 public places in his town or ward within one day of receiving such sample ballots and save the remainder to be posted on the day of the primary as provided in RSA 658:26.

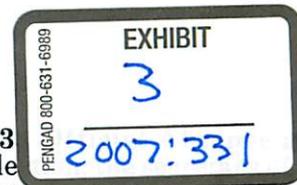
Presidential Primary Election

656:29 Preparation. At least 6 days before any presidential primary election is to be held, the official presidential primary election ballot for each political party shall be sent by the secretary of state to the city and town clerks.

656:30 General Form. The presidential primary election ballot shall be as nearly as practicable in the same form as the state primary election ballot.

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

656:32 Other Provisions. The provisions of RSA 656:24 - 656:28 relating to state primary election ballots shall apply to presidential primary ballots.



656:33 state ele... deem necessary, absence and disability as nearly as practicable as the official absentee ballots shall be similarly colored from that used for official and

656:34 Official Overseas Citizens. Prior to any federal election, the secretary of state shall determine the quantity as he may deem necessary, of absentee ballots as nearly as practicable in form as used at said election. Said ballots shall be printed on paper differing in color from that used for disability ballots. Such ballots shall be used for candidates seeking election to federal office.

656:35 Armed Services Absentee Ballots. The secretary of state shall prepare, in addition to the armed services absentee ballots in the state, a separate absentee ballot to be used at said election.

656:36 Questions on the Ballot. On an official state election ballot, the question is also printed on the absentee ballot for the armed services absentee ballot, and

656:37 Constitutional Amendments. A separate ballot related to a proposed constitutional amendment shall be a separate absentee ballot of a different color from that used for disability or armed services absentee ballots.

656:38 Forwarding Absentee Ballots. The secretary of state shall forward absentee ballots to the town and

Voters in Unincorporated Areas

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

Voting

656:40 Adoption. The mayor and council of any town, subject to the approval of the voters, may provide for the use of one or more voting machines and counting of ballots in such city or town at a special election and pay the expense thereof. The use of such machines or devices for such purposes. Any town, or the mayor and council, may purchase or purchase voting machines or devices for such purposes. Any town, or the mayor and council, may purchase or purchase voting machines or devices for such purposes. Any town, or the mayor and council, may purchase or purchase voting machines or devices for such purposes. Any town, or the mayor and council, may purchase or purchase voting machines or devices for such purposes.



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
olished under RSA 36:45-53 in sup-
pction planning. The commissioner,
he advisory committee, shall adopt
arding financial grants under this
state planning, in cooperation with
ouncil on resources and develop-
nce and information in support of
g 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:
ties.
ctivities.
abitats, and other significant natu-
ures.
nts.
wing.
wage rights.
oved 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- election ballot. If the state general id time will permit, the secretary of s with the name of the substitute ne 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- igh the absent voter's ballot is sent apers 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. 1 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.]

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 requiren
such requirements, including the pay
the secretary of state any returns re
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 spe
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.]

AN ACT EXEMPTING PERSONS
FROM THE IMPORTA

*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

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CHAPTER 436

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anyone who knowingly votes or shall be guilty of a misdemeanor.

tion. The secretary of state and hereby authorized to perform all perform by any federal statute is applicable and to accept any to defray any expense in connection repugnant to the constitution

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EDURE

before any state general election, polling place and one other place. be the hour the polls are to open use as provided in RSA 659:1 questions which are to be voted e and of any additional polling warrant for the state general of such warrant to be posted for each offense be guilty of a tted to the town.

tion

l political committee of the 2 er of votes for governor in the authorized to appoint between ion year 2 inspectors of election ers qualified to vote at a polling tes may each appoint for such . 1,500 qualified voters or frac- ward political committees may y divided between said 2 politi- ary for the efficient conduct of rman of said political commit- or ward clerk and city clerk this authority. If any such mmittees and proper notifica- en the appointments shall be n equal numbers from said 2

ion shall be qualified to vote at appointed from the registered

n shall be sworn to the faithful or 2 years from November 1 in a successor is appointed and

s of inspectors of elections as committees or town and ward no shall meet the same qualifi-

cations as inspectors of elections, to be called in numerical order to serve in case one or more of the principal appointees fails to accept the appointment or is otherwise unavailable to perform his duties.

658:6 Appointment by Court. In case any appointment shall not be made as herein provided or vacancies are not filled as provided in RSA 658:22, then, on application of 6 qualified voters of the town or ward, a justice of the municipal or district court shall appoint the inspectors.

Assistant Election Officials

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 selectmen 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.

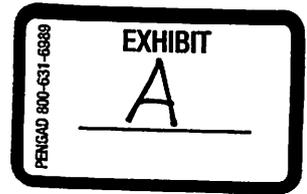
658:8 Term. The term of office of each of the assistant election officials appointed as provided in RSA 658:7 shall expire at the termination of the proceedings at the election for which he was appointed.

Preparation of Polling Place

658:9 Arrangement. The selectmen of each town and ward shall provide for a suitable place in which to hold state elections and shall see that the same is warmed, lighted and furnished with proper supplies and conveniences. Such supplies and conveniences shall include a ballot box and a sufficient number of soft black lead pencils and booths with shelves to enable the voter to mark his ballot screened from all observation as to the manner in which he does so. The selectmen of each town and ward shall be charged with the responsibility to see that the flag of the United States is displayed inside and, weather conditions permitting, flown outside the polling place on election day. A guardrail shall be so constructed and placed so that only such persons as are inside such rail can approach within 6 feet of the ballot box and of the voting booths. The arrangements shall be such that the voting booths can be reached only by passing within the guardrail. The voting booths shall be in plain view of the election officers, and both they and the ballot box shall be in plain view of those outside the guardrail. Each of said booths shall have 3 sides enclosed, one side in front to open and shut by a door swinging outward or to be enclosed with a curtain. Each side of the booths shall be not less than 6 feet high. The booth shall be between 28 and 36 inches wide, between 28 and 36 inches deep. The door or curtain shall extend to within 2 feet of the floor and shall be closed while the voter is marking his ballot. Each booth shall be well lighted and shall contain a shelf between 12 and 15 inches wide running the width of the booth at a convenient height for writing. The number of such voting booths shall not be less than one to every 125 voters or fraction thereof qualified to vote at such polling places; and there shall not, in any case, be less than 2 of these voting booths at any polling place.

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

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MICHAEL A. DELANEY
ATTORNEY GENERAL



ORVILLE B. "BUD" FITCH II
DEPUTY ATTORNEY GENERAL

News Release

RELEASED BY: Attorney General Michael A. Delaney

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

DATE: July 19, 2010

RELEASE TIME: Immediate

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

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

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

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

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

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

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

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

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

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

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

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