

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY
ATTORNEY GENERAL



ORVILLE B. "BUD" FITCH II
DEPUTY ATTORNEY GENERAL

SECTION 5 VOTING SUBMISSION

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

DATE: September 13, 2010

RE: Supplement to 2010-3020
Submissions Under Section 5 of the Voting Rights Act for:
Laws of 2009, Chapter 33

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 this supplement to federal DOJ file 2010-3020, which is a preclearance submission for **Laws of 2009, Chapter 33**, relative to eliminating the office of vice-president from the presidential primary ballot, for preclearance by the U.S. Department of Justice.

Changes to RSA 655:47, RSA 655:48, and 656:31 in this act 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 2009, Chapter 33:

1. (Sec 1) Section 1 amends RSA 655:47, a change which was recently precleared by federal DOJ non-objection letter 2010-3021, issued 9/3/2010, therefore this change is not submitted in this document;
2. (Sec 2) amends RSA 655:48, Fees, which was previously amended in 1979, 1983, and 1998. The 1979 change has been precleared. The 1983 and 1998 changes will be submitted simultaneously in separate submissions for preclearance (See Submissions 1983:298 and 1998:246);
3. (Sec 3) amends RSA 656:31, Form of Presidential Primary Ballot, which was previously amended in 1979, 1987, and 2007. The 1979 change has been precleared. The 1987 and 2007 changes will be submitted simultaneously in separate submission for preclearance (See Submissions 1987:284 and 2007:331).

See Attached Exhibit 2009:33, #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(b) A copy of any ordinance, enactment, order, or regulation embodying the voting practice that is proposed to be repealed, amended or otherwise changed (prior law).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 655:48, as amended in 1998. See Attached Exhibit 2009:33, #2.

RSA 655:48, as amended in 1983. See Attached Exhibit 2009:33, #3.

RSA 655:48, as amended in 1979. See Attached Exhibit 2009:33, #4.

RSA 656:31, as amended in 2007. See Attached Exhibit 2009:33, #5.

RSA 656:31, as amended in 1987. See Attached Exhibit 2009:33, #6.

RSA 656:31, as amended in 1979. See Attached Exhibit 2009:33, #7.

(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 2) Section 2, amends RSA 655:48.
 - a. The 2009 change removes the office of Vice-President of the United States from the Presidential Primary ballot.

- 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.
 - c. The 1983 change adds the phrase “Notwithstanding any other provision of law,” and changes the fee amount from \$500 to \$1000.
 - d. The 1979 version is the baseline, as it has been precleared.
2. (Sec 3) amends RSA 656:31, Form.
- a. The 2009 change removes the office of Vice-President of the United States from the Presidential Primary ballot.
 - b. 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.
 - c. 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.
 - d. The 1979 version is the baseline, as it has been precleared.

(d) The name, title, address, and telephone number of the person making the submission.

Orville B. Fitch II, Deputy Attorney General
New Hampshire Attorney General’s Office
33 Capitol Street
Concord, New Hampshire 03301
(603) 271-1238

(e) The name of the submitting authority and the name of the jurisdiction responsible for the change, if different.

Attorney General Michael A. Delaney
State of New Hampshire

(f) If the submission is not from a State or county, the name of the county and State in which the submitting authority is located.

Not applicable

(g) Identification of person or body responsible for making the change and the mode of decision (e.g. act of state legislature, ordinance of city council, administrative decision by the registrar).

This change is an act of the New Hampshire General Court, New Hampshire's state legislature, with approval of the legislation by the Governor of the State of New Hampshire.

(h) A statement identifying the statutory or other authority under which the jurisdiction undertakes the change and a description of the procedures the jurisdiction was required to follow in deciding to undertake the change.

The New Hampshire Constitution Part Second, Article 2, grants supreme legislative power within the State to the House of Representatives and Senate, who with a right to negate each other are granted power to make law through Part Second, Article 5. The legislature, through a bicameral process passed each Chapter Law set forth above. Each bill was signed into law by the Governor or allowed to become law without signature, pursuant to New Hampshire Constitution Part Second, Article 44.

(i) The date of adoption of the change affecting voting.

May 15, 2009.

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

July 14, 2009.

(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 2) Section 2, amends RSA 655:48.

- a. The 2009 change removes the office of Vice-President of the United States from the Presidential Primary ballot. This change removes the opportunity for individuals to seek nomination through the New Hampshire Presidential Primary as the nominee of their political party for the office of vice-president. Presidential candidates typically have not identified their choice for their political party's nomination as the party candidate for vice-president at the moment in time when the New Hampshire Presidential Primary is held. Vice-Presidential nominees are now chosen by the national political parties at convention. Existing practice resulted in voters receiving ballots suggesting a meaningful opportunity to express a preference by voting for the individuals who sought nomination as their political party's vice-presidential candidate or by writing in a selection when practically such votes had virtually no effect on the selection process. The duty to count and report votes for stand alone nominees for vice-president, particularly where write-in candidates were numerous, was onerous for local and state election officials. As the practice yielded little or no benefit and required significant resources, these changes to New Hampshire's election laws end the practice.
 - 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 reason for this change is to remove the authority of this statute to trump other statutes affecting this area of law. The 1998 change also adds paragraph II. Paragraph II adds a provision allowing an indigent individual to gain ballot access without paying the filing fee, provided they demonstrate a modicum of support by submitting 100 primary petitions signed by supporting voters, with a minimum of 10 from voters in each of the 10 counties in New Hampshire. It also specifies the form of the petition.
 - c. The 1983 change adds the phrase "Notwithstanding any other provision of law," and changes the fee amount from \$500 to \$1000. The purpose of this change is to make this statute trump any other conflicting statute which might affect this area of law and to increase the amount of the fee that must be paid to file for either office.
 - d. The 1979 version is the baseline, as it has been precleared.
2. (Sec 3) amends RSA 656:31, Form.
- a. The 2009 change removes the office of Vice-President of the United States from the Presidential Primary ballot. The reason for this change is described above in m (1) a.
 - b. 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.

- c. 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.
- d. The 1979 version is the baseline, as it has been precleared.

(n) A statement of the anticipated effect of the change on members of racial or language minority groups.

There is no anticipated adverse effect on members of racial or language minority groups.

(o) Identify any past or pending litigation concerning the change or related voting practice.

There is no known past or pending litigation concerning these changes or related voting practices.

(p1) A Statement that the prior practice has been precleared, with the date, or is not subject to the preclearance requirement and

1. 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 2009 are being simultaneously submitted for preclearance. To aid 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**

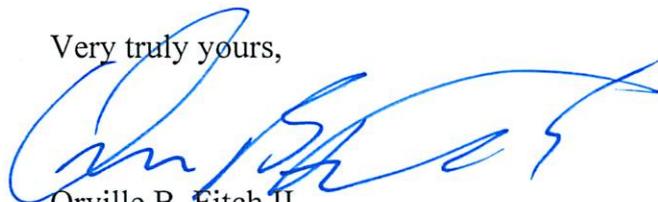
None.

§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

CHAPTER 33
HB 35 – FINAL VERSION
2009 SESSION



09-0018

03/09

HOUSE BILL **35**

AN ACT eliminating the office of vice-president from the presidential primary ballot.

SPONSORS: Rep. Vaillancourt, Hills 15; Rep. Drisko, Hills 5; Rep. Jasper, Hills 27; Sen. Barnes, Jr., Dist 17; Sen. Gatsas, Dist 16

COMMITTEE: Election Law

ANALYSIS

This bill eliminates the office of vice-president from the presidential primary ballot.

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.

09-0018

03/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nine

AN ACT eliminating the office of vice-president from the presidential primary ballot.

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

33:1 Declaration of Candidacy..Amend RSA 655:47, 1 to read as follows:

Already Predeclared

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~~] *of president*; that I am a registered member of the _____ party; that I am a candidate for nomination for the office of [_____] *president* 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.

33:2 Fees. 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 [_____] *president* 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

Town or City (Ward)

Voter's Mailing 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 _____

33:3 Voting Materials; Form. 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~~] *column* 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.~~]

33:4 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 15, 2009

Effective Date: July 14, 2009

HB 1156-FN-LOCAL - FINAL VERSION



18feb98.....0530h

6/10/98 2005s

1998 SESSION

98-2455

03/08

HOUSE BILL ***1156-FN-LOCAL***

AN ACT relative to primary elections and absentee ballots.

SPONSORS: Rep. Flanagan, Rock 14; Rep. P. Krueger, Merr 7; Rep. Horton, Coos 3; Rep. Stritch, Rock 5

COMMITTEE: Election Law

ANALYSIS

This bill provides for indigent filing for presidential and vice-presidential candidates, prohibits counting absentee ballots before the closing of the polls, and makes other technical changes to the election laws.

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.

18feb98.....0530h

6/10/98 2005s

98-2455

03/08

STATE OF NEW HAMPSHIRE

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

AN ACT relative to primary elections and absentee ballots.

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

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.

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

655:48 Fees.

I. [Notwithstanding any other provision of law,] 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 [he] the candidate shall pay to the secretary of state at the time of filing [his] 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

Town or City (Ward)

Voter's Mailing 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 _____

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. ~~[Copies of said lists with names only shall be posted at the polling places on the day of election as provided in RSA 658:27.]~~ ***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.***

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.

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.*

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.

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

LBAO

98-2455

10/23/97

HB 1156-FN-LOCAL - FISCAL NOTE

AN ACT relative to primary elections and absentee ballots.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation has a total fiscal impact of less than \$10,000 in each of the fiscal years 1998 through 2002.

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:

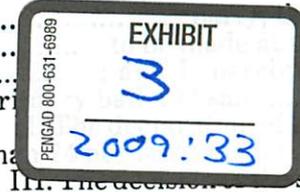
298:1 Method of Nominating Presidential Candidate. Amend RSA 655:47 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

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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ays be
secretar
of candidacy filed under this sec



298:2 Fee for Declaration o inserted by 1979, 436:1 by striil 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:

CH

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

on. The commission shall file a
r as required of commissions in
1 all matters pertaining to such
as commissioners have in laying

Amend RSA 4:30 by striking out
e following:

and council, for the purposes
riate any such real estate for the
A.

repealed:

nages.

s.
:37 by striking out in line 1 the
hereof the following (Any such
tion as amended shall read as

akings and appropriations shall
e state by the attorney general

effect 60 days after its passage.

B 589)

NDIDACY FOR CANDIDATES
ND VICE-PRESIDENT.

representatives in General Court

tial Candidate. Amend RSA
striking out said section and

as candidates for president and
ll be printed on the ballots upon
1 the secretary of state in the

.., declare that I am domiciled
(town or unincorporated place)
....., state of
and meet the qualifications for
am a registered member of the

..... 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.



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, ll 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 state. 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 ward 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

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

1 3 of this act, relative to the federal-

lassified positions to permanent posi-

);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.

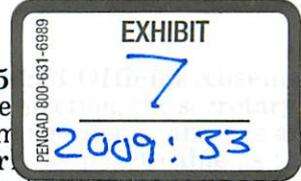
Presidential Primary Election

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.



65 state deemed near absentee ballots shall be similarly color from that used for official and

656:34 Official Overseas Citizen Prior to any federal election, the secretary of state shall prepare, in the quantity as he may deem necessary, 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 official and disability ballots. Such ballots shall be used for candidates seeking election to federal office.

656:35 Armed Services Absentee The secretary of state shall prepare, in the quantity as he may deem necessary, armed services absentee ballots in the form of an absentee ballot to be used at said election.

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

656:37 Constitutional Amendment related to a proposed constitutional amendment shall be printed on a separate ballot as provided in RSA 656:34. A separate absentee ballot of a different color shall be used for disability and disability or armed services absentee ballots.

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

Voters in Unincorporated Areas

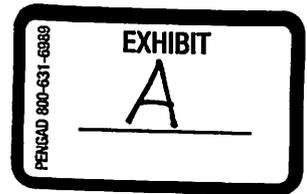
656:39 Preparation of Special The secretary of state shall prepare special state election ballots for each political party as provided in RSA 668.

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 for the purpose of voting in such city or town at a special election and pay the expense of such machines or devices. The use of such machines or devices for such purposes. Any town, or the mayor and council, may purchase voting machines or devices for such purposes. Any town, or the mayor and council, may purchase voting machines or devices for such purposes. Any town, or the mayor and council, may purchase voting machines or devices for such purposes. Any town, or the mayor and council, may purchase voting machines or devices for such purposes.

**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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