

**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: August 2, 2010

RE: Submissions Under Section 5 of the Voting Rights Act for:
Laws of 2010, Chapter 317

Dear Voting Section Chief:

Pursuant to 42 U.S.C. § 1973(c), the State of New Hampshire, through the Office of the New Hampshire Attorney General, hereby submits **Laws of 2010, Chapter 317**, relative to implementation of the federal MOVE Act and other related changes, for preclearance by the U.S. Department of Justice.

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 2010, Chapter 317. See Attached Exhibit 2010:317, #1. The act:

1. (Sec 1) Amends RSA 44:5, Voters and Checklists;
2. (Sec 2) Amends RSA 652:13, Federal Election;
3. (Sec 3) Establishes RSA 652:16-b, UOCAVA Voters;
4. (Sec 3) Establishes RSA 652:16-c, Absent Uniformed Services Voters;

5. (Sec 3) Establishes RSA 652:16-d, Accessible Voting System;
6. (Sec 4) Establishes RSA 652:23, Chief Election Officer;
7. (Sec 5) Amends RSA 654:3, Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Voters;
8. (Sec 6) Amends RSA 654:19, Submission; Effect;
9. (Sec 7) Amends a subdivision heading, Federal Post Card Application Form;
10. (Sec 8) Amends RSA 654:20, Federal Post Card Application Form for UOCAVA Voters;
11. (Sec 9) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance;
12. (Sec 10) Amends RSA 655:37, Vacancy for Office on Party Ticket;
13. (Sec 11) Amends RSA 655:81, Nomination of U.S. Representative, Executive Councilor, State Senator, and Representative to the General Court;
14. (Sec 12) Amends RSA 655:82, Uncontested Primary;
15. (Sec 13) Amends RSA 656:13, Questions on the Ballot;
16. (Sec 14) Amends RSA 656:17, Endorsement;
17. (Sec 15) Amends RSA 656:34, Federal Offices Only Absentee Ballot;
18. (Sec 16) Amends RSA 656:35, Absentee Ballot for Uniformed Services Voters and Voters Temporarily Residing Outside the United States;
19. (Sec 17) Amends RSA 656:36, Questions on the Ballot;
20. (Sec 18) Amends RSA 656:37, Constitutional Amendments;
21. (Sec 19) Amends RSA 657:2, UOCAVA Voters;
22. (Sec 20) Amends RSA 657:4, Forms;

23. (Sec 21) Amends RSA 657:6, Procedure by Applicant;
24. (Sec 22) Amends RSA 657:8, UOCAVA Oath;
25. (Sec 23) Amends RSA 657:10, Forwarding Forms;
26. (Sec 24) Amends RSA 657:10-a, Write-in Absentee Ballot;
27. (Sec 25) Establishes RSA 657:10-b, Federal Write-in Absentee Ballot;
28. (Sec 26) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance;
29. (Sec 27) Amends RSA 657:13, Provisions for State of Presidential Primary Elections;
30. (Sec 28) Amends RSA 657:14, Information Furnished;
31. (Sec 29) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance;
32. (Sec 30) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance;
33. (Sec 31) Amends RSA 657:17, Procedure by Voter;
34. (Sec 32) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance;
35. (sec 33) Amends a subdivision heading, Procedure for Uniformed Services, Temporarily Residing Outside the United States, and Federal Ballot Only Voting;
36. (Sec 34) Amends RSA 657:19, Sending Ballots to UOCAVA Voters;
37. (Sec 35) Amends RSA 657:19-a, Federal Official Post Card Form and Other Requests form UOCAVA Voters;
38. (Sec 36) Establishes RSA 657:19-b, Procedure for Requesting Voter Registration Applications or Absentee Ballot Applications Electronically;

39. (Sec 36) Establishes RSA 657:19-c, E-Mail Account Maintenance by Clerks;
40. (Sec 37) Amends RSA 657:20, Procedure by UOCAVA Voter;
41. (Sec 38) Amends RSA 657:21, Procedure by Clerk;
42. (Sec 39) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance;
43. (Sec 40) Amends RSA 659:49-b, Opening Absentee Ballot Outer Envelopes;
44. (Sec 41) Amends RSA 659:50, Announcement by Moderator;
45. (Sec 42) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance;
46. (Sec 43) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance;
47. (Sec 44) Establishes RSA 659:54-a, Immaterial Defects;
48. (Sec 45) Amends RSA 659:61, Votes Counted After Processing of Absentee Ballots;
49. (Sec 46) Amends RSA 659:73, General Content of Return;
50. (Sec 47) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance;
51. (Sec 48) Amends RSA 659:77, General Neglect by Town or Ward Moderator and Clerk;
52. (Sec 49) Amends RSA 659:78, Late Return;
53. (Sec 50) Amends RSA 659:79, Incorrect or Incomplete Return; Amendment;
54. (Sec 51) Amends RSA 659:88, I(b), Write-In Nomination;
55. (Sec 52) Amends RSA 659:90, Rejection of Nomination by Write-In Vote;

56. (Sec 53) Amends RSA 659:91, Nominations for Incompatible Offices;
57. (Sec 54) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance;
58. (Sec 55) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance;
59. (Sec 56) Amends RSA 659:99, Forwarding Ballots to the Secretary of State;
60. (Sec 57) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance;
61. (Sec 58) Amends RSA 660:7, Application;
62. (Sec 59) Amends RSA 661:8, III, Vacancies; State Representative;
63. (Sec 60) Amends RSA 665:5, I, Ballot Law Commission; Hearing Date;
64. (Sec 61) Amends RSA 669:4, Qualifications of Voters;
65. (Sec 62) Amends RSA 669:24, Paper, Uniformity, Endorsement;
66. (Sec 63) Amends RSA 669:25, Conduct;
67. (Sec 64) Amends RSA 669:26, Absentee Voting;
68. (Sec 65) Amends RSA 669:27, II-III, Town Elections; Absentee Voter Forms;
69. (Sec 66) Amends RSA 669:29, Application of Statutes;
70. (Sec 67) Amends RSA 670:3, Voters and Checklists, however, as RSA Chapter 670 addresses Village District Elections and no New Hampshire Village District is subject to Section 5 of the Voting Rights Act, this section is not submitted for preclearance;
71. (Sec 68) Amends RSA 671:14, Qualifications;
72. (Sec 69) Amends RSA 5:6-d, Election Fund;

73. (Sec 70) Amends RSA 656:42, Electronic Ballot Counting Devices;
74. (Sec 71) Repeals RSA 654:4, relative to armed services voters (See Section 3, RSA 652:16-b which amends and re-codifies this section);
75. (Sec 71) Repeals RSA 654:21, relative to forwarding registration affidavits, ;
76. (Sec 71) Repeals RSA 657:3, relative to armed services voter eligibility;
77. (Sec 71) Repeals RSA 657:9, relative to armed services voting;
78. (Sec 72) Amends RSA 657:12, Provisions for General Election;
79. (Sec 73) Amends RSA 657:15, Sending Absentee Ballots;
80. (Sec 74) Amends RSA 657:18, Procedure by Clerk;
81. (Sec 75) Amends RSA 657:23, Delivery to Moderator;
82. (Sec 76) Amends RSA 659:51, Challenges;
83. (Sec 77) Amends RSA 659:52, Opening Envelope; Depositing Ballot;
84. (Sec 78) Amends RSA 654:23, Effect;
85. (Sec 79) Amends RSA 657:16, Refusal to Certify; Procedure;
86. (Sec 80) Amends RSA 659:75, Forwarding; Retaining Copies of Return;
87. (Sec 81) Amends RSA 659:95, Sealing and Certifying Ballots;
88. (Sec 82) Amends RSA 659:98, I, Delivery of Ballots to Town Clerk;
89. (Sec 83) Amends RSA 659:101, Preservation of Absentee Voting Materials;
90. (Sec 84) Establishes contingency provisions making the sections set form above that were not enacted contingent upon other bills not becoming law and in one instance nullifying a section of a previously adopted 2010 bill;

91. (Sec 85) Establishes the effective dates of these changes.

(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).

The act:

1. (Sec 1) Amends RSA 44:5, Voters and Checklists. See attached Exhibit 2010:317 #2.
2. (Sec 2) Amends RSA 652:13, Federal Election. See attached Exhibit 2010:317 #3.
3. (Sec 3) Establishes RSA 652:16-b, UOCAVA Voters. See attached Exhibit 2010:317 #4, RSA 654:4 which is repealed by section 71 of this act. RSA 652:16-b is a new statute which does not replace any single prior law. See also changes 74-77 below (sec 71 of the act) for related statutes which have been repealed as their substance has been replaced or revised by several of these changes.
4. (Sec 3) Establishes RSA 652:16-c, Absent Uniformed Services Voters. This is a new section of law, therefore there is no prior statute.
5. (Sec 3) Establishes RSA 652:16-d, Accessible Voting System. This is a new section of law, therefore there is no prior statute.
6. (Sec 4) Establishes RSA 652:23, Chief Election Officer. This is a new section of law, therefore there is no prior statute.
7. (Sec 5) Amends RSA 654:3, Previously titled Voting Rights of Overseas Citizens, amending the title to read Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Voters. See attached Exhibit 2010:317, #5.
8. (Sec 6) Amends RSA 654:19, Submission; Effect. See attached Exhibit 2010:317, #6.
9. (Sec 7) Amends a subdivision heading, Federal Post Card Application Form. The Section heading previously read "Overseas Citizens Voting: Federal Elections Only."
10. (Sec 8) Amends RSA 654:20, Federal Post Card Application Form for UOCAVA Voters. See attached Exhibit 2010:317, #7, RSA 654:20 as

amended in 2009. The 2009 change is being submitted separately for preclearance, see submission 2009:214.

11. (Sec 9) is not enacted, RSA 654:23 is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance. Note Section 78 also amends RSA 654:23, but as is addressed below, that change will have effect only from 7/18/2010 until Chapter 172 takes effect on 8/16/2010, therefore the change in section 72 will never be enforced or administered at an election.
12. (Sec 10) Amends RSA 655:37, Vacancy for Office on Party Ticket. See attached Exhibit 2010:317, #8, RSA 655:37 as amended in 1994. The 1994 and 1983 changes to this statute are being submitted separately for preclearance, see submissions 1983:426 and 1994:4.
13. (Sec 11) Amends RSA 655:81, Nomination of U.S. Representative, Executive Councilor, State Senator, and Representative to the General Court. See attached Exhibit 2010:317, #9, RSA 655:81 as amended in 2006. Changes to RSA 655:81 in 1981, 1994, 1996, and 2006 are being submitted separately, see submissions: 1981:512, 1994:381, 1996:36, 2006:32.
14. (Sec 12) Amends RSA 655:82, Uncontested Primary. See attached Exhibit 2010:317, #10, RSA 655:82 as amended in 1998. Changes to RSA 655:82 in 1981 are being submitted separately, see submission 1981:512.
15. (Sec 13) Amends RSA 656:13, Questions on the Ballot. See attached Exhibit 2010:317, #11, RSA 656:13 as amended in 1994. Changes to RSA 656:13 in 1994 are being submitted separately, see submissions 1994:309 and 1994:324.
16. (Sec 14) Amends RSA 656:17, Endorsement. See attached Exhibit 2010:317, #12
17. (Sec 15) Amends RSA 656:34, Federal Offices Only Absentee Ballot. See attached Exhibit 2010:317, #13, RSA 656:34 as amended in 1996. Changes to RSA 656:34 in 1981 and 1996 are being submitted separately. See submissions 1981:392 and 1996:88.
18. (Sec 16) Amends RSA 656:35, Absentee Ballot for Uniformed Services Voters and Voters Temporarily Residing Outside the United States. See attached Exhibit 2010:317, #14, RSA 656:35 as amended in 1996.

The 1996 change is being submitted separately, see submission 1996:88.

19. (Sec 17) Amends RSA 656:36, Questions on the Ballot. See attached Exhibit 2010:317, #15.
20. (Sec 18) Amends RSA 656:37, Constitutional Amendments. See attached Exhibit 2010:317, #16, RSA 656:37 as amended in 1981. The 1981 change is being submitted separately, see submission 1981:392.
21. (Sec 19) Amends RSA 657:2, UOCAVA Voters. See attached Exhibit 2010:317, #17.
22. (Sec 20) Amends RSA 657:4, Forms. See attached Exhibit 2010:317, #18, RSA 657:4 as amended in 2009. Changes to RSA 657:4 in 2006, 2007, and 2009 are being submitted separately. See submissions 2006:136, 2007:212, and 2009:288.
23. (Sec 21) Amends RSA 657:6, Procedure by Applicant. See attached Exhibit 2010:317, #19.
24. (Sec 22) Amends RSA 657:8, UOCAVA Oath. See attached Exhibit 2010:317, #20, RSA 657:8 as amended in 2003. Changes to RSA 657:8 in 2003 and 1983 are being submitted separately. See submissions 1983:220 and 2003:289.
25. (Sec 23) Amends RSA 657:10, Forwarding Forms. See attached Exhibit 2010:317, #21.
26. (Sec 24) Amends RSA 657:10-a, Write-in Absentee Ballot. See attached Exhibit 2010:317, #22, RSA 657:10-a as amended in 2007. Enactment of RSA 657:10-a in 1986 and amendment to the statute in 1994 and 2007 are being submitted separately for preclearance. See submissions 1986:126, 1994:218, and 2007:212.
27. (Sec 25) Establishes RSA 657:10-b, Federal Write-in Absentee Ballot. This is a new statute and a new practice to conform to the MOVE Act, there is no prior statute to provide.
28. (Sec 26) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance.

29. (Sec 27) Amends RSA 657:13, Provisions for State of Presidential Primary Elections. See attached Exhibit 2010:317, #23, RSA 657:13 as amended in 2003. A change to RSA 657:13 enacted by Laws of 2010, Chapter 182 was previously submitted for preclearance, see submission 2010:182. The Chapter 182 change will be effective from 6/21/10 until this change takes effect on 7/18/2010.
30. (Sec 28) Amends RSA 657:14, Information Furnished. See attached Exhibit 2010:317, #24.
31. (Sec 29) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance.
32. (Sec 30) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
33. (Sec 31) Amends RSA 657:17, Procedure by Voter. See attached Exhibit 2010:317, #25.
34. (Sec 32) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance.
35. (sec 33) Amends a subdivision heading, Procedure for Uniformed Services, Temporarily Residing Outside the United States, and Federal Ballot Only Voting. Exhibit 2010:317, #1 shows the prior form of the heading.
36. (Sec 34) Amends RSA 657:19, Sending Ballots to UOCAVA Voters. See attached Exhibit 2010:317, #26, RSA 657:19 as amended in 2003. Another change to RSA 657:19 in 2010 has been submitted separately, see submission 2010:182. Changes made to RSA 657:19 in 2003 and 1986 have been submitted separately, see submission RSA 657:19.
37. (Sec 35) Amends RSA 657:19-a, Federal Official Post Card Form and Other Requests form UOCAVA Voters. See attached Exhibit 2010:317, #27, RSA 657:19-a. A different change to RSA 657:19-a made in 2010 has been submitted separately, see submission 2010:182.
38. (Sec 36) Establishes RSA 657:19-b, Procedure for Requesting Voter Registration Applications or Absentee Ballot Applications Electronically. RSA 657:19-b is a new statute and a new practice enacted to comply with the MOVE Act, there is no prior statute.

39. (Sec 36) Establishes RSA 657:19-c, E-Mail Account Maintenance by Clerks. RSA 657:19-c is a new statute and a new practice enacted to comply with the MOVE Act, there is no prior statute.
40. (Sec 37) Amends RSA 657:20, Procedure by UOCAVA Voter. See attached Exhibit 2010:317, #28.
41. (Sec 38) Amends RSA 657:21, Procedure by Clerk. See attached Exhibit 2010:317, #29.
42. (Sec 39) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
43. (Sec 40) Amends RSA 659:49-b, Opening Absentee Ballot Outer Envelopes. See attached Exhibit 2010:317, #30, RSA 659:49-b as enacted in 2008. The enactment of RSA 659:49-b in 2008 is being submitted separately, see submission 2008:108.
44. (Sec 41) Amends RSA 659:50, Announcement by Moderator. See attached Exhibit 2010:317, #31.
45. (Sec 42) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance.
46. (Sec 43) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance.
47. (Sec 44) Establishes RSA 659:54-a, Immaterial Defects. This is a new section of law and new practice enacted to conform New Hampshire law to the MOVE Act. There is no prior law or practice in statute.
48. (Sec 45) Amends RSA 659:61, Votes Counted After Processing of Absentee Ballots. See attached Exhibit 2010:317, #32, RSA 659:61 as amended in 1987. Changes to RSA 659:61 1987 and 1981 are being submitted separately. Submission 1981:454 has previously been submitted. Submission 1987:371 will be submitted simultaneously with this submission.
49. (Sec 46) Amends RSA 659:73, General Content of Return. See attached Exhibit 2010:317, #33.

50. (Sec 47) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
51. (Sec 48) Amends RSA 659:77, General Neglect by Town or Ward Moderator and Clerk. See attached Exhibit 2010:317, #34.
52. (Sec 49) Amends RSA 659:78, Late Return. See attached Exhibit 2010:317, #35.
53. (Sec 50) Amends RSA 659:79, Incorrect or Incomplete Return; Amendment. See attached Exhibit 2010:317, #36.
54. (Sec 51) Amends RSA 659:88, I(b), Write-In Nomination. See attached Exhibit 2010:317, #37, RSA 659:88 as amended in 2008. Changes to RSA 659:88 in 1981, 1993, 1994, and 2008 are being submitted separately, see submissions: 1981:240, 1993:187, 1994:218, and 2008:142.
55. (Sec 52) Amends RSA 659:90, Rejection of Nomination by Write-In Vote. See attached Exhibit 2010:317, #38, RSA 659:90 as amended in 1994. Changes to RSA 659:90 in 1981, 1983, and 1994 are being submitted separately, see submissions: 1981:240, 1983:426, and 1994:4.
56. (Sec 53) Amends RSA 659:91, Nominations for Incompatible Offices. See attached Exhibit 2010:317, #39, RSA 659:91 as amended in 1994. Changes to RSA 659:91 in 1981, 1983, and 1994 are being submitted separately, see submissions: 1981:240, 1983:426, and 1994:4.
57. (Sec 54) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
58. (Sec 55) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
59. (Sec 56) Amends RSA 659:99, Forwarding Ballots to the Secretary of State. See attached Exhibit 2010:317, #40.
60. (Sec 57) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
61. (Sec 58) Amends RSA 660:7, Application. See attached Exhibit 2010:317, #41, RSA 660:7 as amended in 2008. Changes to RSA

660:7 in 1981, 1983, a second change in 1983, 1994, 1995, and 2008 are being submitted separately, see submissions: 1981:510, 1983:175, 1983:426, 1994:4, 1995:69, and 2008:377.

62. (Sec 59) Amends RSA 661:8, III, Vacancies; State Representative. See attached Exhibit 2010:317, #42, RSA 661:8 as amended in 2006. Changes to RSA 661:8 in 2006 are being submitted separately, see submission 2006:32.
63. (Sec 60) Amends RSA 665:5, I, Ballot Law Commission; Hearing Date. See attached Exhibit 2010:317, #43, RSA 665:5 as amended in 2009. Changes to RSA 665:5 in 2003 and 2009 are being submitted separately, see submissions 2003:151 and 2009:44.
64. (Sec 61) Amends RSA 669:4, Qualifications of Voters. See attached Exhibit 2010:317, #44.
65. (Sec 62) Amends RSA 669:24, Paper, Uniformity, Endorsement. See attached Exhibit 2010:317, #45, RSA 669:24 as amended in 1991. A 1991 change to RSA 669:24 is being submitted separately, see submission 1991:370.
66. (Sec 63) Amends RSA 669:25, Conduct. See attached Exhibit 2010:317, #46, RSA 669:25 as amended in 1981. The 1981 change has recently been submitted for preclearance, see submission 1981:454.
67. (Sec 64) Amends RSA 669:26, Absentee Voting. See attached Exhibit 2010:317, #47, RSA 669:26 as amended in 2006. Changes to RSA 669:26 in 1979, 1981, and 2006 are being submitted separately. See submission 1981:454 previously submitted. Submissions 1979:308 and 1981:454 will be submitted simultaneously with this submission.
68. (Sec 65) Amends RSA 669:27, II-III, Town Elections; Absentee Voter Forms. See attached Exhibit 2010:317, #48, RSA 669:27 as amended in 2006. Changes to RSA 669:27 in 1979, 1981, 2003, and 2006 are being submitted separately, see submissions: 1979:308, 1981:392, 2003:289, and 2006:136.
69. (Sec 66) Amends RSA 669:29, Application of Statutes. See attached Exhibit 2010:317, #49, RSA 669:29 as amended in 1981. A 1981 change to RSA 669:29 has previously been submitted for preclearance, see submission 1981:454. A second 1981 change is being submitted separately and simultaneously, see submission 1981: 169.

70. (Sec 67) Amends RSA 670:3, Voters and Checklists. This is a section of law that addresses elections in Village Districts. No New Hampshire Village District is subject to Section 5 Preclearance requirements, therefore, this section is not submitted.
71. (Sec 68) Amends RSA 671:14, Qualifications. See attached Exhibit 2010:317, #50, RSA 671:14 as amended in 1997. Enactment of RSA 671:14 in 1979 and a change in 1997 are being submitted separately, see submissions: 1979:321 and 1997:176.
72. (Sec 69) Amends RSA 5:6-d, Election Fund. See attached Exhibit 2010:317, #51, RSA 5:6-d as amended in 2009. The 2009 change to RSA 5:6-d is being separately submitted, see submission 2009:144.
73. (Sec 70) Amends RSA 656:42, Electronic Ballot Counting Devices. Exhibit 2010:317, #52, RSA 656:42 as amended in 2009. Changes to RSA 656:42 in 1998 and 2009 are being submitted separately, see submissions: 1998:311 and 2009:70.
74. (Sec 71) Repeals RSA 654:4, relative to armed services voters. See attached Exhibit 2010:317, #4
75. (Sec 71) Repeals RSA 654:21, relative to forwarding registration affidavits. See attached Exhibit 2010:317, #53.
76. (Sec 71) Repeals RSA 657:3, relative to armed services voter eligibility. See attached Exhibit 2010:317, #54.
77. (Sec 71) Repeals RSA 657:9, relative to armed services voting. See attached Exhibit 2010:317, #55.
78. (Sec 72) Amends RSA 657:12, Provisions for General Election. See attached Exhibit 2010:317, #56, RSA 657:12 as amended in 2003. A different change to RSA 657:12 in 2010 was previously submitted, see submission 2010:182.
79. (Sec 73) Amends RSA 657:15, Sending Absentee Ballots. See attached Exhibit 2010:317, #57. A different change to RSA 657:15 in 2010 has also been submitted, see submission 2010:182.

80. (Sec 74) Amends RSA 657:18, Procedure by Clerk. See attached Exhibit 2010:317, #58. A different change to RSA 657:18 in 2010 has also been submitted, see submission 2010:182.
81. (Sec 75) Amends RSA 657:23, Delivery to Moderator. See attached Exhibit 2010:317, #59. A different change to RSA 657:23 in 2010 has also been submitted, see submission 2010:182.
82. (Sec 76) Amends RSA 659:51, Challenges. See attached Exhibit 2010:317, #60. A different change to RSA 659:51 in 2010 has also been submitted, see submission 2010:182.
83. (Sec 77) Amends RSA 659:52, Opening Envelope; Depositing Ballot. See attached Exhibit 2010:317, #61. A different change to RSA 659:52 in 2010 has also been submitted, see submission 2010:182.
84. (Sec 78) Amends RSA 654:23, Effect. See attached Exhibit 2010:317, #62. The same change to RSA 654:23 in 2010 has also been submitted, see submission 2010:172. Note Chapter 172 takes effect on 8/16/10, therefore, this change made by chapter 317 will have effect only from 7/18/10 to 8/16/10, however, both 2010 changes are the same.
85. (Sec 79) Amends RSA 657:16, Refusal to Certify; Procedure. See attached Exhibit 2010:317, #63. The same change to RSA 657:16 in 2010 has also been submitted, see submission 2010:172. Note Chapter 172 takes effect on 8/16/10, therefore, this change made by chapter 317 will have effect only from 7/18/10 to 8/16/10, however, both 2010 changes are the same.
86. (Sec 80) Amends RSA 659:75, Forwarding; Retaining Copies of Return. See attached Exhibit 2010:317, #64, RSA 659:75 as amended in 2007. The same change to RSA 659:75 in 2010 has also been submitted, see submission 2010:172. Note Chapter 172 takes effect on 8/16/10, therefore, this change made by chapter 317 will have effect only from 7/18/10 to 8/16/10, however, both 2010 changes are the same. Changes to RSA 659:75 in 1994 and 2007 were previously submitted for preclearance, see submission RSA 659:75.
87. (Sec 81) Amends RSA 659:95, Sealing and Certifying Ballots. See attached Exhibit 2010:317, #65. The same change to RSA 659:95 in 2010 made by chapter 317 has also been submitted as part of the changes made by 2010:172, see submission 2010:172. Note Chapter

172 takes effect on 8/16/10, therefore, this change made by chapter 317 will have effect only from 7/18/10 to 8/16/10, however, the 2010:317 changes are included among the 2010:172 changes.

88. (Sec 82) Amends RSA 659:98, I, Delivery of Ballots to Town Clerk. See attached Exhibit 2010:317, #66. The same change to RSA 659:98 in 2010 made by chapter 317 has also been submitted as part of the changes made by 2010:172, see submission 2010:172. Note Chapter 172 takes effect on 8/16/10, therefore, this change made by chapter 317 will have effect only from 7/18/10 to 8/16/10, however, the 2010:317 changes are included among the 2010:172 changes.

89. (Sec 83) Amends RSA 659:101, Preservation of Absentee Voting Materials. See attached Exhibit 2010:317, #67 Changes to RSA 659:101 in 2006 and 2009 have been submitted for preclearance, see submission RSA 659:101. The same change to RSA 659:101 in 2010:317 has also been made by 2010:172 previously submitted for preclearance, see submission 2010:172. Note Chapter 172 takes effect on 8/16/10, therefore, this change made by chapter 317 will have effect only from 7/18/10 to 8/16/10, however, both 2010 changes are the same.

(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 44:5, Voters and Checklists, by changing a reference to the statutes which define the qualifications as a voter to include RSA 654:1 through 654:6. Previously only RSA 654:1, RSA 654:2, and RSA 654:4 were referenced. As RSA 654:3, RSA 654:5, and RSA 654:6 also pertain to the qualifications of voters, this is a corrective change.
2. (Sec 2) Amends RSA 652:13, Federal Election, by changing a reference in the last sentence to conform the language to other 2010 changes to the election laws. A reference to “federal overseas voters” is changed to “federal ballot only voters domiciled outside the United States.”

3. (Sec 3) Establishes RSA 652:16-b, UOCAVA Voters, by adding to Chapter 652, a terms and definitions section of New Hampshire's voting laws, a definition for UOCAVA voters. The definition used is drawn from federal law and more closely tracks the federal statute than did RSA 654:4, Armed Services Voters, which defined "armed services voter" in paragraph II. RSA 654:4 is repealed by section 71 of this act and is addressed separately below. The purpose of this change is to make New Hampshire election law more easily understood by adding definitions related to the MOVE Act to the definitions section of the law.

Specifically: RSA 654:4 defined the term "armed services voter," RSA 652:16-b uses the term "UOCAVA voters" which it then defines to include "absent uniformed services voters." Absent uniform services voters is also a newly defined term, see change 4 (Sec 3) that follows.

4. (Sec 3) Establishes RSA 652:16-c, Absent Uniformed Services Voters, which replaces RSA 654:4, II, which is repealed by Section 71 of this act. See Exhibit 2010:317, #4. The definition used is drawn from federal law and more closely tracks the federal statute than did RSA 654:4.

Specifically: RSA 654:4 defined the term "armed services voter," RSA 652:16-c substitutes the term "Absent Uniformed Services Voters." RSA 652:16-c, I uses the terms of current federal law "the commissioned corps of the National Oceanic and Atmospheric Administration" in place of the terms "National Ocean Survey" previously used in now repealed RSA 654:4, II (a). RSA 652:16-c uses the terms of current federal law "commissioned corps of the Public Health Service" in place of the terms "Public Health Service" previously used in now repealed RSA 654:4, II (a). RSA 652:16-c, II, uses the words and structure of federal law to define members of the merchant marine in place of similar language in RSA 654:4, II (b) with changes as follows:

- a) RSA 654:4, II, included a qualifier of "while in active service," RSA 652:16-c does not.
- b) RSA 654:4, II, (b) lists the exception disqualifying "persons so employed or enrolled for such employment or for training for such employment, or maintained for such emergency relief service, on the Great Lakes or the inland waterways" at the the paragraph. RSA 652:16-c, II, uses the phrase "other than members of a uniformed service or individuals employed, enrolled, or maintained on the Great Lakes or the inland

waterways.” The newly adopted language conforms more closely to the wording of the related federal statutes.

5. (Sec 3) Establishes RSA 652:16-d, Accessible Voting System. This new section of the law, for the first time, establishes a definition for the term, the system itself was previously implemented to satisfy the Help America Vote Act.
6. (Sec 4) Establishes RSA 652:23, Chief Election Officer. This is a new section of law, therefore there is no prior statute. It establishes that the Secretary of State is the State’s Chief Election Officer. This formalizes past practice, for the Help America Vote Act the Governor previously designated the Secretary of State as the Chief Elections Officer. The New Hampshire Constitution since 1784 has assigned Chief Election Officer duties to the Secretary of State. See Part 2, article 32, article 42, article 60. Therefore, while this is a new section of law, it does not change practice that predates ten New Hampshire towns becoming subject to preclearance. The reason for this change is to satisfy of the MOVE Act, Section 102(b)(1).
7. (Sec 5) Amends RSA 654:3, Previously titled Voting Rights of Overseas Citizens, amending the title to read Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Voters. See attached Exhibit 2010:317, #5. This change substantially re-writes the Voting Rights of Overseas Citizens to become a section that defines both Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Voters and Federal ballot only voters domiciled outside the United States. It uses language for these definition which more closely tracks federal law, while also using terms and titles which will help voters and election officials more easily understand and recognize these classes of voters and the different rights they are afforded.
8. (Sec 6) Amends RSA 654:19, Submission; Effect. See attached Exhibit 2010:317, #6. The change strikes the last sentence. This change corrects the statute. If the absentee registration affidavit is properly executed the individual is registered as a voter for all future elections until removed in accordance with previously established law.
9. (Sec 7) Amends a subdivision heading, Federal Post Card Application Form. The Section heading previously read “Overseas Citizens Voting: Federal Elections Only.” The reason for this change was to have the heading more accurately reflect the following sections which are also being amended.

10. (Sec 8) Amends RSA 654:20, Federal Post Card Application Form (FPCA) for UOCAVA Voters. See attached Exhibit 2010:317, #7, RSA 654:20 as amended in 2009. The 2009 change is being submitted separately for preclearance, see submission 2009:214. This change replaces a state overseas absentee registration affidavit with recognition, in accordance with the MOVE Act changes to federal law, that the Federal Post Card Application Form for UOCAVA voters must be accepted in the State for voter registration purposes. New Hampshire is exempt from the Motor Voter law because we have election day registration. Prior to this change the Federal Post Card application forms were treated as a request for the state absentee registration forms, but were not recognized as valid registration forms themselves. Now the FPCA will be recognized as valid for UOCAVA voters.
11. (Sec 9) is not enacted, RSA 654:23 is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance. Note Section 78 also amends RSA 654:23, but as is addressed below, that change will have effect only from 7/18/2010 until Chapter 172 takes effect on 8/16/2010. The change in this act at section 78 and in Chapter 172 are identical.
12. (Sec 10) Amends RSA 655:37, Vacancy for Office on Party Ticket. See attached Exhibit 2010:317, #8, RSA 655:37 as amended in 1994. The 1994 and 1983 changes to this statute are being submitted separately for preclearance, see submissions 1983:426 and 1994:4. The 2010 change to RSA 655:37 changes the deadline for a person designated by his or her political party to file a declaration of candidacy and where applicable the affidavit required by RSA 655:29 with the Secretary of State from the second Friday following the primary election to the first Friday following the primary election. The reason for this change is to facilitate compliance with the MOVE Act. To have ballots prepared and ready for mailing or electronic transmittal by 45 days prior to the general election, all post primary activity necessary to finalize ballots must occur following the primary, but within the same week. In 2010 the shortest time possible between our primary and general election will occur. Satisfaction of the MOVE Act requires completion of all post-primary activity necessary to finalize and prepare ballots in 4 days.
13. (Sec 11) Amends RSA 655:81, Nomination of U.S. Representative, Executive Councilor, State Senator, and Representative to the General

Court. See attached Exhibit 2010:317, #9, RSA 655:81 as amended in 2006. Changes to RSA 655:81 in 1981, 1994, 1996, and 2006 are being submitted separately, see submissions: 1981:512, 1994:381, 1996:36, 2006:32. The 2010:317 change alters the timeline for a special election to allow sufficient time between a special election primary and a special election general election to satisfy the MOVE Act requirement that ballots for the special election general election be mailed or electronically transmitted no later than 45 days prior to the special election general election. The window for holding the special election general election is changed from between 80 and 87 days following the declaration that an election will be held to between 131 and 145 days. The exception allowing the special election to be held concurrent with a scheduled local election is changed from any such regularly scheduled election that is held between 80 and 180 days following declaration that an election will be held to between 131 and 180 days. Paragraph II is amended to set the filing period as running from the Monday following the declaration until Friday of that week. In paragraph III the word "first" is struck reflecting the shortened filing period and that there will be only one Monday and Tuesday in the filing period. Paragraph IV changes the date of the special election primary from 34 to 63 days prior to the date set for the special election general election. The reason for this change is to ensure the ability to finalize the results of the primary and prepare the ballots in time for them to be mailed or electronically transmitted to UOCAVA voters no less than 45 days prior to the date of the special election general election. Paragraph V is amended to require supplementary primary petitions to be filed no later than the last day of the filing period and the filing of nominating papers to be no later than the date of the special election primary. Finally, paragraph XI is changed setting the deadline for filing for a recount to the day after the special election primary. These changes ensure that ballots can be finalized to meet the MOVE Act 45 day before the general election transmittal requirement.

14. (Sec 12) Amends RSA 655:82, Uncontested Primary. See attached Exhibit 2010:317, #10, RSA 655:82 as amended in 1998. Changes to RSA 655:82 in 1981 are being submitted separately, see submission 1981:512. The change to RSA 655:82 eliminates a change to the date of a special election general election when there is not contested primary. The reason for this change is to ensure the ability of the State to satisfy the MOVE Act requirement that ballots be mailed or electronically transmitted to UOCAVA voters no less than 45 days prior to the election.

15. (Sec 13) Amends RSA 656:13, Questions on the Ballot. See attached Exhibit 2010:317, #11, RSA 656:13 as amended in 1994. Changes to RSA 656:13 in 1994 are being submitted separately, see submissions 1994:309 and 1994:324. This change corrects a reference in the statute to the shape of the mark on a ballot that a voter is to fill in when voting on a question to allow ovals as an alternative to squares. This does not change past practice, but brings the statute into conformity with past practice. New Hampshire uses hand count ballots where a square is provided for voters to place an X through to mark their choice. New Hampshire also uses machine count ballots where an oval is provided for voters to fill in to mark their choice. The reason for this change is to have the statute recognize the legitimacy of the use of ovals on machine count ballots.
16. (Sec 14) Amends RSA 656:17, Endorsement. See attached Exhibit 2010:317, #12. This change replaces the phrase “Upon the back of” with the word “On,” describing where the endorsement must be printed. The reason for this change is to allow printing of only one side of a ballot when the endorsement and all candidates/races and questions fit on one side. This reduces printing costs.
17. (Sec 15) Amends RSA 656:34, Federal Offices Only Absentee Ballot. See attached Exhibit 2010:317, #13, RSA 656:34 as amended in 1996. Changes to RSA 656:34 in 1981 and 1996 are being submitted separately. See submissions 1981:392 and 1996:88. The changes strike the words “overseas citizens” and “election” from the description of what is now terms “federal offices only” absentee ballots. The reason for this change is to use a title for these ballots that is directly descriptive of the class of voters entitled to use them, to aid voters and election officials in understanding and complying with the special voting rights of these UOCAVA voters. The change also adds reference to ballots in electronic form. The reason for this change is to comply with the MOVE Act requirement that ballots be transmitted electronically to UOCAVA voters who request electronic transmission.
18. (Sec 16) Amends RSA 656:35, Absentee Ballot for Uniformed Services Voters and Voters Temporarily Residing Outside the United States. See attached Exhibit 2010:317, #14, RSA 656:35 as amended in 1996. The 1996 change is being submitted separately, see submission 1996:88. This change provides for electronic versions of ballots and requires that ballots be transmitted to UOCAVA voters electronically upon the voter’s request. The reason for this change is to implement

the MOVE Act requirement that UOCAVA voters be afforded the choice of receiving ballots electronically.

19. (Sec 17) Amends RSA 656:36, Questions on the Ballot. See attached Exhibit 2010:317, #15. This change strikes a limiting reference to the types of ballots on which questions are printed and replaces it with the phrase “all applicable absentee ballots.” The reason for this change is to correct the statute in light of the establishment of electronic ballots and to avoid a mismatch between the ballot type names and this statute. This change facilitates implementation of the federal MOVE Act.
20. (Sec 18) Amends RSA 656:37, Constitutional Amendments. See attached Exhibit 2010:317, #16, RSA 656:37 as amended in 1981. The 1981 change is being submitted separately, see submission 1981:392. This change amends the statute to reflect the use of electronic ballots for UOCAVA voters when they request electronic transmission and replaces a list of the type of absentee ballots for which an associated constitutional question ballot must be prepared with the phrase “absentee ballot other than federal offices only absentee ballots.” The result is that all voters who vote absentee will received a ballot containing any constitutional amendment, except those voters who are entitled to vote for federal offices only. The reason for this change is to facilitate implementation of the federal MOVE Act.
21. (Sec 19) Amends RSA 657:2, UOCAVA Voters. See attached Exhibit 2010:317, #17. The change adds explicit sections covering the three types of UOCAVA voters who are entitled to vote absentee. This does not change past practice, but does make the law more explicit and thereby more easily understood and enforced. The reason for this change is to facilitate implementation of the federal MOVE Act.
22. (Sec 20) Amends RSA 657:4, Forms. See attached Exhibit 2010:317, #18, RSA 657:4 as amended in 2009. Changes to RSA 657:4 in 2006, 2007, and 2009 are being submitted separately. See submissions 2006:136, 2007:212, and 2009:288. Changes:
 - a) Strike the word “Continental” in Paragraph I. The reason for this change is to correct the statute as only residence/domicile outside the United States including outside states or territories which are not on the continent change the voter’s status to a federal offices only voter.
 - b) Strike the sentence “New Hampshire law requires that you vote in person at the polling place for your town or ward unless

- you:.” The reason for this change is to simply the form and make it more easily understood.
- c) The sentences “The absentee ballot forms you receive will require you to sign an affidavit confirming that you are entitled to vote by absentee ballot due to one of the reasons stated above. The Moderator is required to compare the signature on the affidavit to your signature on this form. The absentee ballot will not be counted if the affidavit and this form do not appear to have been signed by the same person. RSA 659:50.” was removed. The reason for this change was to remove redundancies and simply the form.
 - d) The list of elections for which the applicant is seeking an absentee ballot is expanded to include the presidential primary as a choice. The reason for this change is to make the use of the form for the purpose of getting an absentee ballot for the presidential primary easier.
 - e) The structure of the section asking an applicant who is seeking a primary ballot to identify his or her party is changed from a being part of the selection of the primary as the election choice to a separate question for selection of the voter’s party. The reason for this change is to make the form more cler.
 - f) The line for the applicant’s name now requests including any applicable suffix. The reason for this change is to facilitate matching the application to the voter where for example a farther and son with the same name are registered in the same town/ward.
 - g) Paragraph III is replaced with new language establishing the FPCA as the form the Secretary of State will provide a UOCAVA voter requesting an absentee ballot application form. The reason for this change is to comply with the federal MOVE Act.
23. (Sec 21) Amends RSA 657:6, Procedure by Applicant. See attached Exhibit 2010:317, #19. The changes correct a pronoun gender reference, change a cite by specifying paragraph I of RSA 657:4, and corrects the name of the PFCA. The reason for the change is to correct the statute to bring it into conformance with other changes to the election laws.
24. (Sec 22) Amends RSA 657:8, UOCAVA Oath. See attached Exhibit 2010:317, #20, RSA 657:8 as amended in 2003. Changes to RSA 657:8 in 2003 and 1983 are being submitted separately. See submissions 1983:220 and 2003:289. This change substitutes the

language of the federal law UOCAVA oath for the prior state law oath. The reason for this change is to comply with the federal MOVE Act.

25. (Sec 23) Amends RSA 657:10, Forwarding Forms. See attached Exhibit 2010:317, #21. The change corrects a statutory cite, substituting RSA 657:8 for 657:9, corrects gender specific pronoun references, adds “provided electronically and” to reflect the addition of electronic ballots for UOCAVA voters who request them. A sentence setting a 30 days before the election time limit for the Secretary of State to distribute overseas citizens federal election ballots to the town or city clerks is deleted. New Hampshire is complying with the MOVE Act by transferring the duty to send out the ballots no later than day 45 before the election to the Secretary of State for general elections. The Secretary of State will provide both paper and electronic absentee ballots to the clerks for UOCAVA voters immediately after day 45 before a general election and the clerks will resume their tradition duty of sending these ballots out, by mail or electronically in accordance with the voter’s request, starting for requests received on day 44 before the general election or later.
26. (Sec 24) Amends RSA 657:10-a, Write-in Absentee Ballot. See attached Exhibit 2010:317, #22, RSA 657:10-a as amended in 2007. Enactment of RSA 657:10-a in 1986 and amendment to the statute in 1994 and 2007 are being submitted separately for preclearance. See submissions 1986:126, 1994:218, and 2007:212. The change substantially rewrites the section, but changes practice only to reflect the requirements of the MOVE Act. The deadline for obtaining write-in absentee ballots is changed to requests up until day 45 before the election. Provision is made for UOCAVA voters to get a write-in absentee ballot by mail or by electronic transmission, in accordance with the voter’s request. The Secretary of State is given responsibility for preparing and providing clerks with all the types necessary for each election. The reason for the change is to comply with the federal MOVE Act.
27. (Sec 25) Establishes RSA 657:10-b, Federal Write-in Absentee Ballot. This is a new statute and a new practice to comply with the federal MOVE Act, there is no prior statute to provide. This change authorizes the use by UOCAVA voters of the federal write-in absentee ballot. To conform to federal law, the new statute provides that such ballots will not be counted if submitted from a location inside the United States by a qualified voter claiming to be temporarily residing or domiciled outside the United States. It allows entry of a political party name,

which will result in a vote for that political party's nominee for the office.

28. (Sec 26) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance.
29. (Sec 27) Amends RSA 657:13, Provisions for State of Presidential Primary Elections. See attached Exhibit 2010:317, #23, RSA 657:13 as amended in 2003. A change to RSA 657:13 enacted by Laws of 2010, Chapter 182 was previously submitted for preclearance, see submission 2010:182. The Chapter 182 change will be effective from 6/21/10 until this change takes effect on 7/18/2010. The change adds a specific reference to the presidential primary as one of the elections for which an application for an absentee ballot may be received. This does not change past practice, but does make the practice explicit in statute. A statutory reference is made more specific by citing paragraph I of RSA 657:4. The reason for this change is make the law more easily understood and enforced.
30. (Sec 28) Amends RSA 657:14, Information Furnished. See attached Exhibit 2010:317, #24. This change adds "affidavit, and voting instructions" to the list of documents that the clerk must select the correct version for a particular voter, thereby necessitating that the supervisors of the checklist provide the clerk with sufficient information to make that determination. This does not change past practice, but makes explicit in law the duty imposed on supervisors of the checklist to provide the clerk sufficient information from the supervisors' records to allow the clerk to effectively determine which ballot type and corresponding forms should be sent to a particular voter requesting to vote by absentee ballot.
31. (Sec 29) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance.
32. (Sec 30) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
33. (Sec 31) Amends RSA 657:17, Procedure by Voter. See attached Exhibit 2010:317, #25. The change amends the statute to reflect that UOCAVA voters who elect to receive an absentee ballot by electronic transmission will not be receiving a pre-printed affidavit envelope, but will receive an electronic document affidavit to be printed and enclosed

in envelopes provided by the voter. The reason for this change is to facilitate the implementation of the federal MOVE Act.

34. (Sec 32) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance.
35. (sec 33) Amends a subdivision heading, Procedure for Uniformed Services, Temporarily Residing Outside the United States, and Federal Ballot Only Voting. Exhibit 2010:317, #1 shows the prior form of the heading. The change amends the heading to reflect other changes to the statutes in this subdivision of the chapter. The reason for the change is to make the chapter subdivision more easily understood and enforced in light of the changes necessary to comply with the federal MOVE Act.
36. (Sec 34) Amends RSA 657:19, Sending Ballots to UOCAVA Voters. See attached Exhibit 2010:317, #26, RSA 657:19 as amended in 2003. Another change to RSA 657:19 in 2010 has been submitted separately, see submission 2010:182. Changes made to RSA 657:19 in 2003 and 1986 have been submitted separately, see submission RSA 657:19. The change breaks this statute into sections and imposes the requirements of the federal MOVE Act. Specifically:
 - a) Changes effectuated by paragraph I require acceptance of the FPCA and impose a duty on the clerk to enter the receipt of the application into the statewide voter registration database. The reason for this change is to facilitate implementation of the federal MOVE Act. New Hampshire will implement the MOVE Act, in part, by having the Secretary of State send out the UOCAVA absentee ballots on or before day 45 before the election. Therefore, it is necessary for the clerks to enter the necessary data into the statewide voter registration database so that the Secretary of State has access to the information on those UOCAVA voters who have requested absentee ballots on or before day 45 prior to the election.
 - b) Paragraph I - b explicitly requires the clerks to provide the Secretary of State with the information necessary to allow the Secretary of State to mail or electronically transmit absentee ballots to UOCAVA voters on or before day 45 prior to the general election.
 - c) Paragraph II requires the clerk to send the write-in absentee ballot to qualified voters requesting that ballot 45 or more days before the election.

- d) Paragraph III requires the clerk to send out UOCAVA absentee ballots for a state primary no later than 45 days before the election for requests received 45 or more days before the primary election.
- e) Paragraph IV requires requests from UOCAVA absentee voters for absentee ballots received after the day 45 days before the primary election to be sent out without delay using mail or electronic transmission in accordance with the voter's request.
- f) Paragraph V requires the Secretary of State to send out UOCAVA absentee ballots by mail or electronic transmission in accordance with the voter's request no later than day 45 prior to a general election or the presidential primary. It further makes provisions for the Secretary of States' transmittal of those ballots to be entered into the statewide voter registration database.
- g) Paragraph VI assigns to the clerk the duty to send a UOCAVA voter an absentee ballot without delay when the request is received day 44 before the general election or later.
- h) Paragraph VII requires that all requests for absentee ballots from a UOCAVA voter received prior to the Monday before a primary election must be entered by that Monday and after that requests must be entered into the statewide voter registration database on the date received. This ensures that the statewide voter registration database has a complete and current list of UOCAVA absentee ballot requests for general elections when the Secretary of State mails or electronically transmits ballots on or before day 45 before a general election.
- i) Paragraph VIII requires that when a UOCAVA absentee ballot request is received from a person who is not registered that the clerk shall send that person an absentee ballot and the forms necessary to register absentee.
- j) Paragraph IX requires the clerk to forward registration forms received from UOCAVA voters to the supervisors of the checklist. This facilitates the applicants being registered and added to the checklist.
- k) Paragraph X requires that a clerk who finds an absentee ballot application invalid shall provide the voter with the reason in writing within 7 days.

The reason for all these changes is to implement the federal MOVE Act or facilitate its implementation.

37. (Sec 35) Amends RSA 657:19-a, Federal Official Post Card Form and Other Requests form UOCAVA Voters. See attached Exhibit 2010:317, #27, RSA 657:19-a. A different change to RSA 657:19-a made in 2010 has been submitted separately, see submission 2010:182. This change recognizes the Federal Official Post Card Form as a valid form of application for voter registration and for application for an absentee ballot by a UOCAVA voter. A single application for an absentee ballot shall be treated as valid for all elections held in that year and for a President Primary held in that year or the next year. New Hampshire is an election day registration state which is exempt from the Motor Voter registration law and has not recognized the federal post card registration application in the past and will do so now only for UOCAVA voters. The reason for this change is to comply with the federal MOVE Act.

38. (Sec 36) Establishes RSA 657:19-b, Procedure for Requesting Voter Registration Applications or Absentee Ballot Applications Electronically. RSA 657:19-b is a new statute and a new practice enacted to comply with the MOVE Act, there is no prior statute. This change establishes that the State will provide website download access to the UOCAVA voter registration and absentee ballot applications, will provide an e-mail address for electronic contact, and will mail or send by electronic transmission these forms upon receipt of a mailed or electronically transmitted request. The reason for these changes is to comply with the federal MOVE Act.

39. (Sec 36) Establishes RSA 657:19-c, E-Mail Account Maintenance by Clerks. RSA 657:19-c is a new statute and a new practice enacted to comply with the MOVE Act, there is no prior statute. This change imposes a duty on clerks to establish and maintain an e-mail account and address at which voters may contact the clerk. Clerks are required to keep their e-mail contact information current in the statewide voter registration database to facilitate the Secretary of State making this information available to voters. The reason for this change is to comply with the federal MOVE Act.

40. (Sec 37) Amends RSA 657:20, Procedure by UOCAVA Voter. See attached Exhibit 2010:317, #28. This change substitutes instructions for the UOCAVA voter set forth in the prior statute with a reference to the procedures now set forth in RSA 657:17. The reason for this change is to keep the procedures in one statute to make the overall chapter easier to understand and enforce. This change helps facilitate implementation of the federal MOVE Act.

41. (Sec 38) Amends RSA 657:21, Procedure by Clerk. See attached Exhibit 2010:317, #29. This change eliminates the prior practice of a clerk opening the outer transmittal envelope for an absentee ballot in advance of the election and sending the affidavit envelope containing the ballot to the supervisors to allow them to verify the voter's registration or if none to register the voter and then return the unopened ballot to the clerks for preservation until election day and presentation to the moderator. The new practice will preserve the outer envelope unopened until election day and the verification of registration or registration will occur on election day at the polling place as part of the moderator's procedures for processing absentee ballots. The reason for this change is to facilitate implementation of the MOVE Act. It is expected that UOCAVA voters using electronically transmitted ballots and affidavits may fail to use both an outer and inner envelope when returning the ballot, affidavit, and where applicable registration materials. The old procedure would increase the risk of inadvertent disclosure of the marked ballot before election day. The availability of election day registration, which applies equally to absentee registration forms being processed on election day, makes it unnecessary to have a procedure for the supervisors to address these registration issues prior to election day.
42. (Sec 39) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
43. (Sec 40) Amends RSA 659:49-b, Opening Absentee Ballot Outer Envelopes. See attached Exhibit 2010:317, #30, RSA 659:49-b as enacted in 2008. The enactment of RSA 659:49-b in 2008 is being submitted separately, see submission 2008:108. This change reflects the implementation of the MOVE Act and the use by UOCAVA voters of their own envelopes to send a marked absentee ballot, affidavit, and where applicable registration materials to the clerks. "Outer:" and "inner" are substituted for "return" and "affidavit" as the descriptions of the two envelopes ideally returned by the absentee voter. The reason for this change is to facilitate implementation of the MOVE Act.
44. (Sec 41) Amends RSA 659:50, Announcement by Moderator. See attached Exhibit 2010:317, #31. This change corrects pronoun gender references, makes changes consistent with Section 40's explanation above to reflect the MOVE Act's effect that ballots will be received in voter's envelopes that are not preprinted as the outer and affidavits

envelopes used by other absentee voters, and provides that in publicly announcing the name of the voter whose absentee ballot is being processed, the moderator shall substitute “confidential voter” followed by a sequential number for the name of any absentee voter entitled to confidentiality as a result of being a victim of domestic violence. The reason for this change is to explicitly require what has previously been taught as best practice, to ensure the safety of voters who are entitled to vote confidentially by absentee ballot by avoiding the public disclosure of their names at the polling place.

45. (Sec 42) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance.
46. (Sec 43) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance.
47. (Sec 44) Establishes RSA 659:54-a, Immaterial Defects. This is a new section of law and new practice enacted to conform New Hampshire law to the MOVE Act. There is no prior law or practice in statute. This change requires moderators to accept as valid ballots transmitted to a UOCAVA voter and printed by that voter at his or her location, marked and returned with the proper affidavit, even if that ballot has immaterial defects such as different paper, font size, color, color ink, etc. This change satisfies a requirement of the federal MOVE Act, Section 102 (i).
48. (Sec 45) Amends RSA 659:61, Votes Counted After Processing of Absentee Ballots. See attached Exhibit 2010:317, #32, RSA 659:61 as amended in 1987. Changes to RSA 659:61 1987 and 1981 are being submitted separately. Submission 1981:454 has previously been submitted. Submission 1987:371 will be submitted simultaneously with this submission. This change authorizes the moderator to use the assistance of a person appointed by the Secretary of State or the Attorney General when completing the return of votes form. The reason for this change is that in order to ensure the State’s ability to complete finalization of the outcome of the primary election prior to the 45th day before the general election RSA 659:73 has been amended to require significant additional information on the return of votes form. While this information has, for the most part, been recommend in the past as part of a voluntary election night reconciliation form, it will now be required by law. Moderators desiring assistance with the form

will, to the extent practical, be provided with assistance. This change facilitates implementation of the federal MOVE Act.

49. (Sec 46) Amends RSA 659:73, General Content of Return. See attached Exhibit 2010:317, #33. This change mandates that on election night as a component of determining the outcome of the election at each polling place local election officials will be required to provide the specified additional information. This information is organized to facilitate reconciliation of the voters checked off as voting, the number of ballots put into use, and the votes cast, including undervotes, overvotes, and write-ins, for each race and question. This process helps identify counting errors, transposition of numbers, and other reporting errors prior to the point when the moderator determines the official outcome and announces that outcome at the polling place. Maintaining New Hampshire's traditional primary schedule and complying with the federal MOVE Act requires, for 2010, that the final outcome of the election be determined and ballots prepared for all towns/wards that have outstanding absentee ballot requests from UOCAVA voters by the Saturday following the primary. Mandating an election night comprehensive reconciliation will minimize the need for follow-up reconciliation. The reason for this change is to facilitate implementation of the federal MOVE Act.
50. (Sec 47) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
51. (Sec 48) Amends RSA 659:77, General Neglect by Town or Ward Moderator and Clerk. See attached Exhibit 2010:317, #34. This change establishes a violation level offense for the moderator to neglect to cause an accurate count to be made on election night. It also establishes a process for follow-up investigation should an election night count or return of votes be significantly defective. Upon a finding that the defects were due to a lack of training, lack of procedures, negligence, or misconduct by local officials, the Secretary of State with the Attorney General may appoint a State monitor to directly oversee some or all of the next election. The monitor will prepare a public report on the conduct of that subsequent election and will be available to provide instruction to the local election officials. The reason for this change is to establish authority for the State to directly oversee and guide local election officials conduct of an election when evidence of an inability or unwillingness to properly conduct the election is found. The objective is to ensure the effective administration of elections.

52. (Sec 49) Amends RSA 659:78, Late Return. See attached Exhibit 2010:317, #35. This change amends the deadline for submission of the return of votes to 8:00 a.m. on the day following the election. This is not a change to current practice which has election night returns collected statewide overnight by law enforcement officer who deliver them to the Secretary of State's Office early on Wednesday morning. It explicitly mandates this current practice and establishes a requirement that the Secretary of State notify the Attorney General and local election officials when an election night return has not arrived by the deadline. The reason for this change is to facilitate the implementation of the federal MOVE Act.
53. (Sec 50) Amends RSA 659:79, Incorrect or Incomplete Return; Amendment. See attached Exhibit 2010:317, #36. This change imposes a requirement that a clerk appear and correct an incomplete or incorrect return of votes within four hours of notification of the problem. Past practice has been for the Secretary of State to work with clerks over two or three days following an election to resolve any issues regarding the return of votes. Satisfying the federal MOVE Act and maintaining New Hampshire's traditional fall primary date requires that any necessary resolution of apparently incorrect or incomplete returns occur on Wednesday, the day after the primary. It was therefore necessary to impose a duty on clerks to be available and upon notice to immediately address apparent incorrect or incomplete returns. The reason for this change is to facilitate implementation of the federal MOVE Act.
54. (Sec 51) Amends RSA 659:88, I(b), Write-In Nomination. See attached Exhibit 2010:317, #37, RSA 659:88 as amended in 2008. Changes to RSA 659:88 in 1981, 1993, 1994, and 2008 are being submitted separately, see submissions: 1981:240, 1993:187, 1994:218, and 2008:142. This change substitutes 3:00 p.m. on the first Friday following a primary for the second Monday following a primary as the deadline for filing a declaration by an individual who was nominated by write-in at the primary. The reason for this change is to complete finalization of the ballot in time to satisfy the federal MOVE Act requirement that ballots be mailed or transmitted electronically to UOCAVA voters who have outstanding applications for absentee ballots no later than 45 days before the general election.
55. (Sec 52) Amends RSA 659:90, Rejection of Nomination by Write-In Vote. See attached Exhibit 2010:317, #38, RSA 659:90 as amended in

1994. Changes to RSA 659:90 in 1981, 1983, and 1994 are being submitted separately, see submissions: 1981:240, 1983:426, and 1994:4. This change shifts the presumption of acceptance of a write-in nomination from a presumption that the person accepts to a presumption that the person does not accept unless he or she files the required declaration of candidacy by the revised deadline. The reason for this change is to facilitate the implementation of the MOVE Act by allowing the State to finalize the outcome of the primary election more promptly.

56. (Sec 53) Amends RSA 659:91, Nominations for Incompatible Offices. See attached Exhibit 2010:317, #39, RSA 659:91 as amended in 1994. Changes to RSA 659:91 in 1981, 1983, and 1994 are being submitted separately, see submissions: 1981:240, 1983:426, and 1994:4. This change amends the deadline for a person who is nominated to incompatible offices to notify the Secretary of State which office he or she accepts the nomination to from the Monday following the primary to no later than 3:00 p.m. on the Thursday following the primary. The reason for this change is to facilitate the implementation of the MOVE Act by allowing the State to finalize the outcome of the primary election more promptly.
57. (Sec 54) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
58. (Sec 55) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
59. (Sec 56) Amends RSA 659:99, Forwarding Ballots to the Secretary of State. See attached Exhibit 2010:317, #40. This change authorizes the Secretary of State to request and collect the sealed boxes of ballots cast and unused and associated preserved election materials from the clerks without having a pending recount request necessitating those ballots. The reason for this change is to allow the Secretary of State to strategically collect ballots in advance of the deadline for requesting a recount to ensure the availability of ballots for recounting. To implement the federal MOVE Act the period available to conduct recounts for those jurisdictions with outstanding UOCAVA absentee ballot applications is significantly reduced. Therefore, the Secretary anticipates collecting ballots prior to the deadline for recount requests to ensure the ability to promptly complete recounts.

60. (Sec 57) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
61. (Sec 58) Amends RSA 660:7, Application. See attached Exhibit 2010:317, #41, RSA 660:7 as amended in 2008. Changes to RSA 660:7 in 1981, 1983, a second change in 1983, 1994, 1995, and 2008 are being submitted separately, see submissions: 1981:510, 1983:175, 1983:426, 1994:4, 1995:69, and 2008:377. This change limits the opportunity for a recount to a candidate whose vote total is 10 votes or 1.5 percent of the total ballots cast in the primary for that seat within the vote total of the apparent winning candidate. Prior law afforded the opportunity for recounts if the difference was within 20 percent of the total votes cast in the pertinent polling places. This change sets the deadline to request a recount at 5:00 p.m. on the day after the primary and allows requests by hand delivery, fax, or e-mail attachment. It also mandates that recounts start 2 days following the primary and that all recounts of races where outstanding applications for absentee ballots have been received from UOCAVA voters eligible to vote for those races be completed no later than 8:00 a.m. on the Saturday following the primary. The reason for these changes are to allow finalization of the primary ballots for those towns and wards where there are outstanding UOCAVA absentee ballot requests no later than 45 days before the general election.
62. (Sec 59) Amends RSA 661:8, III, Vacancies; State Representative. See attached Exhibit 2010:317, #42, RSA 661:8 as amended in 2006. Changes to RSA 661:8 in 2006 are being submitted separately, see submission 2006:32. This change amends the periods of time for declaration and filing for a special election to be conducted by a city to allow sufficient time to satisfy the federal MOVE Act requirement for mailing or electronically transmitting ballots no less than 45 days before an election. No New Hampshire City is subject to Section 5 preclearance requirements, so this change is not subject to preclearance, but is being submitted as other sections of the statute do apply to towns, ten of which are subject to preclearance. This will ensure that upon future review as New Hampshire seeks bailout there is no question of a failure to address this change.
63. (Sec 60) Amends RSA 665:5, I, Ballot Law Commission; Hearing Date. See attached Exhibit 2010:317, #43, RSA 665:5 as amended in 2009. Changes to RSA 665:5 in 2003 and 2009 are being submitted separately, see submissions 2003:151 and 2009:44. This change establishes a mandatory meeting of the Ballot Law Commission, the

body that resolves appeals of recount results, on the Saturday following a state primary. The reason for this change is to allow resolution of any appeals from recounts so that all ballots for towns or wards which have outstanding UOCAVA voter absentee ballot requests can be finalized and mailed or transmitted to those voters by day 45 before the general election. This change is necessary to implement the MOVE Act.

64. (Sec 61) Amends RSA 669:4, Qualifications of Voters. See attached Exhibit 2010:317, #44. This change corrects a pronoun gender reference and changes a reference to pertinent statutes from “RSA 654:1-654:2 and 654:4” to “RSA 654:1 through 654:6” to include other statutes that further address voter qualifications. The reason for this change is to bring this statute current with other election laws.
65. (Sec 62) Amends RSA 669:24, Paper, Uniformity, Endorsement. See attached Exhibit 2010:317, #45, RSA 669:24 as amended in 1991. A 1991 change to RSA 669:24 is being submitted separately, see submission 1991:370. This change adds a requirement requiring the endorsement on the electronic version of a ballot to bring the statute into conformance with the adoption of electronic versions of ballots to comply with the federal MOVE Act.
66. (Sec 63) Amends RSA 669:25, Conduct. See attached Exhibit 2010:317, #46, RSA 669:25 as amended in 1981. The 1981 change has recently been submitted for preclearance, see submission 1981:454. This change adds an exception from RSA 659:77, III-V, RSA 659:78, RSA 659:98, II and III. These provisions pertain to state elections and are not applicable to a municipal election. The reason for this change is to realign this statute given the other changes being made to the election laws.
67. (Sec 64) Amends RSA 669:26, Absentee Voting. See attached Exhibit 2010:317, #47, RSA 669:26 as amended in 2006. Changes to RSA 669:26 in 1979, 1981, and 2006 are being submitted separately. See submission 1981:454 previously submitted. Submissions 1979:308 and 1981:454 will be submitted simultaneously with this submission. This changes a reference to “registered voter or armed services voter” to “eligible voter” in describing who is entitled to use absentee voting in a municipal election. The reason for the change is to reflect other changes being made to the titles being used to describe the different categories of absentee voters. This change facilitates the implementation of the federal MOVE Act.

68. (Sec 65) Amends RSA 669:27, II-III, Town Elections; Absentee Voter Forms. See attached Exhibit 2010:317, #48, RSA 669:27 as amended in 2006. Changes to RSA 669:27 in 1979, 1981, 2003, and 2006 are being submitted separately, see submissions: 1979:308, 1981:392, 2003:289, and 2006:136. These changes substitute a reference to the content requirements set forth in the State absentee ballot application form for a now outdated specification for the municipal election version of that form. Also, under the law as amended in 2010, the single submission of the State or FPCA absentee ballot application form triggers the applicant eligibility to receive absentee ballots for all elections, including municipal elections held in that calendar year. The reason for this change is to bring the form of the municipal absentee ballot application form into conformance with the amended State form.
69. (Sec 66) Amends RSA 669:29, Application of Statutes. See attached Exhibit 2010:317, #49, RSA 669:29 as amended in 1981. A 1981 change to RSA 669:29 has previously been submitted for preclearance, see submission 1981:454. A second 1981 change is being submitted separately and simultaneously, see submission 1981: 169. This change replaces statutory references that define the procedure for municipal absentee voting as the procedure set forth in the cited statutes, which define the procedure for State elections. The final sentence provides that the MOVE Act requirement that absentee ballots must be sent to UOCAVA voters no less than 45 days before the general election does not apply to a municipal election, but provides that clerks shall send out these ballots as long before election day as is practical.
70. (Sec 67) Amends RSA 670:3, Voters and Checklists. This is a section of law that addresses elections in Village Districts. No New Hampshire Village District is subject to Section 5 Preclearance requirements, therefore, this section is not submitted.
71. (Sec 68) Amends RSA 671:14, Qualifications. See attached Exhibit 2010:317, #50, RSA 671:14 as amended in 1997. Enactment of RSA 671:14 in 1979 and a change in 1997 are being submitted separately, see submissions: 1979:321 and 1997:176. This change alters the statutes incorporated by reference which define qualifications as a voter for State election purposes. This aligns the school district qualifications statute with the State statutes. The reason for this change is to align this statute with changes that have been and are being made to its State election counterpart.

72. (Sec 69) Amends RSA 5:6-d, Election Fund. See attached Exhibit 2010:317, #51, RSA 5:6-d as amended in 2009. The 2009 change to RSA 5:6-d is being separately submitted, see submission 2009:144. This change authorizes the Secretary of State and State Treasurer to establish separate accounts within the election fund. The reason for this change is to allow more effective documentation and tracking of the various sources of funds for the election fund.
73. (Sec 70) Amends RSA 656:42, Electronic Ballot Counting Devices. Exhibit 2010:317, #52, RSA 656:42 as amended in 2009. Changes to RSA 656:42 in 1998 and 2009 are being submitted separately, see submissions: 1998:311 and 2009:70. This change:
- a) Defines additional minimum requirements for ballot counting devices;
 - b) Requires the ballot counting device vendor who programs memory cards for elections to provide the Secretary of State with an exact electronic record of the data written to each memory card prior to the election;
 - c) Authorizes the Secretary of State to direct the preservation of memory cards used by a municipality;
 - d) Requires the use of breakable seals each with a unique serial number to seal the ballot counting device in six specified places;
 - e) Requires the maintenance of an activity log documenting each time the ballot counting machine is accessed and the seals broken and replaced;
 - f) Requires 2 witnesses to the breaking of any seal and accessing of the ballot counting machine;
 - g) Requires the moderator to verify that the required seals and logs are in place and reflect that the machine is properly secure;
 - h) Requires the moderator to cease using any machine found to have a broken seal that is not accounted for and to notify the Attorney General, Secretary of State, Clerk, and Selectmen of the apparent breach of the machine's security;
 - i) Makes the device and log subject to review by the Attorney General or Secretary of State at any time;
 - j) Requires that memory cards must be sealed in the ballot counting machine or a safe upon receipt from the vendor and document the transaction in the log;
 - k) Requires the clerk to return the memory cards to the programming vendor when removed from secure storage and to seal the empty memory card slot in the ballot counting machine;

- l) Requires public notice of the ballot counting machine pre-election test;
- m) Specifies the procedures for ballot counting machine/memory card tests using election day ballots marked with the word “test:”
- n) Requires the moderator to certify that there is evidence of a pre-election test demonstrating that the machine with the memory card programmed for that election is counting accurately.

The reason for these changes is to mandate previously recommended best practices for voting machine security and pre-election testing. These security procedures are derived from past recommended best practices and the recommendations of a legislative study committee with studied ballot counting machines and their security.

- 74. (Sec 71) Repeals RSA 654:4, relative to armed services voters. See attached Exhibit 2010:317, #4. This change repeals a section of law that has been replaced by the changes described above.
- 75. (Sec 71) Repeals RSA 654:21, relative to forwarding registration affidavits. See attached Exhibit 2010:317, #53. This change repeals a section of law that has been replaced by the changes described above.
- 76. (Sec 71) Repeals RSA 657:3, relative to armed services voter eligibility. See attached Exhibit 2010:317, #54. This change repeals a section of law that has been replaced by the changes described above.
- 77. (Sec 71) Repeals RSA 657:9, relative to armed services voting. See attached Exhibit 2010:317, #55. This change repeals a section of law that has been replaced by the changes described above.
- 78. (Sec 72) Amends RSA 657:12, Provisions for General Election. See attached Exhibit 2010:317, #56, RSA 657:12 as amended in 2003. A different change to RSA 657:12 in 2010 was previously submitted, see submission 2010:182. This change clarifies that this statute, which has always applied to just the general election, applies to the general election by adding “for a general election” in the first sentence. The reference to the FPCA is amended to conform with the terms adopted by the 2010 changes to the election laws, and the reference to RSA 657:4 is amended to be specific to paragraph I. The reason for these changes is to make the law more easily understood and enforced.

79. (Sec 73) Amends RSA 657:15, Sending Absentee Ballots. See attached Exhibit 2010:317, #57. A different change to RSA 657:15 in 2010 has also been submitted, see submission 2010:182. This change adds a “e-mail” as an authorized means for a clerk to send an absentee ballot and amends the reference to the statutes defining appropriate ballots and materials to be limited to RSA 657:7 through RSA 657:8. The reason for this change is to conform this statute to the other 2010 changes made to the election laws, in large part to facilitate implementation of the federal MOVE Act.
80. (Sec 74) Amends RSA 657:18, Procedure by Clerk. See attached Exhibit 2010:317, #58. A different change to RSA 657:18 in 2010 has also been submitted, see submission 2010:182. This change amends the statute to reflect the new use of electronically transmitted absentee ballots and that some will be returned with regular envelopes in stead of the special return envelopes used by those who obtain their absentee ballot by mail. The reason for this change is to conform this statute to the other 2010 changes made to the election laws to implement the federal MOVE Act.
81. (Sec 75) Amends RSA 657:23, Delivery to Moderator. See attached Exhibit 2010:317, #59. A different change to RSA 657:23 in 2010 has also been submitted, see submission 2010:182. This change replaced “armed services” with “UOCAVA” to describe the class of absentee ballots that shall not be rejected for lack of an attached application and adds the condition that a signature is available for comparison on a voter registration document. The reason for this change is to comply with the federal MOVE Act, in particular to accommodate a write-in ballot received from a voter who has signed an affidavit that they submitted an application, but no application was received.
82. (Sec 76) Amends RSA 659:51, Challenges. See attached Exhibit 2010:317, #60. A different change to RSA 659:51 in 2010 has also been submitted, see submission 2010:182. This change strikes “affidavit” from the description of the envelope that the voter’s absentee ballot is received in, and corrects a reference to the clerk’s list of absentee voters. Finally, the word “thereon” is struck so the sentence applies equally to affidavit envelopes used by absentee voters receiving their ballot and materials by mail and to electronically transmitted ballots and affidavits which will be printed on plain paper. The reason for these changes is to bring this statute into conformance with other changes to the elections laws reflecting the use of electronically transmitted ballots as required by the federal MOVE Act.

83. (Sec 77) Amends RSA 659:52, Opening Envelope; Depositing Ballot. See attached Exhibit 2010:317, #61. A different change to RSA 659:52 in 2010 has also been submitted, see submission 2010:182. This change makes changes reflecting the transition from the exclusive use of absentee ballot affidavit envelopes to also using electronically transmitted ballots and affidavits that will be returned printed on paper of the voter's choice. The preservation requirement is rewritten to conform with the amended RSA 659:101. The reason for these changes is to bring this statute into conformance with other changes to the elections laws reflecting the use of electronically transmitted ballots as required by the federal MOVE Act.
84. (Sec 78) Amends RSA 654:23, Effect. See attached Exhibit 2010:317, #62. The same change to RSA 654:23 in 2010 has also been submitted, see submission 2010:172. Note Chapter 172 takes effect on 8/16/10, therefore, this change made by chapter 317 will have effect only from 7/18/10 to 8/16/10, however, both 2010 changes are the same. This change requires preservation of the registration form in accordance with RSA 33-A:3-a as amended in 2010, providing a copy of the registration form to the clerk, and when the supervisors reject an application, requiring that the word "rejected" be written on the form. The reason for these changes is to conform this statute to a series of 2010 election law changes which combined all election materials retention requirements in the section of law where overall municipal records retention requirements are established.
85. (Sec 79) Amends RSA 657:16, Refusal to Certify; Procedure. See attached Exhibit 2010:317, #63. The same change to RSA 657:16 in 2010 has also been submitted, see submission 2010:172. Note Chapter 172 takes effect on 8/16/10, therefore, this change made by chapter 317 will have effect only from 7/18/10 to 8/16/10, however, both 2010 changes are the same. This change requires the clerk upon receipt of registration materials with a returned absentee ballot to forward those materials to the supervisors of the checklist to facilitate the voter's registration. It also requires preservation in accordance with RSA 33-A:3-a. The reason for these changes is to bring this statute into conformance with other changes to the elections laws reflecting the use of electronically transmitted ballots as required by the federal MOVE Act.
86. (Sec 80) Amends RSA 659:75, Forwarding; Retaining Copies of Return. See attached Exhibit 2010:317, #64, RSA 659:75 as amended

in 2007. The same change to RSA 659:75 in 2010 has also been submitted, see submission 2010:172. Note Chapter 172 takes effect on 8/16/10, therefore, this change made by chapter 317 will have effect only from 7/18/10 to 8/16/10, however, both 2010 changes are the same. Changes to RSA 659:75 in 1994 and 2007 were previously submitted for preclearance, see submission RSA 659:75. This change requires preservation in accordance with RSA 33-A:3-a.

87. (Sec 81) Amends RSA 659:95, Sealing and Certifying Ballots. See attached Exhibit 2010:317, #65. The same change to RSA 659:95 in 2010 made by chapter 317 has also been submitted as part of the changes made by 2010:172, see submission 2010:172. Note Chapter 172 takes effect on 8/16/10, therefore, this change made by chapter 317 will have effect only from 7/18/10 to 8/16/10, however, the 2010:317 changes are included among the 2010:172 changes. This change requires moderators to include on the seal which secures a box of ballots from an election an indication of the total number of boxes being used to secure all ballots at that election. The reason for this change is to aid those who handle these ballots in ensuring that all boxes of ballots are kept together and that all are transferred when ballots are moved for recounts or storage. It also includes rejected ballots among the list of ballots that must be preserved. The reason for these changes is to ensure that once sealed all boxes of ballots are more easily accounted for and kept secure.
88. (Sec 82) Amends RSA 659:98, I, Delivery of Ballots to Town Clerk. See attached Exhibit 2010:317, #66. The same change to RSA 659:98 in 2010 made by chapter 317 has also been submitted as part of the changes made by 2010:172, see submission 2010:172. Note Chapter 172 takes effect on 8/16/10, therefore, this change made by chapter 317 will have effect only from 7/18/10 to 8/16/10, however, the 2010:317 changes are included among the 2010:172 changes. This change allows the clerk to use a designee in transferred sealed boxes of ballots for storage and to require retention in accordance with RSA 33-A:3-a. The reason for this change is primarily to conform this statute to a 2010 change that combines all election related retention requirements in the section of law where all municipal records retention requirements is established.
89. (Sec 83) Amends RSA 659:101, Preservation of Absentee Voting Materials. See attached Exhibit 2010:317, #67 Changes to RSA 659:101 in 2006 and 2009 have been submitted for preclearance, see submission RSA 659:101. The same change to RSA 659:101 in

2010:317 has also been made by 2010:172 previously submitted for preclearance, see submission 2010:172. Note Chapter 172 takes effect on 8/16/10, therefore, this change made by chapter 317 will have effect only from 7/18/10 to 8/16/10, however, both 2010 changes are the same. This change requires retention in accordance with RSA 33-A:3-a. The reason for this change is primarily to conform this statute to a 2010 change that combines all election related retention requirements in the section of law where all municipal records retention requirements is established.

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

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

Between 8/1/2010 and 8/31/2010 contact:

Richard Head, Associate Attorney General
New Hampshire Attorney General's Office
33 Capitol Street
Concord, New Hampshire 03301
(603) 271-1248

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

Attorney General Michael A. Delaney
State of New Hampshire

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

Not applicable

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

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

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

The New Hampshire Constitution Part Second, Article 2, grants supreme legislative power within the state to the House of Representatives and Senate, who with 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.

The act was approved on July 19, 2010.

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

Sections 15 and 23 of this act and RSA 657:19, III and IV as inserted by section 34 of this act take effect September 15, 2010.

Sections 72-77 take effect on July 19, 2010.

Sections 78-83 take effect on August 16, 2010.

Sections 9, 26, 29, 30, 32, 39, 42, 43, 47, 54, 55, and 57 do not take effect.

The remaining sections take effect on July 18, 2010.

(k) A statement that the change has not yet been enforced or administered, or an explanation of why such a statement cannot be made.

These 2010 changes to New Hampshire's voting laws have not been enforced or administered.

(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 44:5, Voters and Checklists, by changing a reference to the statutes which define the qualifications as a voter to include RSA 654:1 through 654:6. Previously only RSA 654:1, RSA 654:2, and RSA 654:4 were referenced. As RSA 654:3, RSA 654:5, and RSA 654:6 also pertain to the qualifications of voters, this is a corrective change.
2. (Sec 2) Amends RSA 652:13, Federal Election, by changing a reference in the last sentence to conform the language to other 2010 changes to the election laws. A reference to “federal overseas voters” is changed to “federal ballot only voters domiciled outside the United States.”
3. (Sec 3) Establishes RSA 652:16-b, UOCAVA Voters, by adding to Chapter 652, a terms and definitions section of New Hampshire’s voting laws, a definition for UOCAVA voters. The definition used is drawn from federal law and more closely tracks the federal statute than did RSA 654:4, Armed Services Voters, which defined “armed services voter” in paragraph II. RSA 654:4 is repealed by section 71 of this act and is addressed separately below. The purpose of this change is to make New Hampshire election law more easily understood by adding definitions related to the MOVE Act to the definitions section of the law.

Specifically: RSA 654:4 defined the term “armed services voter,” RSA 652:16-b uses the term “UOCAVA voters” which it then defines to include “absent uniformed services voters.” Absent uniform services voters is also a newly defined term, see change 4 (Sec 3) that follows.

4. (Sec 3) Establishes RSA 652:16-c, Absent Uniformed Services Voters, which replaces RSA 654:4, II, which is repealed by Section 71 of this act. See Exhibit 2010:317, #4. The definition used is drawn from

federal law and more closely tracks the federal statute than did RSA 654:4.

Specifically: RSA 654:4 defined the term “armed services voter,” RSA 652:16-c substitutes the term “Absent Uniformed Services Voters.” RSA 652:16-c, I uses the terms of current federal law “the commissioned corps of the National Oceanic and Atmospheric Administration” in place of the terms “National Ocean Survey” previously used in now repealed RSA 654:4, II (a). RSA 652:16-c uses the terms of current federal law “commissioned corps of the Public Health Service” in place of the terms “Public Health Service” previously used in now repealed RSA 654:4, II (a). RSA 652:16-c, II, uses the words and structure of federal law to define members of the merchant marine in place of similar language in RSA 654:4, II (b) with changes as follows:

- a) RSA 654:4, II, included a qualifier of “while in active service,” RSA 652:16-c does not.
- b) RSA 654:4, II, (b) lists the exception disqualifying “persons so employed or enrolled for such employment or for training for such employment, or maintained for such emergency relief service, on the Great Lakes or the inland waterways” at the the paragraph. RSA 652:16-c, II, uses the phrase “other than members of a uniformed service or individuals employed, enrolled, or maintained on the Great Lakes or the inland waterways.” The newly adopted language conforms more closely to the wording of the related federal statutes.

5. (Sec 3) Establishes RSA 652:16-d, Accessible Voting System. This new section of the law, for the first time, establishes a definition for the term, the system itself was previously implemented to satisfy the Help America Vote Act.
6. (Sec 4) Establishes RSA 652:23, Chief Election Officer. This is a new section of law, therefore there is no prior statute. It establishes that the Secretary of State is the State’s Chief Election Officer. This formalizes past practice, for the Help America Vote Act the Governor previously designated the Secretary of State as the Chief Elections Officer. The New Hampshire Constitution since 1784 has assigned Chief Election Officer duties to the Secretary of State. See Part 2, article 32, article 42, article 60. Therefore, while this is a new section of law, it does not change practice that predates ten New Hampshire towns becoming subject to preclearance. The reason for this change is to satisfy of the MOVE Act, Section 102(b)(1).

7. (Sec 5) Amends RSA 654:3, Previously titled Voting Rights of Overseas Citizens, amending the title to read Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Voters. See attached Exhibit 2010:317, #5. This change substantially re-writes the Voting Rights of Overseas Citizens to become a section that defines both Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Voters and Federal ballot only voters domiciled outside the United States. It uses language for these definition which more closely tracks federal law, while also using terms and titles which will help voters and election officials more easily understand and recognize these classes of voters and the different rights they are afforded.
8. (Sec 6) Amends RSA 654:19, Submission; Effect. See attached Exhibit 2010:317, #6. The change strikes the last sentence. This change corrects the statute. If the absentee registration affidavit is properly executed the individual is registered as a voter for all future elections until removed in accordance with previously established law.
9. (Sec 7) Amends a subdivision heading, Federal Post Card Application Form. The Section heading previously read "Overseas Citizens Voting: Federal Elections Only." The reason for this change was to have the heading more accurately reflect the following sections which are also being amended.
10. (Sec 8) Amends RSA 654:20, Federal Post Card Application Form (FPCA) for UOCAVA Voters. See attached Exhibit 2010:317, #7, RSA 654:20 as amended in 2009. The 2009 change is being submitted separately for preclearance, see submission 2009:214. This change replaces a state overseas absentee registration affidavit with recognition, in accordance with the MOVE Act changes to federal law, that the Federal Post Card Application Form for UOCAVA voters must be accepted in the State for voter registration purposes. New Hampshire is exempt from the Motor Voter law because we have election day registration. Prior to this change the Federal Post Card application forms were treated as a request for the state absentee registration forms, but were not recognized as valid registration forms themselves. Now the FPCA will be recognized as valid for UOCAVA voters.
11. (Sec 9) is not enacted, RSA 654:23 is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance. Note Section 78 also amends RSA 654:23, but as is addressed below, that change will have effect only from 7/18/2010 until Chapter 172 takes

effect on 8/16/2010. The change in this act at section 78 and in Chapter 172 are identical.

12. (Sec 10) Amends RSA 655:37, Vacancy for Office on Party Ticket. See attached Exhibit 2010:317, #8, RSA 655:37 as amended in 1994. The 1994 and 1983 changes to this statute are being submitted separately for preclearance, see submissions 1983:426 and 1994:4. The 2010 change to RSA 655:37 changes the deadline for a person designated by his or her political party to file a declaration of candidacy and where applicable the affidavit required by RSA 655:29 with the Secretary of State from the second Friday following the primary election to the first Friday following the primary election. The reason for this change is to facilitate compliance with the MOVE Act. To have ballots prepared and ready for mailing or electronic transmittal by 45 days prior to the general election, all post primary activity necessary to finalize ballots must occur following the primary, but within the same week. In 2010 the shortest time possible between our primary and general election will occur. Satisfaction of the MOVE Act requires completion of all post-primary activity necessary to finalize and prepare ballots in 4 days.

13. (Sec 11) Amends RSA 655:81, Nomination of U.S. Representative, Executive Councilor, State Senator, and Representative to the General Court. See attached Exhibit 2010:317, #9, RSA 655:81 as amended in 2006. Changes to RSA 655:81 in 1981, 1994, 1996, and 2006 are being submitted separately, see submissions: 1981:512, 1994:381, 1996:36, 2006:32. The 2010:317 change alters the timeline for a special election to allow sufficient time between a special election primary and a special election general election to satisfy the MOVE Act requirement that ballots for the special election general election be mailed or electronically transmitted no later than 45 days prior to the special election general election. The window for holding the special election general election is changed from between 80 and 87 days following the declaration that an election will be held to between 131 and 145 days. The exception allowing the special election to be held concurrent with a scheduled local election is changed from any such regularly scheduled election that is held between 80 and 180 days following declaration that an election will be held to between 131 and 180 days. Paragraph II is amended to set the filing period as running from the Monday following the declaration until Friday of that week. In paragraph III the word "first" is struck reflecting the shortened filing period and that there will be only one Monday and Tuesday in the filing period. Paragraph IV changes the date of the special election primary

from 34 to 63 days prior to the date set for the special election general election. The reason for this change is to ensure the ability to finalize the results of the primary and prepare the ballots in time for them to be mailed or electronically transmitted to UOCAVA voters no less than 45 days prior to the date of the special election general election.

Paragraph V is amended to require supplementary primary petitions to be filed no later than the last day of the filing period and the filing of nominating papers to be no later than the date of the special election primary. Finally, paragraph XI is changed setting the deadline for filing for a recount to the day after the special election primary. These changes ensure that ballots can be finalized to meet the MOVE Act 45 day before the general election transmittal requirement.

14. (Sec 12) Amends RSA 655:82, Uncontested Primary. See attached Exhibit 2010:317, #10, RSA 655:82 as amended in 1998. Changes to RSA 655:82 in 1981 are being submitted separately, see submission 1981:512. The change to RSA 655:82 eliminates a change to the date of a special election general election when there is not contested primary. The reason for this change is to ensure the ability of the State to satisfy the MOVE Act requirement that ballots be mailed or electronically transmitted to UOCAVA voters no less than 45 days prior to the election.
15. (Sec 13) Amends RSA 656:13, Questions on the Ballot. See attached Exhibit 2010:317, #11, RSA 656:13 as amended in 1994. Changes to RSA 656:13 in 1994 are being submitted separately, see submissions 1994:309 and 1994:324. This change corrects a reference in the statute to the shape of the mark on a ballot that a voter is to fill in when voting on a question to allow ovals as an alternative to squares. This does not change past practice, but brings the statute into conformity with past practice. New Hampshire uses hand count ballots where an square is provided for voters to place an X through to mark their choice. New Hampshire also uses machine count ballots where an oval is provided for voters to fill in to mark their choice. The reason for this change is to have the statute recognize the legitimacy of the use of ovals on machine count ballots.
16. (Sec 14) Amends RSA 656:17, Endorsement. See attached Exhibit 2010:317, #12. This change replaces the phrase "Upon the back of" with the word "On," describing where the endorsement must be printed. The reason for this change is to allow printing of only one side of a ballot when the endorsement and all candidates/races and questions fit on one side. This reduces printing costs.

17. (Sec 15) Amends RSA 656:34, Federal Offices Only Absentee Ballot. See attached Exhibit 2010:317, #13, RSA 656:34 as amended in 1996. Changes to RSA 656:34 in 1981 and 1996 are being submitted separately. See submissions 1981:392 and 1996:88. The changes strike the words “overseas citizens” and “election” from the description of what is now terms “federal offices only” absentee ballots. The reason for this change is to use a title for these ballots that is directly descriptive of the class of voters entitled to use them, to aid voters and election officials in understanding and complying with the special voting rights of these UOCAVA voters. The change also adds reference to ballots in electronic form. The reason for this change is to comply with the MOVE Act requirement that ballots be transmitted electronically to UOCAVA voters who request electronic transmission.
18. (Sec 16) Amends RSA 656:35, Absentee Ballot for Uniformed Services Voters and Voters Temporarily Residing Outside the United States. See attached Exhibit 2010:317, #14, RSA 656:35 as amended in 1996. The 1996 change is being submitted separately, see submission 1996:88. This change provides for electronic versions of ballots and requires that ballots be transmitted to UOCAVA voters electronically upon the voter’s request. The reason for this change is to implement the MOVE Act requirement that UOCAVA voters be afforded the choice of receiving ballots electronically.
19. (Sec 17) Amends RSA 656:36, Questions on the Ballot. See attached Exhibit 2010:317, #15. This change strikes a limiting reference to the types of ballots on which questions are printed and replaces it with the phrase “all applicable absentee ballots.” The reason for this change is to correct the statute in light of the establishment of electronic ballots and to avoid a mismatch between the ballot type names and this statute. This change facilitates implementation of the federal MOVE Act.
20. (Sec 18) Amends RSA 656:37, Constitutional Amendments. See attached Exhibit 2010:317, #16, RSA 656:37 as amended in 1981. The 1981 change is being submitted separately, see submission 1981:392. This change amends the statute to reflect the use of electronic ballots for UOCAVA voters when they request electronic transmission and replaces a list of the type of absentee ballots for which an associated constitutional question ballot must be prepared with the phrase “absentee ballot other than federal offices only absentee ballots.” The result is that all voters who vote absentee will received a ballot containing any constitutional amendment, except those voters who are

entitled to vote for federal offices only. The reason for this change is to facilitate implementation of the federal MOVE Act.

21. (Sec 19) Amends RSA 657:2, UOCAVA Voters. See attached Exhibit 2010:317, #17. The change adds explicit sections covering the three types of UOCAVA voters who are entitled to vote absentee. This does not change past practice, but does make the law more explicit and thereby more easily understood and enforced. The reason for this change is to facilitate implementation of the federal MOVE Act.

22. (Sec 20) Amends RSA 657:4, Forms. See attached Exhibit 2010:317, #18, RSA 657:4 as amended in 2009. Changes to RSA 657:4 in 2006, 2007, and 2009 are being submitted separately. See submissions 2006:136, 2007:212, and 2009:288. Changes:

- c) Strike the word “Continental” in Paragraph I. The reason for this change is to correct the statute as only residence/domicile outside the United States including outside states or territories which are not on the continent change the voter’s status to a federal offices only voter.
- d) Strike the sentence “New Hampshire law requires that you vote in person at the polling place for your town or ward unless you:.” The reason for this change is to simplify the form and make it more easily understood.
- e) The sentences “The absentee ballot forms you receive will require you to sign an affidavit confirming that you are entitled to vote by absentee ballot due to one of the reasons stated above. The Moderator is required to compare the signature on the affidavit to your signature on this form. The absentee ballot will not be counted if the affidavit and this form do not appear to have been signed by the same person. RSA 659:50.” was removed. The reason for this change was to remove redundancies and simplify the form.
- f) The list of elections for which the applicant is seeking an absentee ballot is expanded to include the presidential primary as a choice. The reason for this change is to make the use of the form for the purpose of getting an absentee ballot for the presidential primary easier.
- g) The structure of the section asking an applicant who is seeking a primary ballot to identify his or her party is changed from a being part of the selection of the primary as the election choice to a separate question for selection of the voter’s party. The reason for this change is to make the form more clear.

- h) The line for the applicant's name now requests including any applicable suffix. The reason for this change is to facilitate matching the application to the voter where for example a father and son with the same name are registered in the same town/ward.
- i) Paragraph III is replaced with new language establishing the FPCA as the form the Secretary of State will provide a UOCAVA voter requesting an absentee ballot application form. The reason for this change is to comply with the federal MOVE Act.

23. (Sec 21) Amends RSA 657:6, Procedure by Applicant. See attached Exhibit 2010:317, #19. The changes correct a pronoun gender reference, change a cite by specifying paragraph I of RSA 657:4, and corrects the name of the PFCA. The reason for the change is to correct the statute to bring it into conformance with other changes to the election laws.

24. (Sec 22) Amends RSA 657:8, UOCAVA Oath. See attached Exhibit 2010:317, #20, RSA 657:8 as amended in 2003. Changes to RSA 657:8 in 2003 and 1983 are being submitted separately. See submissions 1983:220 and 2003:289. This change substitutes the language of the federal law UOCAVA oath for the prior state law oath. The reason for this change is to comply with the federal MOVE Act.

25. (Sec 23) Amends RSA 657:10, Forwarding Forms. See attached Exhibit 2010:317, #21. The change corrects a statutory cite, substituting RSA 657:8 for 657:9, corrects gender specific pronoun references, adds "provided electronically and" to reflect the addition of electronic ballots for UOCAVA voters who request them. A sentence setting a 30 days before the election time limit for the Secretary of State to distribute overseas citizens federal election ballots to the town or city clerks is deleted. New Hampshire is complying with the MOVE Act by transferring the duty to send out the ballots no later than day 45 before the election to the Secretary of State for general elections. The Secretary of State will provide both paper and electronic absentee ballots to the clerks for UOCAVA voters immediately after day 45 before a general election and the clerks will resume their tradition duty of sending these ballots out, by mail or electronically in accordance with the voter's request, starting for requests received on day 44 before the general election or later.

26. (Sec 24) Amends RSA 657:10-a, Write-in Absentee Ballot. See attached Exhibit 2010:317, #22, RSA 657:10-a as amended in 2007. Enactment of RSA 657:10-a in 1986 and amendment to the statute in 1994 and 2007 are being submitted separately for preclearance. See submissions 1986:126, 1994:218, and 2007:212. The change substantially rewrites the section, but changes practice only to reflect the requirements of the MOVE Act. The deadline for obtaining write-in absentee ballots is changed to requests up until day 45 before the election. Provision is made for UOCAVA voters to get a write-in absentee ballot by mail or by electronic transmission, in accordance with the voter's request. The Secretary of State is given responsibility for preparing and providing clerks with all the types necessary for each election. The reason for the change is to comply with the federal MOVE Act.
27. (Sec 25) Establishes RSA 657:10-b, Federal Write-in Absentee Ballot. This is a new statute and a new practice to comply with the federal MOVE Act, there is no prior statute to provide. This change authorizes the use by UOCAVA voters of the federal write-in absentee ballot. To conform to federal law, the new statute provides that such ballots will not be counted if submitted from a location inside the United States by a qualified voter claiming to be temporarily residing or domiciled outside the United States. It allows entry of a political party name, which will result in a vote for that political party's nominee for the office.
28. (Sec 26) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance.
29. (Sec 27) Amends RSA 657:13, Provisions for State of Presidential Primary Elections. See attached Exhibit 2010:317, #23, RSA 657:13 as amended in 2003. A change to RSA 657:13 enacted by Laws of 2010, Chapter 182 was previously submitted for preclearance, see submission 2010:182. The Chapter 182 change will be effective from 6/21/10 until this change takes effect on 7/18/2010. The change adds a specific reference to the presidential primary as one of the elections for which an application for an absentee ballot may be received. This does not change past practice, but does make the practice explicit in statute. A statutory reference is made more specific by citing paragraph I of RSA 657:4. The reason for this change is make the law more easily understood and enforced.

30. (Sec 28) Amends RSA 657:14, Information Furnished. See attached Exhibit 2010:317, #24. This change adds “affidavit, and voting instructions” to the list of documents that the clerk must select the correct version for a particular voter, thereby necessitating that the supervisors of the checklist provide the clerk with sufficient information to make that determination. This does not change past practice, but makes explicit in law the duty imposed on supervisors of the checklist to provide the clerk sufficient information from the supervisors’ records to allow the clerk to effectively determine which ballot type and corresponding forms should be sent to a particular voter requesting to vote by absentee ballot.
31. (Sec 29) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance.
32. (Sec 30) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
33. (Sec 31) Amends RSA 657:17, Procedure by Voter. See attached Exhibit 2010:317, #25. The change amends the statute to reflect that UOCAVA voters who elect to receive an absentee ballot by electronic transmission will not be receiving a pre-printed affidavit envelope, but will receive an electronic document affidavit to be printed and enclosed in envelopes provided by the voter. The reason for this change is to facilitate the implementation of the federal MOVE Act.
34. (Sec 32) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance.
35. (sec 33) Amends a subdivision heading, Procedure for Uniformed Services, Temporarily Residing Outside the United States, and Federal Ballot Only Voting. Exhibit 2010:317, #1 shows the prior form of the heading. The change amends the heading to reflect other changes to the statutes in this subdivision of the chapter. The reason for the change is to make the chapter subdivision more easily understood and enforced in light of the changes necessary to comply with the federal MOVE Act.
36. (Sec 34) Amends RSA 657:19, Sending Ballots to UOCAVA Voters. See attached Exhibit 2010:317, #26, RSA 657:19 as amended in 2003. Another change to RSA 657:19 in 2010 has been submitted separately, see submission 2010:182. Changes made to RSA 657:19 in 2003 and

1986 have been submitted separately, see submission RSA 657:19. The change breaks this statute into sections and imposes the requirements of the federal MOVE Act. Specifically:

- j) Changes effectuated by paragraph I require acceptance of the FPCA and impose a duty on the clerk to enter the receipt of the application into the statewide voter registration database. The reason for this change is to facilitate implementation of the federal MOVE Act. New Hampshire will implement the MOVE Act, in part, by having the Secretary of State send out the UOCAVA absentee ballots on or before day 45 before the election. Therefore, it is necessary for the clerks to enter the necessary data into the statewide voter registration database so that the Secretary of State has access to the information on those UOCAVA voters who have requested absentee ballots on or before day 45 prior to the election.
- k) Paragraph I - b explicitly requires the clerks to provide the Secretary of State with the information necessary to allow the Secretary of State to mail or electronically transmit absentee ballots to UOCAVA voters on or before day 45 prior to the general election.
- l) Paragraph II requires the clerk to send the write-in absentee ballot to qualified voters requesting that ballot 45 or more days before the election.
- m) Paragraph III requires the clerk to send out UOCAVA absentee ballots for a state primary no later than 45 days before the election for requests received 45 or more days before the primary election.
- n) Paragraph IV requires requests from UOCAVA absentee voters for absentee ballots received after the day 45 days before the primary election to be sent out without delay using mail or electronic transmission in accordance with the voter's request.
- o) Paragraph V requires the Secretary of State to send out UOCAVA absentee ballots by mail or electronic transmission in accordance with the voter's request no later than day 45 prior to a general election or the presidential primary. It further makes provisions for the Secretary of States' transmittal of those ballots to be entered into the statewide voter registration database.
- p) Paragraph VI assigns to the clerk the duty to send a UOCAVA voter an absentee ballot without delay when the request is received day 44 before the general election or later.

- q) Paragraph VII requires that all requests for absentee ballots from a UOCAVA voter received prior to the Monday before a primary election must be entered by that Monday and after that requests must be entered into the statewide voter registration database on the date received. This ensures that the statewide voter registration database has a complete and current list of UOCAVA absentee ballot requests for general elections when the Secretary of State mails or electronically transmits ballots on or before day 45 before a general election.
- r) Paragraph VIII requires that when a UOCAVA absentee ballot request is received from a person who is not registered that the clerk shall send that person an absentee ballot and the forms necessary to register absentee.
- s) Paragraph IX requires the clerk to forward registration forms received from UOCAVA voters to the supervisors of the checklist. This facilitates the applicants being registered and added to the checklist.
- t) Paragraph X requires that a clerk who finds an absentee ballot application invalid shall provide the voter with the reason in writing within 7 days.

The reason for all these changes is to implement the federal MOVE Act or facilitate its implementation.

- 37. (Sec 35) Amends RSA 657:19-a, Federal Official Post Card Form and Other Requests form UOCAVA Voters. See attached Exhibit 2010:317, #27, RSA 657:19-a. A different change to RSA 657:19-a made in 2010 has been submitted separately, see submission 2010:182. This change recognizes the Federal Official Post Card Form as a valid form of application for voter registration and for application for an absentee ballot by a UOCAVA voter. A single application for an absentee ballot shall be treated as valid for all elections held in that year and for a President Primary held in that year or the next year. New Hampshire is an election day registration state which is exempt from the Motor Voter registration law and has not recognized the federal post card registration application in the past and will do so now only for UOCAVA voters. The reason for this change is to comply with the federal MOVE Act.
- 38. (Sec 36) Establishes RSA 657:19-b, Procedure for Requesting Voter Registration Applications or Absentee Ballot Applications Electronically. RSA 657:19-b is a new statute and a new practice enacted to comply with the MOVE Act, there is no prior statute. This

change establishes that the State will provide website download access to the UOCAVA voter registration and absentee ballot applications, will provide an e-mail address for electronic contact, and will mail or send by electronic transmission these forms upon receipt of a mailed or electronically transmitted request. The reason for these changes is to comply with the federal MOVE Act.

39. (Sec 36) Establishes RSA 657:19-c, E-Mail Account Maintenance by Clerks. RSA 657:19-c is a new statute and a new practice enacted to comply with the MOVE Act, there is no prior statute. This change imposes a duty on clerks to establish and maintain an e-mail account and address at which voters may contact the clerk. Clerks are required to keep their e-mail contact information current in the statewide voter registration database to facilitate the Secretary of State making this information available to voters. The reason for this change is to comply with the federal MOVE Act.
40. (Sec 37) Amends RSA 657:20, Procedure by UOCAVA Voter. See attached Exhibit 2010:317, #28. This change substitutes instructions for the UOCAVA voter set forth in the prior statute with a reference to the procedures now set forth in RSA 657:17. The reason for this change is to keep the procedures in one statute to make the overall chapter easier to understand and enforce. This change helps facilitate implementation of the federal MOVE Act.
41. (Sec 38) Amends RSA 657:21, Procedure by Clerk. See attached Exhibit 2010:317, #29. This change eliminates the prior practice of a clerk opening the outer transmittal envelope for an absentee ballot in advance of the election and sending the affidavit envelope containing the ballot to the supervisors to allow them to verify the voter's registration or if none to register the voter and then return the unopened ballot to the clerks for preservation until election day and presentation to the moderator. The new practice will preserve the outer envelope unopened until election day and the verification of registration or registration will occur on election day at the polling place as part of the moderator's procedures for processing absentee ballots. The reason for this change is to facilitate implementation of the MOVE Act. It is expected that UOCAVA voters using electronically transmitted ballots and affidavits may fail to use both an outer and inner envelope when returning the ballot, affidavit, and where applicable registration materials. The old procedure would increase the risk of inadvertent disclosure of the marked ballot before election day. The availability of election day registration, which applies equally to absentee registration

forms being processed on election day, makes it unnecessary to have a procedure for the supervisors to address these registration issues prior to election day.

42. (Sec 39) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
43. (Sec 40) Amends RSA 659:49-b, Opening Absentee Ballot Outer Envelopes. See attached Exhibit 2010:317, #30, RSA 659:49-b as enacted in 2008. The enactment of RSA 659:49-b in 2008 is being submitted separately, see submission 2008:108. This change reflects the implementation of the MOVE Act and the use by UOCAVA voters of their own envelopes to send a marked absentee ballot, affidavit, and where applicable registration materials to the clerks. “Outer: and “inner” are substituted for “return” and “affidavit” as the descriptions of the two envelopes ideally returned by the absentee voter. The reason for this change is to facilitate implementation of the MOVE Act.
44. (Sec 41) Amends RSA 659:50, Announcement by Moderator. See attached Exhibit 2010:317, #31. This change corrects pronoun gender references, makes changes consistent with Section 40’s explanation above to reflect the MOVE Acts effect that ballots will be received in voter’s envelopes that are not preprinted as the outer and affidavits envelopes used by other absentee voters, and provides that in publicly announcing the name of the voter whose absentee ballot is being processed, the moderator shall substitute “confidential voter” followed by a sequential number for the name of any absentee voter entitled to confidentiality as a result of being a victim of domestic violence. The reason for this change is to explicitly require what has previously been taught as best practice, to ensure the safety of voters who are entitled to vote confidentially by absentee ballot by avoiding the public disclosure of their names at the polling place.
45. (Sec 42) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance.
46. (Sec 43) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance.
47. (Sec 44) Establishes RSA 659:54-a, Immaterial Defects. This is a new section of law and new practice enacted to conform New Hampshire

law to the MOVE Act. There is no prior law or practice in statute. This change requires moderators to accept as valid ballots transmitted to a UOCAVA voter and printed by that voter at his or her location, marked and returned with the proper affidavit, even if that ballot has immaterial defects such as different paper, font size, color, color ink, etc. This change satisfies a requirement of the federal MOVE Act, Section 102 (i).

48. (Sec 45) Amends RSA 659:61, Votes Counted After Processing of Absentee Ballots. See attached Exhibit 2010:317, #32, RSA 659:61 as amended in 1987. Changes to RSA 659:61 1987 and 1981 are being submitted separately. Submission 1981:454 has previously been submitted. Submission 1987:371 will be submitted simultaneously with this submission. This change authorizes the moderator to use the assistance of a person appointed by the Secretary of State or the Attorney General when completing the return of votes form. The reason for this change is that in order to ensure the State's ability to complete finalization of the outcome of the primary election prior to the 45th day before the general election RSA 659:73 has been amended to require significant additional information on the return of votes form. While this information has, for the most part, been recommend in the past as part of a voluntary election night reconciliation form, it will now be required by law. Moderators desiring assistance with the form will, to the extent practical, be provided with assistance. This change facilitates implementation of the federal MOVE Act.

49. (Sec 46) Amends RSA 659:73, General Content of Return. See attached Exhibit 2010:317, #33. This change mandates that on election night as a component of determining the outcome of the election at each polling place local election officials will be required to provide the specified additional information. This information is organized to facilitate reconciliation of the voters checked off as voting, the number of ballots put into use, and the votes cast, including undervotes, overvotes, and write-ins, for each race and question. This process helps identify counting errors, transposition of numbers, and other reporting errors prior to the point when the moderator determines the official outcome and announces that outcome at the polling place. Maintaining New Hampshire's traditional primary schedule and complying with the federal MOVE Act requires, for 2010, that the final outcome of the election be determined and ballots prepared for all towns/wards that have outstanding absentee ballot requests from UOCAVA voters by the Saturday following the primary. Mandating an election night comprehensive reconciliation will minimize the need for follow-up

reconciliation. The reason for this change is to facilitate implementation of the federal MOVE Act.

50. (Sec 47) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
51. (Sec 48) Amends RSA 659:77, General Neglect by Town or Ward Moderator and Clerk. See attached Exhibit 2010:317, #34. This change establishes a violation level offense for the moderator to neglect to cause an accurate count to be made on election night. It also establishes a process for follow-up investigation should an election night count or return of votes be significantly defective. Upon a finding that the defects were due to a lack of training, lack of procedures, negligence, or misconduct by local officials, the Secretary of State with the Attorney General may appoint a State monitor to directly oversee some or all of the next election. The monitor will prepare a public report on the conduct of that subsequent election and will be available to provide instruction to the local election officials. The reason for this change is to establish authority for the State to directly oversee and guide local election officials conduct of an election when evidence of an inability or unwillingness to properly conduct the election is found. The objective is to ensure the effective administration of elections.
52. (Sec 49) Amends RSA 659:78, Late Return. See attached Exhibit 2010:317, #35. This change amends the deadline for submission of the return of votes to 8:00 a.m. on the day following the election. This is not a change to current practice which has election night returns collected statewide overnight by law enforcement officer who deliver them to the Secretary of State's Office early on Wednesday morning. It explicitly mandates this current practice and establishes a requirement that the Secretary of State notify the Attorney General and local election officials when an election night return has not arrived by the deadline. The reason for this change is to facilitate the implementation of the federal MOVE Act.
53. (Sec 50) Amends RSA 659:79, Incorrect or Incomplete Return; Amendment. See attached Exhibit 2010:317, #36. This change imposes a requirement that a clerk appear and correct an incomplete or incorrect return of votes within four hours of notification of the problem. Past practice has been for the Secretary of State to work with clerks over two or three days following an election to resolve any issues regarding the return of votes. Satisfying the federal MOVE Act

and maintaining New Hampshire's traditional fall primary date requires that any necessary resolution of apparently incorrect or incomplete returns occur on Wednesday, the day after the primary. It was therefore necessary to impose a duty on clerks to be available and upon notice to immediately address apparent incorrect or incomplete returns. The reason for this change is to facilitate implementation of the federal MOVE Act.

54. (Sec 51) Amends RSA 659:88, I(b), Write-In Nomination. See attached Exhibit 2010:317, #37, RSA 659:88 as amended in 2008. Changes to RSA 659:88 in 1981, 1993, 1994, and 2008 are being submitted separately, see submissions: 1981:240, 1993:187, 1994:218, and 2008:142. This change substitutes 3:00 p.m. on the first Friday following a primary for the second Monday following a primary as the deadline for filing a declaration by an individual who was nominated by write-in at the primary. The reason for this change is to complete finalization of the ballot in time to satisfy the federal MOVE Act requirement that ballots be mailed or transmitted electronically to UOCAVA voters who have outstanding applications for absentee ballots no later than 45 days before the general election.
55. (Sec 52) Amends RSA 659:90, Rejection of Nomination by Write-In Vote. See attached Exhibit 2010:317, #38, RSA 659:90 as amended in 1994. Changes to RSA 659:90 in 1981, 1983, and 1994 are being submitted separately, see submissions: 1981:240, 1983:426, and 1994:4. This change shifts the presumption of acceptance of a write-in nomination from a presumption that the person accepts to a presumption that the person does not accept unless he or she files the required declaration of candidacy by the revised deadline. The reason for this change is to facilitate the implementation of the MOVE Act by allowing the State to finalize the outcome of the primary election more promptly.
56. (Sec 53) Amends RSA 659:91, Nominations for Incompatible Offices. See attached Exhibit 2010:317, #39, RSA 659:91 as amended in 1994. Changes to RSA 659:91 in 1981, 1983, and 1994 are being submitted separately, see submissions: 1981:240, 1983:426, and 1994:4. This change amends the deadline for a person who is nominated to incompatible offices to notify the Secretary of State which office he or she accepts the nomination to from the Monday following the primary to no later than 3:00 p.m. on the Thursday following the primary. The reason for this change is to facilitate the implementation of the MOVE

Act by allowing the State to finalize the outcome of the primary election more promptly.

57. (Sec 54) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
58. (Sec 55) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
59. (Sec 56) Amends RSA 659:99, Forwarding Ballots to the Secretary of State. See attached Exhibit 2010:317, #40. This change authorizes the Secretary of State to request and collect the sealed boxes of ballots cast and unused and associated preserved election materials from the clerks without having a pending recount request necessitating those ballots. The reason for this change is to allow the Secretary of State to strategically collect ballots in advance of the deadline for requesting a recount to ensure the availability of ballots for recounting. To implement the federal MOVE Act the period available to conduct recounts for those jurisdictions with outstanding UOCAVA absentee ballot applications is significantly reduced. Therefore, the Secretary anticipates collecting ballots prior to the deadline for recount requests to ensure the ability to promptly complete recounts.
60. (Sec 57) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
61. (Sec 58) Amends RSA 660:7, Application. See attached Exhibit 2010:317, #41, RSA 660:7 as amended in 2008. Changes to RSA 660:7 in 1981, 1983, a second change in 1983, 1994, 1995, and 2008 are being submitted separately, see submissions: 1981:510, 1983:175, 1983:426, 1994:4, 1995:69, and 2008:377. This change limits the opportunity for a recount to a candidate whose vote total is 10 votes or 1.5 percent of the total ballots cast in the primary for that seat within the vote total of the apparent winning candidate. Prior law afforded the opportunity for recounts if the difference was within 20 percent of the total votes cast in the pertinent polling places. This change sets the deadline to request a recount at 5:00 p.m. on the day after the primary and allows requests by hand delivery, fax, or e-mail attachment. It also mandates that recounts start 2 days following the primary and that all recounts of races where outstanding applications for absentee ballots have been received from UOCAVA voters eligible to vote for those races be completed no later than 8:00 a.m. on the Saturday following the primary. The reason for these changes are to allow finalization of

the primary ballots for those towns and wards where there are outstanding UOCAVA absentee ballot requests no later than 45 days before the general election.

62. (Sec 59) Amends RSA 661:8, III, Vacancies; State Representative. See attached Exhibit 2010:317, #42, RSA 661:8 as amended in 2006. Changes to RSA 661:8 in 2006 are being submitted separately, see submission 2006:32. This change amends the periods of time for declaration and filing for a special election to be conducted by a city to allow sufficient time to satisfy the federal MOVE Act requirement for mailing or electronically transmitting ballots no less than 45 days before an election. No New Hampshire City is subject to Section 5 preclearance requirements, so this change is not subject to preclearance, but is being submitted as other sections of the statute do apply to towns, ten of which are subject to preclearance. This will ensure that upon future review as New Hampshire seeks bailout there is no question of a failure to address this change.
63. (Sec 60) Amends RSA 665:5, I, Ballot Law Commission; Hearing Date. See attached Exhibit 2010:317, #43, RSA 665:5 as amended in 2009. Changes to RSA 665:5 in 2003 and 2009 are being submitted separately, see submissions 2003:151 and 2009:44. This change establishes a mandatory meeting of the Ballot Law Commission, the body that resolves appeals of recount results, on the Saturday following a state primary. The reason for this change is to allow resolution of any appeals from recounts so that all ballots for towns or wards which have outstanding UOCAVA voter absentee ballot requests can be finalized and mailed or transmitted to those voters by day 45 before the general election. This change is necessary to implement the MOVE Act.
64. (Sec 61) Amends RSA 669:4, Qualifications of Voters. See attached Exhibit 2010:317, #44. This change corrects a pronoun gender reference and changes a reference to pertinent statutes from “RSA 654:1-654:2 and 654:4” to “RSA 654:1 through 654:6” to include other statutes that further address voter qualifications. The reason for this change is to bring this statute current with other election laws.
65. (Sec 62) Amends RSA 669:24, Paper, Uniformity, Endorsement. See attached Exhibit 2010:317, #45, RSA 669:24 as amended in 1991. A 1991 change to RSA 669:24 is being submitted separately, see submission 1991:370. This change adds a requirement requiring the endorsement on the electronic version of a ballot to bring the statute

into conformance with the adoption of electronic versions of ballots to comply with the federal MOVE Act.

66. (Sec 63) Amends RSA 669:25, Conduct. See attached Exhibit 2010:317, #46, RSA 669:25 as amended in 1981. The 1981 change has recently been submitted for preclearance, see submission 1981:454. This change adds an exception from RSA 659:77, III-V, RSA 659:78, RSA 659:98, II and III. These provisions pertain to state elections and are not applicable to a municipal election. The reason for this change is to realign this statute given the other changes being made to the election laws.
67. (Sec 64) Amends RSA 669:26, Absentee Voting. See attached Exhibit 2010:317, #47, RSA 669:26 as amended in 2006. Changes to RSA 669:26 in 1979, 1981, and 2006 are being submitted separately. See submission 1981:454 previously submitted. Submissions 1979:308 and 1981:454 will be submitted simultaneously with this submission. This changes a reference to “registered voter or armed services voter” to “eligible voter” in describing who is entitled to use absentee voting in a municipal election. The reason for the change is to reflect other changes being made to the titles being used to describe the different categories of absentee voters. This change facilitates the implementation of the federal MOVE Act.
68. (Sec 65) Amends RSA 669:27, II-III, Town Elections; Absentee Voter Forms. See attached Exhibit 2010:317, #48, RSA 669:27 as amended in 2006. Changes to RSA 669:27 in 1979, 1981, 2003, and 2006 are being submitted separately, see submissions: 1979:308, 1981:392, 2003:289, and 2006:136. These changes substitute a reference to the content requirements set forth in the State absentee ballot application form for a now outdated specification for the municipal election version of that form. Also, under the law as amended in 2010, the single submission of the State or FPCA absentee ballot application form triggers the applicant eligibility to receive absentee ballots for all elections, including municipal elections held in that calendar year. The reason for this change is to bring the form of the municipal absentee ballot application form into conformance with the amended State form.
69. (Sec 66) Amends RSA 669:29, Application of Statutes. See attached Exhibit 2010:317, #49, RSA 669:29 as amended in 1981. A 1981 change to RSA 669:29 has previously been submitted for preclearance, see submission 1981:454. A second 1981 change is being submitted separately and simultaneously, see submission 1981: 169. This change

replaces statutory references that define the procedure for municipal absentee voting as the procedure set forth in the cited statutes, which define the procedure for State elections. The final sentence provides that the MOVE Act requirement that absentee ballots must be sent to UOCAVA voters no less than 45 days before the general election does not apply to a municipal election, but provides that clerks shall send out these ballots as long before election day as is practical.

70. (Sec 67) Amends RSA 670:3, Voters and Checklists. This is a section of law that addresses elections in Village Districts. No New Hampshire Village District is subject to Section 5 Preclearance requirements, therefore, this section is not submitted.
71. (Sec 68) Amends RSA 671:14, Qualifications. See attached Exhibit 2010:317, #50, RSA 671:14 as amended in 1997. Enactment of RSA 671:14 in 1979 and a change in 1997 are being submitted separately, see submissions: 1979:321 and 1997:176. This change alters the statutes incorporated by reference which define qualifications as a voter for State election purposes. This aligns the school district qualifications statute with the State statutes. The reason for this change is to align this statute with changes that have been and are being made to its State election counterpart.
72. (Sec 69) Amends RSA 5:6-d, Election Fund. See attached Exhibit 2010:317, #51, RSA 5:6-d as amended in 2009. The 2009 change to RSA 5:6-d is being separately submitted, see submission 2009:144. This change authorizes the Secretary of State and State Treasurer to establish separate accounts within the election fund. The reason for this change is to allow more effective documentation and tracking of the various sources of funds for the election fund.
73. (Sec 70) Amends RSA 656:42, Electronic Ballot Counting Devices. Exhibit 2010:317, #52, RSA 656:42 as amended in 2009. Changes to RSA 656:42 in 1998 and 2009 are being submitted separately, see submissions: 1998:311 and 2009:70. This change:
 - a) Defines additional minimum requirements for ballot counting devices;
 - b) Requires the ballot counting device vendor who programs memory cards for elections to provide the Secretary of State with an exact electronic record of the data written to each memory card prior to the election;

- c) Authorizes the Secretary of State to direct the preservation of memory cards used by a municipality;
- d) Requires the use of breakable seals each with a unique serial number to seal the ballot counting device in six specified places;
- e) Requires the maintenance of an activity log documenting each time the ballot counting machine is accessed and the seals broken and replaced;
- f) Requires 2 witnesses to the breaking of any seal and accessing of the ballot counting machine;
- g) Requires the moderator to verify that the required seals and logs are in place and reflect that the machine is properly secure;
- h) Requires the moderator to cease using any machine found to have a broken seal that is not accounted for and to notify the Attorney General, Secretary of State, Clerk, and Selectmen of the apparent breach of the machine's security;
- i) Makes the device and log subject to review by the Attorney General or Secretary of State at any time;
- j) Requires that memory cards must be sealed in the ballot counting machine or a safe upon receipt from the vendor and document the transaction in the log;
- k) Requires the clerk to return the memory cards to the programming vendor when removed from secure storage and to seal the empty memory card slot in the ballot counting machine;
- l) Requires public notice of the ballot counting machine pre-election test;
- m) Specifies the procedures for ballot counting machine/memory card tests using election day ballots marked with the word "test:"
- n) Requires the moderator to certify that there is evidence of a pre-election test demonstrating that the machine with the memory card programmed for that election is counting accurately.

The reason for these changes is to mandate previously recommended best practices for voting machine security and pre-election testing. These security procedures are derived from past recommended best practices and the recommendations of a legislative study committee with studied ballot counting machines and their security.

74. (Sec 71) Repeals RSA 654:4, relative to armed services voters. See attached Exhibit 2010:317, #4. This change repeals a section of law that has been replaced by the changes described above.

75. (Sec 71) Repeals RSA 654:21, relative to forwarding registration affidavits. See attached Exhibit 2010:317, #53. This change repeals a section of law that has been replaced by the changes described above.
76. (Sec 71) Repeals RSA 657:3, relative to armed services voter eligibility. See attached Exhibit 2010:317, #54. This change repeals a section of law that has been replaced by the changes described above.
77. (Sec 71) Repeals RSA 657:9, relative to armed services voting. See attached Exhibit 2010:317, #55. This change repeals a section of law that has been replaced by the changes described above.
78. (Sec 72) Amends RSA 657:12, Provisions for General Election. See attached Exhibit 2010:317, #56, RSA 657:12 as amended in 2003. A different change to RSA 657:12 in 2010 was previously submitted, see submission 2010:182. This change clarifies that this statute, which has always applied to just the general election, applies to the general election by adding “for a general election” in the first sentence. The reference to the FPCA is amended to conform with the terms adopted by the 2010 changes to the election laws, and the reference to RSA 657:4 is amended to be specific to paragraph I. The reason for these changes is to make the law more easily understood and enforced.
79. (Sec 73) Amends RSA 657:15, Sending Absentee Ballots. See attached Exhibit 2010:317, #57. A different change to RSA 657:15 in 2010 has also been submitted, see submission 2010:182. This change adds a “e-mail” as an authorized means for a clerk to send an absentee ballot and amends the reference to the statutes defining appropriate ballots and materials to be limited to RSA 657:7 through RSA 657:8. The reason for this change is to conform this statute to the other 2010 changes made to the election laws, in large part to facilitate implementation of the federal MOVE Act.
80. (Sec 74) Amends RSA 657:18, Procedure by Clerk. See attached Exhibit 2010:317, #58. A different change to RSA 657:18 in 2010 has also been submitted, see submission 2010:182. This change amends the statute to reflect the new use of electronically transmitted absentee ballots and that some will be returned with regular envelopes in stead of the special return envelopes used by those who obtain their absentee ballot by mail. The reason for this change is to conform this statute to the other 2010 changes made to the election laws to implement the federal MOVE Act.

81. (Sec 75) Amends RSA 657:23, Delivery to Moderator. See attached Exhibit 2010:317, #59. A different change to RSA 657:23 in 2010 has also been submitted, see submission 2010:182. This change replaced “armed services” with “UOCAVA” to describe the class of absentee ballots that shall not be rejected for lack of an attached application and adds the condition that a signature is available for comparison on a voter registration document. The reason for this change is to comply with the federal MOVE Act, in particular to accommodate a write-in ballot received from a voter who has signed an affidavit that they submitted an application, but no application was received.

82. (Sec 76) Amends RSA 659:51, Challenges. See attached Exhibit 2010:317, #60. A different change to RSA 659:51 in 2010 has also been submitted, see submission 2010:182. This change strikes “affidavit” from the description of the envelope that the voter’s absentee ballot is received in, and corrects a reference to the clerk’s list of absentee voters. Finally, the word “thereon” is struck so the sentence applies equally to affidavit envelopes used by absentee voters receiving their ballot and materials by mail and to electronically transmitted ballots and affidavits which will be printed on plain paper. The reason for these changes is to bring this statute into conformance with other changes to the elections laws reflecting the use of electronically transmitted ballots as required by the federal MOVE Act.

83. (Sec 77) Amends RSA 659:52, Opening Envelope; Depositing Ballot. See attached Exhibit 2010:317, #61. A different change to RSA 659:52 in 2010 has also been submitted, see submission 2010:182. This change makes changes reflecting the transition from the exclusive use of absentee ballot affidavit envelopes to also using electronically transmitted ballots and affidavits that will be returned printed on paper of the voter’s choice. The preservation requirement is rewritten to conform with the amended RSA 659:101. The reason for these changes is to bring this statute into conformance with other changes to the elections laws reflecting the use of electronically transmitted ballots as required by the federal MOVE Act.

84. (Sec 78) Amends RSA 654:23, Effect. See attached Exhibit 2010:317, #62. The same change to RSA 654:23 in 2010 has also been submitted, see submission 2010:172. Note Chapter 172 takes effect on 8/16/10, therefore, this change made by chapter 317 will have effect only from 7/18/10 to 8/16/10, however, both 2010 changes are the same. This change requires preservation of the registration form in accordance with RSA 33-A:3-a as amended in 2010, providing a copy of the

registration form to the clerk, and when the supervisors reject an application, requiring that the word “rejected” be written on the form. The reason for these changes is to conform this statute to a series of 2010 election law changes which combined all election materials retention requirements in the section of law where overall municipal records retention requirements are established.

85. (Sec 79) Amends RSA 657:16, Refusal to Certify; Procedure. See attached Exhibit 2010:317, #63. The same change to RSA 657:16 in 2010 has also been submitted, see submission 2010:172. Note Chapter 172 takes effect on 8/16/10, therefore, this change made by chapter 317 will have effect only from 7/18/10 to 8/16/10, however, both 2010 changes are the same. This change requires the clerk upon receipt of registration materials with a returned absentee ballot to forward those materials to the supervisors of the checklist to facilitate the voter’s registration. It also requires preservation in accordance with RSA 33-A:3-a. The reason for these changes is to bring this statute into conformance with other changes to the elections laws reflecting the use of electronically transmitted ballots as required by the federal MOVE Act.
86. (Sec 80) Amends RSA 659:75, Forwarding; Retaining Copies of Return. See attached Exhibit 2010:317, #64, RSA 659:75 as amended in 2007. The same change to RSA 659:75 in 2010 has also been submitted, see submission 2010:172. Note Chapter 172 takes effect on 8/16/10, therefore, this change made by chapter 317 will have effect only from 7/18/10 to 8/16/10, however, both 2010 changes are the same. Changes to RSA 659:75 in 1994 and 2007 were previously submitted for preclearance, see submission RSA 659:75. This change requires preservation in accordance with RSA 33-A:3-a.
87. (Sec 81) Amends RSA 659:95, Sealing and Certifying Ballots. See attached Exhibit 2010:317, #65. The same change to RSA 659:95 in 2010 made by chapter 317 has also been submitted as part of the changes made by 2010:172, see submission 2010:172. Note Chapter 172 takes effect on 8/16/10, therefore, this change made by chapter 317 will have effect only from 7/18/10 to 8/16/10, however, the 2010:317 changes are included among the 2010:172 changes. This change requires moderators to include on the seal which secures a box of ballots from an election an indication of the total number of boxes being used to secure all ballots at that election. The reason for this change is to aid those who handle these ballots in ensuring that all boxes of ballots are kept together and that all are transferred when

ballots are moved for recounts or storage. It also includes rejected ballots among the list of ballots that must be preserved. The reason for these changes is to ensure that once sealed all boxes of ballots are more easily accounted for and kept secure.

88. (Sec 82) Amends RSA 659:98, I, Delivery of Ballots to Town Clerk. See attached Exhibit 2010:317, #66. The same change to RSA 659:98 in 2010 made by chapter 317 has also been submitted as part of the changes made by 2010:172, see submission 2010:172. Note Chapter 172 takes effect on 8/16/10, therefore, this change made by chapter 317 will have effect only from 7/18/10 to 8/16/10, however, the 2010:317 changes are included among the 2010:172 changes. This change allows the clerk to use a designee in transferred sealed boxes of ballots for storage and to require retention in accordance with RSA 33-A:3-a. The reason for this change is primarily to conform this statute to a 2010 change that combines all election related retention requirements in the section of law where all municipal records retention requirements is established.

89. (Sec 83) Amends RSA 659:101, Preservation of Absentee Voting Materials. See attached Exhibit 2010:317, #67 Changes to RSA 659:101 in 2006 and 2009 have been submitted for preclearance, see submission RSA 659:101. The same change to RSA 659:101 in 2010:317 has also been made by 2010:172 previously submitted for preclearance, see submission 2010:172. Note Chapter 172 takes effect on 8/16/10, therefore, this change made by chapter 317 will have effect only from 7/18/10 to 8/16/10, however, both 2010 changes are the same. This change requires retention in accordance with RSA 33-A:3-a. The reason for this change is primarily to conform this statute to a 2010 change that combines all election related retention requirements in the section of law where all municipal records retention requirements is established.

(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

The act:

1. (Sec 1) Amends RSA 44:5, Voters and Checklists, which was most recently changed by the laws of 2003 Those changes were precleared on 8/2/2004 by Department of Justice non-objection letter 2004-2576, 2580.
2. (Sec 2) Amends RSA 652:13, Federal Election, which was most recently changed by the laws of 1986. Those changes were precleared on 8/22/2005 by Department of Justice non-objection letter 2005-2151, 2005-2178.
3. (Sec 3) Establishes RSA 652:16-b, UOCAVA Voters; This is a new section of law. The new section in part replaces RSA 654:4 which was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.
4. (Sec 3) Establishes RSA 652:16-c, Absent Uniformed Services Voters. This is a new section of law. The new section in part replaces RSA 654:4 which was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.
5. (Sec 3) Establishes RSA 652:16-d, Accessible Voting System. This is a new section of law. Accessible Voting System was never previously defined in statute, so there is no direct prior practice to have been precleared.
6. (Sec 4) Establishes RSA 652:23, Chief Election Officer. This is a new section of law. As noted above the Secretary of State has long been recognized as the Chief Election Officer, in part due to the cited provisions of the New Hampshire Constitution, adopted in 1784, therefore predating the duty imposed on ten New Hampshire towns to preclear changes to changes. There is, however, no prior statutory designation.
7. (Sec 5) Amends RSA 654:3, Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Voters. RSA 654:3 was precleared on 7/22/2004 by Department of Justice non-objection letter 2004-2557.

8. (Sec 6) Amends RSA 654:19, Submission; Effect. RSA 654:19 was precleared on 11/2/05 by Department of Justice non-objection letter 2005-3316.
9. (Sec 7) Amends a subdivision heading, Federal Post Card Application Form. A subdivision heading is a non-substantive guide to readers which is not a substantive change submitted for preclearance.
10. (Sec 8) Amends RSA 654:20, Federal Post Card Application Form for UOCAVA Voters. RSA 654:20 as amended in 2003 was precleared on 8/5/04 by Department of Justice non-objection letter 2004-2560,2562,2596, 2005-3314,3315. A 2009 change to RSA 654:20 is being separately submitted for preclearance, see submission 2009:214.
11. (Sec 9) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
12. (Sec 10) Amends RSA 655:37, Vacancy for Office on Party Ticket. RSA 655:37 as amended in 1979 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. Changes to RSA 655:37 in 1983 and 1984 are being submitted separately to catch up preclearance, see submissions: 1983:426 and 1994:4.
13. (Sec 11) Amends RSA 655:81, Nomination of U.S. Representative, Executive Councilor, State Senator, and Representative to the General Court. RSA 655:81 was established in 1981 and has previously been amended in 1994, 1996, and 2006, each change is being submitted separately to catch up preclearance, see submissions: 1981:512, 1994:381, 1996:36, and 2006:32.
14. (Sec 12) Amends RSA 655:82, Uncontested Primary. RSA 655:82 was established in 1981, the enactment is being submitted separately to catch up preclearance, see submission 1981:512.
15. (Sec 13) Amends RSA 656:13, Questions on the Ballot. RSA 656:13 as amended in 1979 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. Two changes to RSA 656:13 in 1994 are being separately submitted for preclearance to catch up the statute's preclearance, see submissions: 1994:309 and 1994:324.

16. (Sec 14) Amends RSA 656:17, Endorsement. RSA 656:17 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.
17. (Sec 15) Amends RSA 656:34, Federal Offices Only Absentee Ballot. RSA 656:34, as amended in 1979, was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. Changes to RSA 656:34 in 1981 and 1996 are being submitted separately for preclearance to catch up this statute, see submissions: 1981:392 and 1996:88.
18. (Sec 16) Amends RSA 656:35, Absentee Ballot for Uniformed Services Voters and Voters Temporarily Residing Outside the United States. RSA 656:35, as amended in 1979, was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. A change to RSA 656:35 in 1996 is being submitted separately to catch up preclearance of this statute, see submission 1996:88.
19. (Sec 17) Amends RSA 656:36, Questions on the Ballot. RSA 656:36 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.
20. (Sec 18) Amends RSA 656:37, Constitutional Amendments. RSA 656:37, as amended in 1979, was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. A 1981 change is being submitted separately to catch up preclearance of this statute, see submission: 1981:392.
21. (Sec 19) Amends RSA 657:2, UOCAVA Voters. RSA 657:2 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.
22. (Sec 20) Amends RSA 657:4, Forms. RSA 657:4, as amended in 1988, was precleared on 8/5/2004 by Department of Justice non-objection letter 2004-2565, 2567, 2584, 2586, 2587, 2589, 2591, 2593. Changes to RSA 657:4 in 2006, 2007, and 2009 are being submitted separately to catch up preclearance of this statute, see submissions: 2006:136, 2007:212, and 2009:288.
23. (Sec 21) Amends RSA 657:6, Procedure by Applicant. RSA 657:6 was precleared on 8/5/2004 by Department of Justice non-objection letter 2004-2560, 2562, 2596.

24. (Sec 22) Amends RSA 657:8, UOCAVA Oath. RSA 657:8, as amended in 1988, was precleared on 8/5/2004 by Department of Justice non-objection letter 2004-2560, 2562, 2596. Changes to RSA 657:8 in 1983 and 2003 are being submitted separately to catch up preclearance of this statute, see submissions 1983:220 and 2003:289.
25. (Sec 23) Amends RSA 657:10, Forwarding Forms. RSA 657:10 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.
26. (Sec 24) Amends RSA 657:10-a, Write-in Absentee Ballot. RSA 657:10-a has not been precleared. The statute was first enacted in 1986 and has been amended in 1994 and 2007. Those changes are being submitted separately for preclearance, see submissions: 1986:126, 1994:218, and 2007:212.
27. (Sec 25) Establishes RSA 657:10-b, Federal Write-in Absentee Ballot. RSA 657:10-b is a new statute and practice, there is no prior statute to be precleared.
28. (Sec 26) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance.
29. (Sec 27) Amends RSA 657:13, Provisions for State of Presidential Primary Elections. RSA 657:13 was precleared on 8/5/2004 by Department of Justice non-objection letter 2004-2565, 2567, 2584, 2586, 2587, 2589, 2591, 2593. A change was also made to this statute in 2010 by Chapter 172 which has previously been submitted for preclearance, see submission 2010:172.
30. (Sec 28) Amends RSA 657:14, Information Furnished. RSA 657:14 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.
31. (Sec 29) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance.
32. (Sec 30) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.

33. (Sec 31) Amends RSA 657:17, Procedure by Voter. RSA 657:17, as amended in 1979, was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. A change to RSA 657:17 in 1983 is being submitted separately to catch up preclearance of this statute, see submission 1983:220.
34. (Sec 32) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance.
35. (sec 33) Amends a subdivision heading, Procedure for Uniformed Services, Temporarily Residing Outside the United States, and Federal Ballot Only Voting. Subdivision headings are not substantive in nature, serving only as a guide for readers of the chapter, therefore are not submitted for preclearance.
36. (Sec 34) Amends RSA 657:19, Sending Ballots to UOCAVA Voters. RSA 657:19, as amended in 1988, was precleared on 8/5/2004 by Department of Justice non-objection letter 2004-2560, 2562, 2596. Changes in 1986 and 2003 have been previously submitted for preclearance see submission 657:19. A change to RSA 657:19 in 2010 has also been separately submitted, see submission 2010:182.
37. (Sec 35) Amends RSA 657:19-a, Federal Official Post Card Form and Other Requests form UOCAVA Voters. RSA 657:19-a was precleared on 7/22/2004 by Department of Justice non-objection letter 2004-2557. Another 2010 change has been previously submitted, see submission 2010:182.
38. (Sec 36) Establishes RSA 657:19-b, Procedure for Requesting Voter Registration Applications or Absentee Ballot Applications Electronically. This is a new statute, there is no prior statute or practice to have been precleared.
39. (Sec 36) Establishes RSA 657:19-c, E-Mail Account Maintenance by Clerks. This is a new section of law and a new practice, there is no prior statute or practice to have been precleared.
40. (Sec 37) Amends RSA 657:20, Procedure by UOCAVA Voter. RSA 657:20 was precleared on 8/5/2004 by Department of Justice non-objection letter 2004-2560, 2562, 2596.
41. (Sec 38) Amends RSA 657:21, Procedure by Clerk. RSA 657:21 was precleared on 8/5/2004 by Department of Justice non-objection letter

2004-2560, 2562, 2596. Another 2010 change has been previously submitted for preclearance, see submission 2010:172.

42. (Sec 39) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
43. (Sec 40) Amends RSA 659:49-b, Opening Absentee Ballot Outer Envelopes. RSA 659:49-b was enacted in 2008 and has not been previously precleared. The 2008 enactment is being submitted separately for preclearance to catch up this statute, see submission 2008:108.
44. (Sec 41) Amends RSA 659:50, Announcement by Moderator. RSA 659:50 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.
45. (Sec 42) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance.
46. (Sec 43) is not enacted, this statute is changed by Laws of 2010, Chapter 182, which will be submitted separately for preclearance.
47. (Sec 44) Establishes RSA 659:54-a, Immaterial Defects. This is a new statute and a new practice, there is no prior statute or practice to have precleared.
48. (Sec 45) Amends RSA 659:61, Votes Counted After Processing of Absentee Ballots. RSA 659:61, as amended in 1979, was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. A change in 1981 has previously been submitted for preclearance, see submission 1981:454. A change in 1987 will be submitted separately, see submission 1987:371.
49. (Sec 46) Amends RSA 659:73, General Content of Return. RSA 659:73 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.
50. (Sec 47) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.

51. (Sec 48) Amends RSA 659:77, General Neglect by Town or Ward Moderator and Clerk. RSA 659:77 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.
52. (Sec 49) Amends RSA 659:78, Late Return. RSA 659:78 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.
53. (Sec 50) Amends RSA 659:79, Incorrect or Incomplete Return; Amendment. RSA 659:79 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.
54. (Sec 51) Amends RSA 659:88, I(b), Write-In Nomination. RSA 659:88, as amended in 1979, was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. Changes to RSA 659:88 in 1981, 1993, 1994, and 2008 are being submitted separately for preclearance to catch up this statute, see submissions: 1981:240, 1993:187, 1994:218, and 2008:142.
55. (Sec 52) Amends RSA 659:90, Rejection of Nomination by Write-In Vote. RSA 659:90, as amended in 1979, was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. Changes to RSA 659:90 in 1981, 1983, and 1994 are being submitted separately for preclearance to catch up the statute, see submissions: 1981:240, 1983:426, and 1994:4.
56. (Sec 53) Amends RSA 659:91, Nominations for Incompatible Offices. RSA 659:91, as amended in 1979, was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. Changes in 1981, 1983, and 1994 are being submitted separately for preclearance to catch up this statute, see submissions: 1981:240, 1983:426, and 1994:4.
57. (Sec 54) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
58. (Sec 55) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
59. (Sec 56) Amends RSA 659:99, Forwarding Ballots to the Secretary of State. RSA 659:99 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.

60. (Sec 57) is not enacted, this statute is changed by Laws of 2010, Chapter 172, which will be submitted separately for preclearance.
61. (Sec 58) Amends RSA 660:7, Application. RSA 660:7 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. Changes in 1981, 1983, 1983, 1994, 1995, and 2008 are being submitted separately to catch up preclearance of this statute, see submissions: 1981:510, 1983:175, 1983:426, 1994:4, 1995:69, and 2008:377.
62. (Sec 59) Amends RSA 661:8, III, Vacancies; State Representative. RSA 661:8, as amended in 2005, was precleared on 8/8/2005 by Department of Justice non-objection letter 2005-2069, 2005-2070. A change in 2006 is being submitted separately to catch up preclearance of this statute, see submission 2006:32.
63. (Sec 60) Amends RSA 665:5, I, Ballot Law Commission; Hearing Date. RSA 665:5 was enacted in 2003 and amended in 2009, those changes are being submitted separately for preclearance to catch up this statute, see submissions 2003:151 and 2009:44.
64. (Sec 61) Amends RSA 669:4, Qualifications of Voters. RSA 669:4 was precleared on 6/22/2004 and 10/4/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582, 2585.
65. (Sec 62) Amends RSA 669:24, Paper, Uniformity, Endorsement. RSA 669:24, as amended in 1979, was precleared on 10/4/2004 by Department of Justice non-objection letter 2004-2585. A change to RSA 669:24 in 1991 is being submitted separately for preclearance to catch up preclearance of this statute, see submission 1991:370.
66. (Sec 63) Amends RSA 669:25, Conduct. RSA 669:25 was precleared on 10/4/2004 by Department of Justice non-objection letter 2004-2585. A change to RSA 669:25 in 1981 has previously been submitted for preclearance, see submission 1981:454.
67. (Sec 64) Amends RSA 669:26, Absentee Voting. RSA 669:26 as amended in 1979 was precleared on 10/4/2004 by Department of Justice non-objection letter 2004-2585. Changes to RSA 669:26 in 1981 were previously submitted for preclearance, see submission 1981:454. Changes to RSA 669:26 in 1979 and 2006 are being

submitted separately to catch up preclearance of this statute, see submissions 1979:308 and 2006:136.

68. (Sec 65) Amends RSA 669:27, II-III, Town Elections; Absentee Voter Forms. RSA 669:27 as amended in 1987 was precleared on 8/9/2004 by Department of Justice non-objection letter 2004-2558, 2583, 2588, 2590, 2592, 2597, 2598, 2599, 2600, 2601. Changes in 1979, 1981 2003 and 2006 will be submitted separately to catch up preclearance of this statute, see submissions: 1979:308, 1981:392, 2003:289, and 2006:136.
69. (Sec 66) Amends RSA 669:29, Application of Statutes. RSA 669:29, as amended in 1979, was precleared on 10/4/2004 by Department of Justice non-objection letter 2004-2585. A change in 1981 has previously been submitted for preclearance, see submission 1981:454. A second change in 1981 will be submitted for preclearance to catch up preclearance of this statute, see submission 1981:169.
70. (Sec 67) Amends RSA 670:3, Voters and Checklists. RSA 670:3 addresses elections for Village Districts. No Village District in New Hampshire is subject to preclearance, so there is no prior submission and no preclearance is sought for this section.
71. (Sec 68) Amends RSA 671:14, Qualifications. RSA 671:14 was enacted in 1979 and amended in 1997, those changes are being submitted separately to catch up preclearance of this statute, see submissions 1979:321 and 1997:176.
72. (Sec 69) Amends RSA 6:5-d, Election Fund. RSA 6:5-a was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. A subsequent amended was made to RSA 6:5-a in 2009 that will be submitted separately for preclearance to catch up preclearance of this statute, see submission 2009:144.
73. (Sec 70) Amends RSA 656:42, Electronic Ballot Counting Devices. RSA 656:42, as amended in 1979, was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. Changes to RSA 656:42 in 1998 and 2009 are being submitted separately to catch up preclearance, see submissions 1998:311 and 2009:70.

74. (Sec 71) Repeals RSA 654:4, relative to armed services voters. RSA 654:4 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.
75. (Sec 71) Repeals RSA 654:21, relative to forwarding registration affidavits. RSA 654:21 was precleared on 8/5/04 by Department of Justice non-objection letter 2004-2560,2562,2596, 2005-3314,3315.
76. (Sec 71) Repeals RSA 657:3, relative to armed services voter eligibility. RSA 657:3 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.
77. (Sec 71) Repeals RSA 657:9, relative to armed services voting. RSA 657:9 was precleared on 7/22/2004 by Department of Justice non-objection letter 2004-2557.
78. (Sec 72) Amends RSA 657:12, Provisions for General Election. RSA 657:12 was precleared on 8/5/2004 by Department of Justice non-objection letter 2004-2565, 2567, 2584, 2586, 2587, 2589, 2591, 2593. Another change in 2010 was separately submitted, see submission 2010:182.
79. (Sec 73) Amends RSA 657:15, Sending Absentee Ballots. RSA 657:15 was precleared on 10/4/04 by Department of Justice non-objection letter 2004-2598, 2599. Another change in 2010 was separately submitted, see submission 2010:182.
80. (Sec 74) Amends RSA 657:18, Procedure by Clerk. RSA 657:18 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. Another change in 2010 was separately submitted, see submission 2010:182.
81. (Sec 75) Amends RSA 657:23, Delivery to Moderator. RSA 657:23 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. Another change in 2010 was separately submitted, see submission 2010:172.
82. (Sec 76) Amends RSA 659:51, Challenges. RSA 659:51 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. Another change in 2010 was separately submitted, see submission 2010:182.

83. (Sec 77) Amends RSA 659:52, Opening Envelope; Depositing Ballot. RSA 659:52 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. Another change in 2010 was separately submitted, see submission 2010:182.
84. (Sec 78) Amends RSA 654:23, Effect. RSA 654:23 was precleared on 7/22/2004 by Department of Justice non-objection letter 2004-2557. Another change in 2010 was separately submitted, see submission 2010:172.
85. (Sec 79) Amends RSA 657:16, Refusal to Certify; Procedure. RSA 657:16 was precleared on 7/22/2004 by Department of Justice non-objection letter 2004-2557. Another change in 2010 was separately submitted, see submission 2010:172.
86. (Sec 80) Amends RSA 659:75, Forwarding; Retaining Copies of Return. RSA 659:75, as amended in 1979, was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. Changes to RSA 659:75 in 1994 and 2007 have previously been submitted for preclearance, see submission RSA 659:75. Another change in 2010 was separately submitted, see submission 2010:172.
87. (Sec 81) Amends RSA 659:95, Sealing and Certifying Ballots. RSA 659:95 was precleared on 7/22/2004 by Department of Justice non-objection letter 2004-2557. Another change in 2010 was separately submitted, see submission 2010:172.
88. (Sec 82) Amends RSA 659:98, I, Delivery of Ballots to Town Clerk. RSA 659:98 was precleared on 8/6/2004 by Department of Justice non-objection letter 2004-2564, 2566, 2568, 2570, 2571, 2573, 2574, 2575, 2579. Another change in 2010 was separately submitted, see submission 2010:172.
89. (Sec 83) Amends RSA 659:101, Preservation of Absentee Voting Materials. RSA 659:101 was precleared on 7/22/2004 by Department of Justice non-objection letter 2004-2557. Changes to RSA 659:101 in 2006 and 2009 have previously been submitted for preclearance, see submission RSA 659:101. Another change in 2010 was separately submitted, see submission 2010:172.

(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

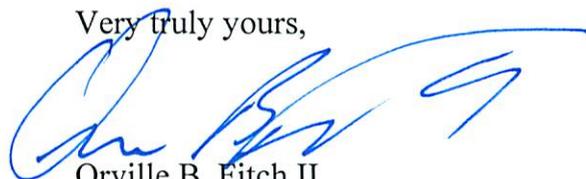
None.

§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

Laws of 2010, Chapter 317

August 2, 2010

Page 82 of 82

(603) 271-1238

OBF/psm

Attachments

CC: Secretary of State William M. Gardner

492678.doc

CHAPTER 317

HB 1535-FN – FINAL VERSION



17Feb2010... 0645h

05/12/10 1840s

02Jun2010... 2358eba

2010 SESSION

10-2011

03/05

HOUSE BILL *1535-FN*

AN ACT relative to absentee voting, special elections, election returns, preservation of ballots, recounts, the ballot law commission, and electronic ballot counting devices.

SPONSORS: Rep. Ulery, Hills 27; Rep. K. Roberts, Ches 3; Rep. Baldasaro, Rock 3; Rep. Umberger, Carr 1

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill:

I. Makes various changes relating to absentee voting, including authorizing electronic ballots for certain voters, and changes procedures for requesting, casting, processing, challenging, and preserving absentee ballots.

II. Changes scheduling requirements for certain special elections.

III. Modifies the requirements for election returns and requires that they be submitted on paper and electronically.

IV. Authorizes the secretary of state to appoint election monitors.

V. Requires the secretary of state to collect certain state primary ballots.

VI. Changes eligibility for a state primary recount.

VII. Changes the meeting requirements for the ballot law commission.

VIII. Establishes requirements for electronic ballot counting devices.

 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.

17Feb2010... 0645h

05/12/10 1840s

02Jun2010... 2358eba

10-2011

03/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to absentee voting, special elections, election returns, preservation of ballots, recounts, the ballot law commission, and electronic ballot counting devices.

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

317:1 Reference Changed. Amend RSA 44:5 to read as follows:

44:5 Voters and Checklists. Any person having his or her domicile within the city, qualified to vote as provided in RSA 654:1 [~~654:2 and 654:4~~] **through** 654:6 and whose name is on the checklist shall be qualified to vote in city elections. The supervisors of the checklist shall prepare, post, and revise the checklist for city elections in the same manner as for a state election as provided in RSA 654:25-654:31.

317:2 Reference Changed. Amend RSA 652:13 to read as follows:

652:13 Federal Election. "Federal election" shall mean any state general, special, or primary election held solely or in part for the purpose of choosing or nominating any candidates for the offices of president, vice-president, United States senator, or United States representative. For federal [~~overseas~~] **ballot only** voters **domiciled outside the United States** who are eligible to vote in federal elections as provided in RSA 657:2, "federal election" shall also include any presidential primary election.

317:3 New Sections; Terms and Definitions. Amend RSA 652 by inserting after section 16-a the following new sections:

652:16-b UOCAVA Voters. “UOCAVA voters” shall mean absent uniformed services voters, absent voters temporarily residing outside the United States, and federal ballot only voters domiciled outside the United States as described in RSA 654:3.

652:16-c Absent Uniformed Services Voters. “Absent uniformed services voters” shall mean persons who are absent from the places of residence in New Hampshire where they are otherwise qualified to vote who are:

I. Members of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, the commissioned corps of the National Oceanic and Atmospheric Administration, and the commissioned corps of the Public Health Service, and all regular and reserve components thereof, while in active service.

II. Members of the Merchant Marine of the United States, including individuals (other than members of a uniformed service or individuals employed, enrolled, or maintained on the Great Lakes or the inland waterways):

(a) Employed as officers or crew members of vessels documented under the laws of the United States, or of vessels owned by the United States, or of vessels of foreign-flag registry under charter to or control of the United States; or

(b) Enrolled with the United States for employment, or for training for employment, or maintained by the United States for emergency relief service, as officers or crew members of any such vessel.

III. The spouses or dependents of any member described in paragraph I or II who, by reason of the active duty or service of the member, is absent from the place of residence in New Hampshire where the spouse or dependent is otherwise qualified to vote.

652:16-d Accessible Voting System. “Accessible voting system” shall mean the system chosen by the state to meet the accessibility for individuals with disabilities requirements of section 301 of the Help America Vote Act of 2002, 42 U.S.C. section 15481, that has the capacity to print a paper ballot marked with the votes chosen by the voter.

317:4 New Subdivision; Chief Election Officer. Amend RSA 652 by inserting after section 22 the following new subdivision:

Chief Election Officer

652:23 Chief Election Officer. The secretary of state shall be the chief election officer for the state. The secretary of state shall provide information regarding voter registration procedures and absentee ballot procedures for all voters, including absent uniformed services voters, absent voters temporarily residing outside the United States, and federal ballot only voters domiciled outside the United States. Instructional and informational materials published by the secretary of state for clerks to provide such voters shall include information on how to communicate electronically with election officials.

317:5 Uniformed and Overseas Citizens Absentee Voting Act Voters. RSA 654:3 is repealed

and reenacted to read as follows:

654:3 Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Voters.

I. Absent uniformed services voters. An absent uniformed services voter, being a citizen of the United States and being at least 18 years of age as provided in Article 11 of Part First of the constitution of New Hampshire, shall have the right to vote absentee in any state election in the town or city in New Hampshire in which he or she had his or her domicile immediately prior to service, even though he or she no longer maintains domicile in said town or city and even though his or her intent to return thereto is uncertain, provided:

(a) He or she complies with all other applicable requirements and qualifications of the state of New Hampshire.

(b) He or she is not registered to vote in any other state or election district of a state, or in any territory or possession of the United States.

II. Absent voters temporarily residing outside the United States. An absent voter temporarily residing outside the United States, being a citizen of the United States and being at least 18 years of age as provided in Article 11 of Part First of the constitution of New Hampshire shall have the right to vote absentee in any election in the town or city in New Hampshire in which he or she had his or her domicile immediately prior to his or her departure provided:

(a) He or she complies with all other applicable requirements and qualifications of the state of New Hampshire; and

(b) He or she is not domiciled and is not registered to vote in any other state or election district of a state, or in any territory or possession of the United States; and

(c) He or she has a valid passport or card of identity issued under the authority of the Secretary of State of the United States.

III. Federal ballot only voters domiciled outside the United States. Any United States citizen, being at least 18 years of age as provided in Article 11 of Part First of the constitution of New Hampshire, who is domiciled outside the United States, shall have the right to register absentee and to vote for federal offices in the town or city in New Hampshire in which he or she, or a parent or legal guardian of said voter, had his or her domicile immediately prior to his or her departure from the United States, even though he or she no longer maintains domicile in said town or city and even though his or her intent to return thereto is uncertain, provided:

(a) He or she complies with all other applicable requirements and qualifications of the state of New Hampshire; and

(b) He or she is not domiciled in and is not registered to vote in any other state or election district of a state, or in any territory or possession of the United States; and

(c) He or she has a valid passport or card of identity issued under the authority of the Secretary of State of the United States.

317:6 Reference Changed. Amend RSA 654:19 to read as follows:

654:19 Submission; Effect. The applicant shall forward the absentee registration affidavit and the applicant's voter registration form to the clerk of the town or city named for submission to the supervisors of the checklist. If the supervisors find that the affidavit and the voter registration form are properly executed, they shall follow the procedure for applications made in person as provided in RSA 654:11, 654:13, and 654:15, except that in the case of an absentee voter they shall accept an absentee registration affidavit and a registration form. ~~[An affidavit which is properly executed shall be considered valid and shall be effective for both a primary and a general election for armed services voters and for absent voters who reside outside the continental United States.]~~

317:7 Overseas Citizens Voting. Amend the subdivision heading preceding RSA 654:20 to read as follows:

~~[Overseas Citizens Voting:]~~ Federal ~~[Elections Only]~~ *Post Card Application Form*

317:8 Federal Post Card Application Form. RSA 654:20 is repealed and reenacted to read as follows:

654:20 Federal Post Card Application Form for UOCAVA Voters. As required by federal law, UOCAVA voters may apply to register to vote and apply for an absentee ballot using the federal official post card form prescribed by 42 U.S.C. section 1973ff(b)(2).

317:9 Effect. Amend RSA 654:23 to read as follows:

654:23 Effect. Unless the supervisors of the checklist shall be of the opinion that the *federal post card* applicant does not qualify as ~~[an overseas]~~ *a UOCAVA* voter in the city or town as provided in RSA 654:3, ~~[domiciled outside the United States,]~~ they shall, at their next session for the correction of the checklist subsequent to their receipt of such ~~[affidavit]~~ *federal post card application* properly executed, cause his or her name to be added to the checklist ~~[together with]~~ *and, if the applicant is domiciled outside the United States*, a mark or sign clearly indicating that the application has been entered on the checklist for the purpose of voting in federal elections only. Thereafter, ~~[such]~~ *if the person is domiciled outside the United States, he or she* shall be entitled to vote by ~~[overseas citizens]~~ *federal offices only* absentee ballot at both federal primary and general elections. If the supervisors decide not to add the name of the applicant to the checklist, they shall send notification to the applicant in writing within 7 days stating the reason for that denial.

317:10 Vacancy for Office on Party Ticket. Amend RSA 655:37 to read as follows:

655:37 Vacancy for Office on Party Ticket. If, after the holding of a state primary election, a vacancy exists for any office on a party ticket, such vacancy may be filled as provided in this section. The appropriate party committee shall notify the secretary of state in writing

of a person they designate to fill the vacancy. The person so designated shall, no later than the ~~[second]~~ **first** Friday following the primary election, file with the secretary of state a declaration of candidacy as provided in RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election. If the candidate is designated for the office of governor, executive councilor, state senator, or state representative, he *or she* shall also file, no later than **5:00 p.m. on the ~~[second Friday]~~ first Friday** following the primary, the appropriate affidavit as provided in RSA 655:29. Any candidate who has not filed all the forms required by this section within the required period of time shall not have his *or her* name printed on the state general election ballot for that office.

317:11 Nominations for Special State Elections. Amend RSA 655:81 to read as follows:

655:81 Nomination of U.S. Representative, Executive Councilor, State Senator and Representative to the General Court. The nomination of candidates for the U.S. House of Representatives or for the executive council or for the state senate or for representative to the general court for special elections shall be accomplished through the holding of special election primaries. The filing of candidates for such primaries and all other matters connected with such primaries shall be the same as for primaries before a state general election except that:

I. The special election shall be held on ~~[the]~~ **a** Tuesday not less than ~~[80]~~ **131** nor more than ~~[87]~~ **145** days following the day that the governor and council declare that there shall be a special election; provided, however, that if one or more municipalities where a special election for state representative will be held have a regularly-scheduled election occurring between ~~[80]~~ **131** and 180 days following the day that the governor and council declare that there shall be a special election, the governor and council shall set the date of the election to coincide with the regularly-scheduled election if a majority of the towns or wards, as represented by the city, jointly request that day; if towns or wards, as represented by the city, request that the special election coincide with regularly-scheduled elections occurring on different dates, the election shall be held on ~~[the]~~ **a** Tuesday not less than ~~[80]~~ **131** nor more than ~~[87]~~ **145** days following the day that the governor and council declare that there shall be a special election; and

II. ~~[The time limits in RSA 655:14 shall be changed to not more than 43 days nor less than 36 days prior to the primary]~~ **The filing period shall start on the Monday following the date on which the governor and council declare that there shall be a special election and shall end at 5:00 p.m. on the Friday of that week;** and

III. Under RSA 655:15, the official with whom state representative candidates shall file shall be the secretary of state, except that a state representative candidate may file with the appropriate town or city clerk under RSA 655:15 or with the secretary of state during the ~~[first]~~ **Monday and Tuesday** only of the filing period in towns and cities in which the clerk's office is open on one or both of those days, in which case the town or city clerk shall forward each declaration of candidacy to the secretary of state on the same day on which the declaration is filed; and

IV. The primary shall be held ~~[34]~~ **63** days prior to the special election; and

V. Supplementary primary petitions may be filed as needed [~~not less than 36 days before the primary~~] *no later than 5:00 p.m. on the last day of the filing period*; and

VI. The deadline for filing nomination papers shall be no [~~more than 34 days prior to the special election~~] *later than 5:00 p.m. on the day set for the primary*; and

VII. The notice of the primary in RSA 655:11 shall be prepared by the secretary of state and distributed to the town and city clerks as soon as practicable after the setting of the date for the special election; and

VIII. Under RSA 655:12, clerks shall post notices of special election primaries as soon as possible after they are received; and

IX. The names of all candidates for a party nomination at a special election primary shall be printed in alphabetical order on the ballot, and the same ballot listing shall be used at all polling places where the special primary election is held; and

X. The publication of the result provided in RSA 659:89 shall not be required; and

XI. The deadline for any candidate to request a recount pursuant to RSA 660:7 shall be [~~3 days from the day of the primary~~] *5:00 p.m. on the day after the election*.

317:12 Uncontested Primary. Amend RSA 655:82 to read as follows:

655:82 Uncontested Primary. In the event that no party has more than one candidate file, the primary election shall not be conducted. [~~In such a case, the special election shall be held on the day previously fixed as the day for the holding of the special primary election. The deadline for candidates to file nomination papers pursuant to RSA 655:40-45 shall be 32 days prior to the rescheduled special election date~~].

317:13 Questions on the Ballot. Amend RSA 656:13 to read as follows:

656:13 Questions on the Ballot. Except as provided in RSA 656:14, whenever a question is submitted to voters at a state general election as provided in RSA 663, the question shall be printed on the state general election ballot following the offices columns. Printed after the question there shall be 2 squares *or ovals*, one with the word "yes" beside it and another with the word "no" beside it.

317:14 Endorsement. Amend RSA 656:17 to read as follows:

656:17 Endorsement. [~~Upon the back of~~] *On* each state general election ballot shall be printed the words "Official ballot for" followed by the name of the town for which the ballot is prepared, the date of the state general election and a facsimile of the signature of the secretary of state.

317:15 Federal Offices Only Absentee Ballot. Amend RSA 656:34 to read as follows:

656:34 [~~Official Overseas Citizens~~] Federal [~~Election~~] *Offices Only* Absentee Ballot. Prior

to any federal election, the secretary of state shall prepare, in such quantity as the secretary of state may deem necessary, ~~[overseas citizens] federal [election]~~ **offices only absentee ballots [as nearly as practicable in the same form as] in paper and electronic form, similar in form to the official ballot to be used at said election.** Said ballots shall have the words "~~[official overseas citizens federal election absentee ballot]~~ **federal offices only absentee ballot**" ~~[printed]~~ on them and shall be ~~[similarly]~~ endorsed and **the paper version shall be printed on paper of the same color as that used for official [absence and disability] ballots.** Such ballots shall provide for voting absentee only for candidates seeking election to federal offices and for no other candidates.

317:16 Absentee Ballot. Amend RSA 656:35 to read as follows:

656:35 ~~[Armed Services]~~ Absentee Ballot **for Uniformed Services Voters and Voters Temporarily Residing Outside the United States.** ~~[Prior to any state election,]~~ **Absent uniformed services voters and voters temporarily residing outside the United States shall be provided with the absentee ballot prepared under RSA 656:33, provided that** the secretary of state shall prepare~~[, in such quantity as the secretary of state may deem necessary, armed services absentee ballots in the same form as the absence and disability absentee ballot to be used at said election]~~ **an electronic version of such ballot for use by any absent uniformed services voter or voter temporarily residing outside the United States who requests that his or her absentee ballot be transmitted to the voter electronically pursuant to RSA 657:19.**

317:17 Questions on the Ballot. Amend RSA 656:36 to read as follows:

656:36 Questions on the Ballot. Whenever a question to voters is printed on an official state election ballot, the secretary of state shall ensure that said question is also ~~[printed on the absence and disability absentee ballot and on the armed services absentee ballot, except as otherwise provided]~~ **on all applicable absentee ballots.**

317:18 Constitutional Amendments. Amend RSA 656:37 to read as follows:

656:37 Constitutional Amendments. Whenever a question to voters related to a proposed constitutional amendment is ~~[printed]~~ **placed** on a ~~[special and]~~ separate ballot as provided in RSA 663:3, the question shall also be ~~[printed]~~ **placed** on a separate absentee ballot ~~[of the same color as the ballot used for constitutional questions by in-person voters, shall]~~ **to be included with each [absence and disability or armed services absentee ballot and shall have printed on it the words "absentee ballot."]** **absentee ballot other than federal offices only absentee ballots.**

317:19 UOCAVA Voters. Amend RSA 657:2 to read as follows:

657:2 ~~[Overseas]~~ **UOCAVA Voters.** Any person who is ~~[registered as an overseas]~~ **eligible to vote as a UOCAVA voter** in any city or town ~~[as provided in RSA 654:20, 654:21, and 654:23]~~ may vote ~~[in federal elections]~~ **absentee as follows:**

I. A person qualified as an absent uniformed services voter as provided in RSA 654:3 may vote absentee at any state election in the New Hampshire city or town

which was his or her last home as provided in this chapter.

II. A person qualified as provided in RSA 654:3 whose current domicile is in the New Hampshire town or ward where he or she is registered to vote, but who is temporarily residing outside the United States may vote absentee in all state elections.

III. A person qualified as provided in RSA 654:3 whose current domicile is outside the United States may vote absentee in elections for federal offices only as provided in this chapter.

317:20 Absentee Voting Application Forms. RSA 657:4 is repealed and reenacted to read as follows:

657:4 Forms.

I. Prior to any state election, the secretary of state shall prepare the appropriate application forms for absentee ballots worded in substantially the following form. The secretary of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the application form. The secretary of state shall prepare the application forms in such quantity as he or she deems necessary:

Absence (Excluding Absence Due to Residence Outside the United States),

Religious Observance, and Disability:

I hereby declare that (check one):

I am a duly qualified voter who is currently registered to vote in this town/ward.

I am absent from the town/city where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

I will be entitled to vote by absentee ballot because (check one):

I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled.

I am requesting a ballot for the presidential primary election and I may be absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request 14 days after the filing period for candidates has closed, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.

I cannot appear in public on election day because of observance of a religious commitment.

I am unable to vote in person due to a disability.

I cannot appear at any time during polling hours at my polling place because an employment obligation requires me to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close.

Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

I am requesting an official absentee ballot for the following election (check one):

Presidential Primary to be held on _____

(MM/DD/YYYY)

(The date may appear as blank when the date is not known.)

State Primary to be held on _____

(MM/DD/YYYY)

General Election

For primary elections, I am a member of or I am now declaring my affiliation with the (check one):

Republican Party

Democratic Party

and am requesting a ballot for that party's primary.

Please print:

Applicant's Name:

(Last) (First) (Middle) (Sr., Jr., II., III)

Applicant's Voting Domicile (home address):

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Mail the ballot to me at this address (if different than the home address):

 (Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Applicant's Signature: _____

The applicant must sign this form to receive an absentee ballot.

Date Signed: _____

(MM/DD/YYYY)

II. Any person that publishes, mails, or distributes in any manner any written communication that contains a form or post card which a reasonable person would consider as intended to be used by the recipient of the communication to submit a request for an absentee ballot shall attach a copy of the form prepared by the secretary of state pursuant to paragraph I of this section to the communication or include in the communication a complete facsimile of the form prepared by the secretary of state pursuant to paragraph I of this section. Any person that violates this paragraph shall be subject to a civil penalty not to exceed \$1,000, to be imposed in the manner set forth in RSA 659:34, III-V.

III. The federal official post card form shall constitute the form made available by the secretary of state pursuant to RSA 654:20 for absentee ballot applications by UOCAVA voters.

317:21 Procedure by Applicant. Amend RSA 657:6 to read as follows:

657:6 Procedure by Applicant. An application form for an absentee ballot shall be mailed or delivered to any person who applies therefor to the secretary of state or to any town or city clerk. It shall be filled out by the applicant and sent to the clerk of the town or city in which he *or she* desires to vote. Alternatively, a person may apply for an official absentee ballot by sending to said clerk a written statement containing the information required by [~~the appropriate paragraph of~~] RSA 657:4, *I* or by the federal *official* post card [~~application~~] *form*.

317:22 UOCAVA Oath. RSA 657:8 is repealed and reenacted to read as follows:

657:8 UOCAVA Oath. Prior to any state election, the secretary of state shall prepare, in such quantity as he or she deems necessary, affidavit envelopes of sufficient size to contain the ballots and an electronic affidavit containing the following:

UOCAVA Voters

Persons desiring to vote by absentee ballot who are absent uniformed services voters, absent voters temporarily residing outside the United States, and federal ballot only voters domiciled outside the United States shall sign the following oath:

Standard Oath

I swear or affirm, under penalty of perjury, that I am:

1. A member of the Uniformed Services or Merchant Marine on active duty; or, an eligible spouse or dependent of such a member; or, a U.S. citizen temporarily residing outside the U.S.; or, other U.S. citizen residing outside the U.S.; and
2. I am a U.S. citizen, at least 18 years of age (or will be by the date of the election), and I am eligible to vote in the requested jurisdiction; and
3. I have not been convicted of a felony, or other disqualifying offense, or been adjudicated mentally incompetent, or, if so, my voting rights have been reinstated; and
4. I am not registering, requesting a ballot, or voting in any other jurisdiction in the U.S., except the jurisdiction cited in this voting form.

In voting, I have marked and sealed my ballot in private and have not allowed any person to observe the marking of the ballot, except for those authorized to assist voters under state or Federal law. I have not been influenced.

My signature and date below indicate when I completed this document.

The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.

Signed: _____ Date: _____

Month/Day/Year

317:23 Forwarding Forms. Amend RSA 657:10 to read as follows:

657:10 Forwarding Forms. The secretary of state shall retain for his *or her* own use so many of the absentee ballots and forms provided for in RSA 657:7 through [657:9] 657:8 as he *or she* may deem necessary and shall supply each town and city clerk in the state with as many of them as he *or she* may deem sufficient. The same shall be [sent] *provided electronically and* in sealed packages [and] *which* shall be marked on the outside clearly designating the type and number of ballots enclosed. The secretary of state shall keep a record of the [time] *date* when and the manner in which the absentee ballots [and forms] were sent to said clerks and of the number of ballots so forwarded. [~~The secretary of state shall forward overseas citizens federal election ballots to the town or city clerks so as to be received by them no later than 30 days prior to the date of the federal election.~~] Additional absentee ballots of any type may be obtained as required from the secretary of state upon written application by a town or city clerk.

317:24 Write-In Absentee Ballot. RSA 657:10-a is repealed and reenacted to read as follows:

657:10-a Write-in Absentee Ballot. A person entitled to vote by absentee ballot who is an

absent uniformed services voter, an absent voter temporarily residing outside the United States, or a voter domiciled outside the United States who is qualified to vote for federal offices only, who certifies that he or she will be unable to receive, mark, and return an absentee ballot sent no later than 45 days before an election by election day may apply for a write-in absentee ballot. The secretary of state shall prepare write-in absentee ballots of all types necessary for each election and make them available to town and city clerks. Clerks shall send a write-in absentee ballot to any qualified UOCAVA voter requesting such ballot without delay for any request received up to 45 days before an election. The ballot and associated forms and instructions shall be sent by mail or electronically as requested by the voter. In completing the ballot, the voter may designate a candidate by writing in the name of the candidate or by writing in the name of a political party next to the title of the office, in which case the ballot shall be counted for that office for the candidate of the political party.

317:25 New Section; Federal Write-In Absentee Ballot. Amend RSA 657 by inserting after section 10-a the following new section:

657:10-b Federal Write-In Absentee Ballot. Absent uniformed services voters, absent voters temporarily residing outside the United States, and federal ballot only voters domiciled outside the United States may use the federal write-in absentee ballot in general, special, and primary elections to vote for federal offices only. As required by federal law, a federal write-in absentee ballot shall not be counted if it is submitted from any location in the United States by an absent voter temporarily residing outside the United States or a federal ballot only voter domiciled outside the United States. The federal write-in absentee ballot shall not be counted if a state absentee ballot is received from the voter. In completing the ballot, the voter may designate a candidate by writing in the name of the candidate or by writing in the name of a political party next to the title of the office, in which case the ballot shall be counted for that office for the candidate of the political party.

317:26 Provisions for General Election. Amend RSA 657:12 to read as follows:

657:12 Provisions for General Election. Upon receipt of a properly executed application for an official absentee ballot *for a general election*, whether the form supplied by the secretary of state, the federal *official* post card ~~[application]~~ form, or a written statement containing the information required by ~~[the appropriate paragraph of]~~ RSA 657:4, *I*, a town or city clerk shall forthwith ascertain if the applicant is on the checklist of the town or city. If the applicant is on the checklist, the clerk shall send the materials provided for in RSA 657:15; if not, the clerk shall refuse to certify as provided in RSA 657:16. An application may be transmitted by facsimile to a town or city clerk.

317:27 Provisions for Primary Elections. Amend RSA 657:13 to read as follows:

657:13 Provisions for State or Presidential Primary Elections. Upon receipt of a properly executed application for an official absentee ballot *for a state or presidential primary election*, whether the form supplied by the secretary of state or a written statement containing the information required by ~~[the appropriate paragraph of]~~ RSA 657:4, *I*, a town or city clerk shall forthwith ascertain if the person is on the checklist of the town or city and is properly registered as to party designation. If such person is found to be on the

checklist and to be properly registered or if such person is found to be on the checklist but is not registered as a member of any party, but the information supplied states he or she is applying for a ballot of a political party, the person shall be registered as a member of said party; and, in either case, the clerk shall send the materials provided for in RSA 657:15. If the person is not on the checklist or is registered as a member of a party different from the one whose ballot he or she is applying for, the clerk shall refuse to certify as provided in RSA 657:16. An application may be transmitted by facsimile to a town or city clerk.

317:28 Information Furnished. Amend RSA 657:14 to read as follows:

657:14 Information Furnished. The supervisors of the checklist shall furnish to the town or city clerks upon their request any information relative to persons entitled to vote in their ward or town which may be necessary to enable them to determine the proper ballot, ***affidavit, and voting instructions*** to be sent to an absentee voter. Whoever violates any provision of this section shall be guilty of a violation.

317:29 Sending Absentee Ballots. Amend RSA 657:15 to read as follows:

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver, ***e-mail***, or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through ~~[657:9]~~ ***657:8*** or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absent voting ballots have been sent, and shall identify those official absent voting ballots which have been returned to the clerk. Candidates whose names appear on the ballot and persons bearing notarized requests or copies of notarized requests from 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.

317:30 Refusal to Certify. Amend RSA 657:16 to read as follows:

657:16 Refusal to Certify; Procedure. If he or she refuses to certify the application, the town or city clerk shall notify the applicant in writing within 7 days to that effect. The town or city clerk shall provide the applicant with an absentee ballot and a notice that the ballot will not be counted unless the applicant submits the documents necessary to complete an absentee registration. The applicant shall be advised in writing what documents, if any, have been received in proper form and which the applicant must submit in the ~~[return]~~ ***outer*** envelope that contains the absentee ballot ~~[affidavit]~~ envelope. The town or city clerk shall mark the ~~[exterior of]~~ ***absentee ballot application and*** the absentee ballot affidavit ~~[envelope]~~ with the words "Not Registered." If the applicant returns the required documents in proper form with the absentee ballot and if the applicant is found to be qualified, he or she shall be registered and his or her absentee ballot shall be processed in

the same manner as the absentee ballot of a previously registered voter. If the ballot is returned without the required documents in proper form, the ballot shall be marked and preserved in the manner set forth by law for successfully challenged absentee ballots. The clerk shall preserve the application of any applicant who is not registered as a voter until the time set by law for the destruction of the ballots after the election at which time the application shall be destroyed. Any justice of the superior court has jurisdiction in equity upon such notice as he or she may order to require that the name of the person making application for an absentee ballot be placed upon the checklist or registered as a member of any party and be sent an absentee ballot.

317:31 Procedure by Voter. Amend RSA 657:17 to read as follows:

657:17 Procedure by Voter. After marking the ballot, the voter or the person assisting a blind voter shall enclose and seal the same in [~~the affidavit~~] ***an inner*** envelope. The voter shall execute the affidavit [~~on it~~]. The voter or the person assisting the blind voter shall enclose and seal [~~said~~] ***the inner*** envelope ***with the affidavit*** in [~~the return~~] ***an outer*** envelope. The voter shall then endorse [~~thereon~~] ***on the outer envelope*** his *or her* name, address, and voting place and shall mail the envelope, affixing postage, or personally deliver it to the city or town clerk from whom it was sent.

317:32 Procedure by Clerk. Amend RSA 657:18 to read as follows:

657:18 Procedure by Clerk. Upon receipt of [~~a return~~] ***an outer*** envelope purporting to contain an official absentee voting ballot, the clerk of the city or town shall attach thereto the application for an absentee ballot submitted by said voter. All such envelopes shall be preserved unopened until election day.

317:33 Absentee Voting. Amend the subdivision heading preceding RSA 657:19 to read as follows:

Procedure for [~~Armed~~] ***Uniformed Services, Temporarily Residing Outside the United States***, and Federal [~~Overseas Citizen~~] ***Ballot Only*** Voting

317:34 Sending Ballots. RSA 657:19 is repealed and reenacted to read as follows:

657:19 Sending Ballots to UOCAVA Voters.

I.(a) Upon receipt of a properly executed application for an absentee ballot from a UOCAVA voter as defined in RSA 652:16-b, whether the form supplied by the secretary of state, the federal official post card form, or a written statement containing the information required by RSA 657:4, I, a town or city clerk shall retain the application and, without delay and except as provided in subparagraph (b), enter the application in the statewide centralized voter registration database.

(b) On the last business day no earlier than 45 days before a regularly scheduled general election, each city and town clerk shall deliver absentee ballot information to the secretary of state, on forms and methods prescribed by the secretary of state, for each UOCAVA voter as defined in RSA 652:16-b who, between the required meeting of the supervisors of the

checklist pursuant to RSA 654:27 for the regularly scheduled primary election and the last business day prior to 45 days before the regularly scheduled general election, has requested an absentee ballot for the next regularly scheduled general election, unless that UOCAVA voter and his or her absentee ballot request has been entered into the statewide voter registration database.

II. If a request for a write-in absentee ballot is received from a UOCAVA voter 45 or more days before an election from a voter qualified to vote using a write-in absentee ballot in accordance with RSA 657:10-a, the clerk shall, without delay, send a write-in absentee ballot and instructions using either mail or electronic transmission, as requested by the voter.

III. If a request for an absentee ballot for a primary election, other than a presidential primary, or a special election is received from a UOCAVA voter 45 or more days before a primary election, the clerk shall send the ballot and instructions to the applicant no later than the day 45 days prior to the primary election using either mail or electronic transmission, as requested by the voter.

IV. If a request for an absentee ballot for a primary election, other than a presidential primary, or a special election is received from a UOCAVA voter less than 45 days before a primary election, the clerk shall send the ballot and instructions without delay using either mail or electronic transmission, as requested by the voter.

V. If a request for an absentee ballot for a regularly-scheduled general election or a presidential primary is received from a UOCAVA voter 45 or more days before a general election or a presidential primary the secretary of state shall, on behalf of the clerk and in accordance with the voter's choice, electronically transmit or mail the appropriate absentee ballot and instructions to the voter no later than the day 45 days prior to the general election or the presidential primary. At the secretary of state's discretion, the secretary of state may enter in the statewide centralized voter registration database the mail date on which absentee voters were sent ballots pursuant to this paragraph. Alternatively, the secretary of state may provide each city and town clerk with a list of all voters sent absentee ballots by the secretary of state pursuant to this section. Upon receipt of such report from the secretary of state, the clerk shall record the date that the absentee ballot was sent to the voter in the statewide centralized voter registration database.

VI. If a request for a general election absentee ballot is received from a UOCAVA voter less than 45 days before a general election, the clerk shall, in accordance with the voter's choice, electronically transmit or mail the appropriate absentee ballot and instructions to the voter, without delay.

VII. All valid requests for absentee ballots for a general election received by a town and city clerk prior to the Monday before a primary election shall be entered into the statewide centralized voter registration database no later than that Monday and any valid requests received between that Monday and the forty-fifth day prior to a general election shall be entered into the statewide centralized voter registration database on the day received by the clerk. All requests for absentee ballots received after the date that is 45 days prior to an election shall be entered by the city or town clerk, without delay.

VIII. The clerk shall send the appropriate ballot and materials as described in RSA 657:8, regardless of whether the applicant appears on the checklist, and record the information pursuant to RSA 657:15.

IX. The town or city clerk shall forward a copy of the applicant's registration forms to the supervisors of the checklist.

X. A town or city clerk who finds an absentee ballot application invalid shall provide the UOCAVA voter the reason it is invalid within 7 days.

317:35 Federal Official Post Card Application. RSA 657:19-a is repealed and reenacted to read as follows:

657:19-a Federal Official Post Card Form and Other Requests from UOCAVA Voters. The federal official post card form as provided in RSA 654:20 for simultaneous voter registration application and absentee ballot application shall be valid at any time for voter registration by a person qualified to vote pursuant to RSA 654:3 as an absent uniform services voter, a temporarily absent voter residing outside the United States, or a federal ballot only voter domiciled outside the United States. An absentee ballot request on this post card or in any other form received on or after January 1 of each year shall be valid through December 31 of the same year for all state and municipal elections to be held within that year, subject to the request of the voter and the eligibility of the voter. Provided, however, that an absentee ballot for the presidential primary shall be sent to all voters requesting an absentee ballot for the primary or any election prior to the primary during the general election year and the prior year. The town or city clerk shall forward a copy of all such federal official post card voter forms to the supervisors of the checklist.

317:36 New Sections; Electronic Applications. Amend RSA 657 by inserting after section 19-a the following new sections:

657:19-b Procedure for Requesting Voter Registration Applications or Absentee Ballot Applications Electronically. Any person authorized in RSA 657:19-a to use the federal official post card form may request and receive an absentee voter registration application by downloading the application from the secretary of state's website, or request that the form be mailed by submitting an electronic request via the e-mail address designated on the website. The secretary shall send the requested application by mail or electronically in accordance with the voter's choice.

657:19-c E-Mail Account Maintained by Clerks. As required by federal law, to satisfy their obligation to send and receive voting materials electronically, each town and city clerk shall establish and maintain an e-mail account and address, which shall be publically available to voters. Clerks shall keep such information in the statewide centralized voter registration database.

317:37 Procedure by UOCAVA Voter. RSA 657:20 is repealed and reenacted to read as follows:

657:20 Procedure by UOCAVA Voter. UOCAVA voters shall follow the procedure set forth

in RSA 657:17.

317:38 Procedure by Clerk. RSA 657:21 is repealed and reenacted to read as follows:

657:21 Procedure by Clerk. Upon receipt of an outer envelope purporting to contain an absentee ballot, the clerk of the city or town shall attach thereto the application for an absentee ballot submitted by the voter. All such envelopes shall be preserved unopened until election day.

317:39 Delivery to Moderator. Amend RSA 657:23 to read as follows:

657:23 Delivery to Moderator. Upon election day, prior to the closing of the polls or the time set for processing absentee ballots in accordance with RSA ~~[659]~~ **659:49**, the clerk shall deliver all such envelopes and the applications therefor received by him *or her and a list of absentee voter applicants compiled pursuant to RSA 657:15* to the moderators in the several voting precincts in which the absentee voters assert the right to vote, taking a receipt from the moderator thereof; except that no ~~[armed services]~~ **UOCAVA voter's** ballot shall be rejected by a moderator for lack of an attached application, ***provided a signature is available for comparison on a voter registration document.***

317:40 Opening Absentee Ballot Outer Envelopes. Amend RSA 659:49-b to read as follows:

659:49-b Opening Absentee Ballot ~~[Return]~~ **Outer** Envelopes. The moderator or the moderator's designee may authorize the opening of absentee ballot ~~[return]~~ **outer** envelopes on election day prior to the time established for processing absentee ballots in RSA 659:49, provided that the opening of the ~~[return]~~ **outer** envelopes occurs in public with notice of the time and place. The ~~[affidavit]~~ envelope containing the ballot shall not be removed from the ~~[return]~~ **outer** envelope at such time, and the ~~[return]~~ **outer** envelope containing the ~~[affidavit]~~ **inner** envelope shall be secured until it is processed pursuant to RSA 659:50. ~~[This section shall not apply to return envelopes previously opened pursuant to RSA 657:21.]~~

317:41 Announcement by Moderator. Amend RSA 659:50 to read as follows:

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

- I. The name of the voter is on the checklist; and
- II. The affidavit ~~[on the envelope]~~ appears to be properly executed; and
- III. The signature on the affidavit appears to be executed by the same person who signed the application; and
- IV. The signatures appear to be the signatures of a duly qualified voter who has not voted

at the election; then the moderator shall publicly announce the name of the absentee voter, *except that with respect to any voter who has been included in the address confidentiality program under RSA 7:43 or who has been granted a protective order under RSA 173-B, the moderator shall identify such voters as “confidential voter number 1” and “confidential voter number 2,” and so forth.* If these conditions are not met, the moderator shall follow the procedure provided in RSA 659:53.

317:42 Challenges. Amend RSA 659:51 to read as follows:

659:51 Challenges. All absentee ballots are subject to challenge after the moderator publicly announces the name of the absentee voter but not after the ballot is removed from the envelope. A person who makes a challenge shall state the reason for the challenge. If the ballot is challenged, the moderator shall write on the [~~affidavit~~] envelope containing the ballot the word “challenged” and the name and address of the person who makes the challenge and the basis of the challenge. The moderator shall also number each challenged envelope consecutively by marking, for example, the first challenged ballot “Challenged Ballot No. 1.” The moderator shall then determine if the challenge to the ballot is well grounded. If the moderator decides the challenge is well grounded, [~~he~~] *the moderator* shall not open the envelope but shall preserve it with the other ballots cast at the election as provided in RSA 659:101 *and shall record next to the name of the absentee voter on the clerk’s list of absentee voters prepared pursuant to RSA 657:15 the word “challenged” and the reason for the challenge.* If the moderator decides that the challenge is not well grounded, he *or she* shall open the [~~affidavit~~] envelope so the affidavit [~~thereon~~] is not destroyed and proceed first to mark on the reverse of the folded ballot the corresponding challenge number as previously marked on the envelope. [~~He~~] *The moderator* shall then proceed to deposit the ballot as provided in RSA 659:52.

317:43 Opening Envelope. Amend RSA 659:52 to read as follows:

659:52 Opening Envelope; Depositing Ballot. If the absentee ballot is not challenged, the moderator shall, after announcing the name of the voter, open the [~~affidavit~~] envelope containing the ballot so the affidavit [~~on the envelope~~] is not destroyed. [~~He~~] *The moderator* shall then take the ballot out of the envelope without unfolding the ballot or without permitting the ballot to be examined, and he *or she* shall preserve the affidavit [~~envelope~~] with the ballots cast at the election as provided in RSA 659:101. The moderator shall then have a checkmark placed beside the name of the absentee voter on the checklist and write therewith the letters “A.V.” in red ink and shall then deposit the ballot in the ballot box.

317:44 New Section; Immaterial Defects; Electronically Transmitted Absentee Ballots. Amend RSA 659 by inserting after section 54 the following new section:

659:54-a Immaterial Defects; Electronically Transmitted Absentee Ballots. No electronically transmitted absentee ballot shall be rejected by the moderator for any ballot, envelope, or affidavit weight, size, or color, or any ink font size, alignment, or color.

317:45 Votes Counted After Processing of Absentee Ballots. Amend RSA 659:61 to read as follows:

659:61 Votes Counted After Processing of Absentee Ballots. After all absentee ballots have been processed, or processed and counted, as provided in RSA 659:49-55, and after the polls have closed, the election officials, except those disqualified in accordance with RSA 659:58, shall, under the supervision of the moderator, immediately begin counting the votes cast at the election. *The moderator may use the assistance of a person appointed by the secretary of state or the attorney general to assist in the completion of the election return forms.*

317:46 General Content of Return. RSA 659:73 is repealed and reenacted to read as follows:

659:73 General Content of Return.

I. The election return forms shall be submitted on paper and electronically immediately after the completion of the vote count in the manner prescribed by the secretary of state. The return of votes shall include, but not be limited to:

- (a) The name of each candidate printed on the ballot and the number of votes that candidate received for the listed office including any write-in votes for the same office on the same ballot where the voter did not mark the printed candidate name.
- (b) For each office, the number by which the total number of votes that could have been cast for that office exceeds the total number of votes actually cast for that office.
- (c) For each office, the number of potential votes not counted because the voter marked more candidates than permitted. The totals for subparagraphs (b) and (c) may be reported together as a single number.
- (d) For each office the total number of votes cast for each write-in candidate and the candidate's name, excluding write-in votes for candidates whose names were printed on the ballot where the voter did not mark the printed candidate name and the vote is reported under subparagraph (a).
- (e) For any question submitted to the voters:
 - (1) The number of affirmative votes.
 - (2) The number of negative votes.
 - (3) The number of ballots where the voter did not cast a vote.
 - (4) The number of ballots where the ballot was not counted because the voter marked both yes and no.
- (f) The number of voters who voted in person on election day checked off on the checklist as having voted.
- (g) The number of absentee voters checked off on the checklist as having voted.

- (h) The number of official ballots received from the secretary of state brought to the polling place on election day, excluding ballots marked as test ballots and used prior to election day to test a ballot counting machine.
- (i) The number of official ballots cast on election day.
- (j) If the polling place runs out of official ballots, the number of absentee ballots used as official ballots and cast.
- (k) If the polling place runs out of official ballots, the number of photocopy ballots used as official ballots and cast.
- (l) The number of Accessible Voting System ballots cast.
- (m) The number of state absentee ballots cast.
- (n) The number of federal offices only absentee ballots cast.
- (o) The number of state write-in absentee ballots cast.
- (p) The number of federal write-in absentee ballots cast.
- (q) In a primary, the number of ballots cast for each party.
- (r) The number of people who registered to vote on election day.
- (s) The number of undeclared voters that cast ballots for each party at a state primary election.
- (t) The number of undeclared voters that returned to undeclared after voting in a state primary election.

II. The secretary of state shall provide guidance for completing the return of votes in the election procedure manual issued pursuant to RSA 652:22. The secretary of state may provide an electronic version of the return of votes capable of being used on a computer at the polling place to assist moderators and clerks in completing and submitting the paper and electronic forms.

317:47 Copies of Return. Amend RSA 659:75 to read as follows:

659:75 Forwarding; Retaining Copies of Return. One copy of the election return shall be forwarded by the town or ward clerk to the secretary of state *in both paper and electronic form* no later than ~~[the Monday]~~ **8:00 a.m. on the day** following a state election unless the secretary of state orders them sooner. The other shall be kept by the town or city clerk and shall be open to public inspection at reasonable times. If an official state election return is sealed along with the ballots, the clerk having custody of the sealed ballots shall, at the request of the secretary of state, and in the presence of a state election official, unseal the ballots and retrieve the election return. The ballots shall be immediately

resealed and the election return shall be delivered to the secretary of state by the election official.

317:48 General Neglect. RSA 659:77 is repealed and reenacted to read as follows:

659:77 General Neglect by Town or Ward Moderator and Clerk.

I. If any moderator shall neglect to cause an accurate count to be made of the votes cast as required by law, for which no other penalty is provided, he or she shall be guilty of a violation.

II. If any town or ward clerk shall neglect to make any return of votes required by law, for which neglect no other penalty is provided, he or she shall be guilty of a violation.

III. If a return of votes is not timely submitted or is submitted with significant defects, if a recount discloses that the election night vote count was significantly inaccurate, or if other significant deficiencies in the conduct of an election are documented the secretary of state shall report the same to the attorney general. Upon a finding by the attorney general that the late submission, miscount, or other significant deficiency was due to lack of training, lack of established procedures, negligence, or misconduct, the secretary of state in consultation with the attorney general shall appoint an election monitor who shall be an individual trained in the conduct of elections and who shall attend portions of the ballot casting and all of the ballot counting to monitor the next election conducted in that town or ward. The finding of the attorney general may be appealed to the ballot law commission.

IV. An election monitor appointed under paragraph III shall have full access to the polling place, including authority to directly observe the registration of voters on election day, the checking in of voters by inspectors of elections, assistance to voters with disabilities, the use of the accessible voting system, the receipt of ballots, the processing of absentee ballots, and the counting of ballots, and may handle marked ballots for the purposes of instruction during the counting and tabulating process.

V. An election monitor appointed under paragraph III may provide training and guidance to the moderator and clerk who conducts the election. The election monitor shall issue a public written report within 30 days following the election to the voters of the town or ward, the secretary of state, and the attorney general, which shall be posted on the secretary of state's website, documenting the extent to which the town or ward complies with state law and utilizes the best practices set forth in the election procedures manual and the on-line training available on the secretary of state's website in conducting the monitored election.

317:49 Late Return. Amend RSA 659:78 to read as follows:

659:78 Late Return. Whenever the election return of any town or ward has not been received by the secretary of state [~~within 5 days~~] **by 8:00 a.m. on the day** after a state election, the secretary of state shall so notify ***the attorney general and the moderator, the selectmen, and*** the clerk of the town or ward who shall forward such return forthwith.

317:50 Incorrect or Incomplete Return. Amend RSA 659:79 to read as follows:

659:79 Incorrect or Incomplete Return; Amendment. If a town or ward clerk shall make an incorrect or incomplete election return, the moderator may require that clerk, at his *or her* own expense, to appear and amend the return according to the facts *within 4 hours of receipt of notification from the secretary of state*. If the clerk shall refuse to appear and amend the return, he *or she* shall be guilty of a violation.

317:51 Write-In Nomination. Amend RSA 659:88, I(b) to read as follows:

(b) A person whose name was not printed anywhere on the official state primary election ballot, and who receives the nomination of a party by write-in vote in a primary election and wishes to accept the nomination, shall file a declaration of candidacy with the secretary of state no later than [~~the second Monday~~] *3:00 p.m. on the first Friday* after the primary. The declaration of candidacy shall be filed with the understanding that, where the form says "primary election," it shall be construed to mean "general election." A person who files a declaration of candidacy under this section shall be subject to the requirements of RSA 655:19 and 655:19-b relative to filing fees. The person may have the filing fee waived if he *or she* is unable to pay the fee by reason of indigency. Such person shall not, however, be required to pay the administrative assessment under RSA 655:19-c.

317:52 Rejection of Nomination by Write-In Vote. RSA 659:90 is repealed and reenacted to read as follows:

659:90 Rejection of Nomination by Write-In Vote. The name of a person nominated by write-in vote who fails to file a declaration of candidacy in person, by facsimile, or by e-mailing a signed declaration as an attachment with the secretary of state by 3:00 p.m. on the first Friday following the primary shall not be placed on the general election ballot and will be considered to have rejected the nomination.

317:53 Nomination for Incompatible Offices. Amend RSA 659:91 to read as follows:

659:91 Nominations for Incompatible Offices. Any person who is nominated by the same political party for incompatible offices shall notify the secretary of state *in person, in writing, by facsimile transmission, or by e-mailing a signed statement as an attachment* no later than *3:00 p.m. on the [Monday] Thursday* following the date of the primary of which nomination he *or she* will accept. Thereupon the secretary of state shall declare a vacancy to exist in the nomination which such person declined. The vacancy shall be filled as provided in RSA 655:37 except that all the necessary declarations of candidacy and affidavits shall be filed no later than *5:00 p.m. on the [second] Friday* following the date of the primary.

317:54 Sealing and Certifying Ballots. Amend RSA 659:95 to read as follows:

659:95 Sealing and Certifying Ballots.

I. Immediately after the ballots cast at a state election have been tabulated and the result has been announced and the return has been made, the moderator or the moderator's

designee, in the presence of the selectmen or their designee, shall place the cast, cancelled, and uncast ballots, including such ballots from any additional polling places, and further including the successfully challenged *and rejected* absentee ballots still contained in their envelopes, in the containers provided by the secretary of state as required by RSA 659:97 and shall seal such container with the sealer provided by the secretary of state as required by RSA 659:97. The moderator or the moderator's designee shall then enter in the appropriate blanks on such sealer on each container the number of cast, cancelled, and uncast ballots in such container and shall endorse in the appropriate place on such sealer a certificate in substance as follows: Enclosed are the ballots from the state election in the town of _____ 317:_____ (or in ward _____ in the city of _____) held on _____, 20____, *Box _____ of _____*, [~~required by law~~] to be preserved *in accordance with RSA 33-A:3-a*. The moderator and the selectmen or their designee shall sign their names in the appropriate blanks on the sealer.

II. Ballots, including cast, cancelled, and uncast ballots and successfully challenged absentee ballots still contained in their envelopes, prepared or preserved in accordance with the election laws shall be exempt from the provisions of RSA 91-A. This exemption shall apply to any ballots or absentee voter [~~affidavit envelopes~~] *affidavits* prepared for or used in any election conducted by the state or any political subdivision, including federal elections.

317:55 Delivery of Ballots to Town Clerk. Amend RSA 659:98 to read as follows:

659:98 Delivery of Ballots to Town Clerk.

I. The moderator, or [his] the moderator's designee, and the selectmen, or their designee, after they have sealed and certified the state election ballots as provided in RSA 659:95 and [96] RSA 659:96, shall deliver the sealed containers to the town or city clerk, or to [his] the clerk's designee, who shall in their presence enter in the appropriate place on each sealer the time of day and shall sign his or her name in the appropriate blank on the sealer. Except as provided in paragraphs II and III, the clerk or [his] designee shall, without breaking the seals or otherwise changing the condition of the containers, deposit the containers in the town or city hall, where the ballots shall be kept for a period of 60 days.

II. After a regularly-scheduled state primary, the town or city clerk of each town and city in Carroll, Cheshire, Coos, Grafton, Strafford, and Sullivan counties shall deliver the sealed boxes of ballots from the primary to the location designated by the secretary of state to receive the paper return of votes and ballots immediately following the completion of the counting and sealing of ballots. The secretary of state shall cause all such returns and ballots to be collected and delivered to a location designated by the secretary of state.

III. The secretary of state may, at his or her discretion, collect regularly-scheduled state primary ballots from clerks in Belknap, Hillsborough, Merrimack, and Rockingham counties on the Wednesday or Thursday following the regularly-scheduled state primary between 8:00 a.m. and 5:00 p.m. Any clerk whose office will not be open during these hours shall notify the secretary of state and shall, accompanied by at least one voter who is not a member of the same political party

as the clerk, deliver the ballots to a nearby town or city clerk's office that will be open during those hours or shall arrange for a law enforcement officer to transport the ballots to that office.

317:56 Forwarding Ballots to the Secretary of State. Amend RSA 659:99 to read as follows:

659:99 Forwarding Ballots to the Secretary of State. If any person shall make a request for a recount as provided in RSA 660, ***or if the secretary of state shall request the ballots of the recent election***, the clerk having the custody of such ballots shall, at the request of the secretary of state, forward the ballots forthwith to the secretary of state.

317:57 Preservation of Voting Materials. Amend RSA 659:101 to read as follows:

659:101 Preservation of Absentee Voting Materials, Election Day Affidavits, and Domicile Affidavits. The ~~[affidavit envelopes]~~ ***absentee ballot affidavits*** and application forms processed by the moderator as provided in RSA 659:50, ***the absentee ballots challenged and rejected as provided in RSA 659:51 and RSA 659:53***, and the qualified voter affidavits and domicile affidavits as provided in RSA 654:12 and any other documentary proof of qualifications retained by the town or city clerk, the supervisors of the checklist, or other election official ~~[may]~~ ***shall*** be preserved in the same manner that ballots are preserved. Qualified voter, voter registration, and domicile affidavits shall be retained for 3 years after the election in which they are used, and other materials may be destroyed ~~[one year after the first state general election at which the individual may vote]~~ ***after the election is settled and all appeals have expired or one year after the election, whichever is longer.***

317:58 Primary Recount Applications. Amend RSA 660:7 to read as follows:

660:7 Application.

I. Any person for whom a vote was cast for any nomination of any party at a state primary may apply for a recount, provided that the difference between the votes cast for the applying candidate and a candidate of that party declared nominated is less than [20] 10 votes or less than 1.5 percent of the total [votes] ballots cast [for candidates of] in the primary for that party in the towns which comprise the office to be recounted. The application shall be made in writing to the secretary of state and shall be submitted no later than 5:00 p.m. on the day after the primary election. The request may be made by hand delivery, by facsimile transmission, or as an attachment to an e-mail. The fee shall be paid prior to the beginning of the recount. Recounts shall begin 2 days after the primary election and shall be conducted so as to complete all recounts involving towns or wards which have pending requests for absentee ballots for the general election from UOCAVA voters no later than 8:00 a.m. on the Saturday following the primary. Other recounts shall begin during the week following the primary.

II. Any person receiving at least 9 percent of the votes cast in any party's presidential primary may apply for a recount. The application shall be made in writing to the secretary of state and shall be submitted no later than the Friday after the primary for a recount of

all ballots cast for such nomination. Each candidate requesting a recount shall pay the secretary of state fees as provided in RSA 660:2.

317:59 Vacancies; State Representative. Amend RSA 661:8, III to read as follows:

III. Notwithstanding the provisions of paragraph II, if a vacancy occurs in the office of state representative in a district comprised of a city ward or wards, a request to hold the primary and special elections on the same dates as the city's biennial primary and regular elections may be submitted to the governor and council by the governing body of the city. If so requested, the governor and council shall declare the vacancy not less than ~~[50]~~ **63** days prior to the date of the city's primary election. The filing period shall be held not more than ~~[41]~~ **57** days nor less than ~~[34]~~ **50** days prior to the primary election. The provisions of RSA 655:81, III, VI, VII, VIII, IX, X, and XI shall apply to elections held pursuant to this paragraph.

317:60 Ballot Law Commission; Hearing Date. Amend the introductory paragraph of RSA 665:5, I to read as follows:

I. ~~[If necessary,]~~ The ballot law commission shall meet ~~[on the fourth Friday of September in each general election year and]~~ **at 9:00 a.m. on the Saturday following the regularly-scheduled state primary election and, if necessary, on the third Friday following the presidential primary election in order to hear and decide:**

317:61 Reference Changed. Amend RSA 669:4 to read as follows:

669:4 Qualifications of Voters. Any person having his *or her* domicile within the town and qualified to vote under RSA 654:1~~[-654:2 and 654:4]~~ **through** 654:6 and who is on the town checklist shall be qualified to vote in town elections.

317:62 Town Elections; Official Ballot. Amend RSA 669:24 to read as follows:

669:24 Paper, Uniformity, Endorsement. The ballots shall be printed on plain white paper, in weight not less than that of ordinary printing paper; provided, however, that if more than one ballot is used during any town election, each ballot shall be of a different color than any other ballot used at the election. There shall be no impression or mark to distinguish one ballot from another. The names of all candidates shall be printed in uniform type and the ballots shall be folded so that their width and length when folded shall be uniform. On the back, or at the top of the face, of each ballot shall be printed the words "Official Ballot for the Town of _____," the date of the election, and a facsimile of the signature of the town clerk who prepared the ballot. ***For ballots transmitted electronically, the words "Official Ballot for the Town of _____" shall be located at the top of the face of the ballot.***

317:63 Town Elections; Conduct. Amend RSA 669:25 to read as follows:

669:25 Conduct. In towns which have adopted an official ballot system, the town election shall be conducted in the same manner as a state general election as provided in RSA 658 and 659, ***except that RSA 659:77, III-V, 659:78, and 659:98, II and III shall not apply,***

and except that all duties required to be performed by the secretary of state under those chapters shall be performed by the town clerk, and except that no copy of marked or unmarked checklists need be forwarded to the state archives or federal district court as provided in RSA 659:102. Polling hours for a town meeting or election shall be set by the selectmen or by a vote of the town.

317:64 Town Elections; Absentee Voting. Amend RSA 669:26 to read as follows:

669:26 Absentee Voting. Every town which has adopted an official ballot system for town elections as provided in RSA 669:12 or 669:13 shall provide for absentee voting. Any ~~[registered]~~ *eligible* voter ~~[or armed services voter]~~ who is absent from such a town on the day of a town election, or who cannot appear in public on election day because of his *or her* observance of a religious commitment, or who, by reason of physical disability, is unable to vote in person may vote at a town election in accordance with the provisions of this section and RSA 669:27-669:29. A person who is unable to appear at any time during polling hours at his or her polling place because an employment obligation requires the person to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close shall be considered absent for purposes of this section and RSA 669:27-669:29.

317:65 Town Elections; Absentee Voter Forms. RSA 669:27, II-III is repealed and reenacted to read as follows:

II. Blank forms of application for absentee ballots worded similar in form to those required by RSA 657:4.

III. Envelopes of sufficient size to contain the ballots specified in paragraph I, on which shall be printed an affidavit similar in form to that required by RSA 657:7 or 657:8, as applicable.

317:66 Town Elections; Absentee Voting. Amend RSA 669:29 to read as follows:

669:29 Application of Statutes. The procedure for absentee voting in town elections shall be the same as in state elections as provided in RSA *657:2, 657:6, ~~[9, 12 and 14-24]~~ 657:7, 657:8, 657:12, and 657:14 through 657:24. With respect to the provisions of RSA 657:19, absentee ballots shall not be required to be sent to absent uniformed services voters or absent voters temporarily residing outside the United States at least 45 days prior to town elections, but shall be sent by the clerk as long before election day as is practical.*

317:67 Reference Changed. Amend RSA 670:3 to read as follows:

670:3 Voters and Checklists. Any person having his *or her* domicile within the village district and qualified to vote as provided in RSA 654:1~~[-654:2 and 654:4-]~~ *through* 654:6 and whose name is on the village district checklist shall be entitled to vote in any village district election. An updated checklist shall be used at all village district elections and meetings for the same purposes as checklists are used by towns as provided in RSA 669:5. Such checklist or checklists, if the district is located in more than one town, shall be used in

the election of district officers.

317:68 Reference Changed. Amend RSA 671:14 to read as follows:

671:14 Qualifications. Any person domiciled in the school district who is qualified to vote as provided in RSA 654:1[~~654:2 and 654:4~~] *through* 654:6 and who is on the school district checklist shall be entitled to vote at any school district election.

317:69 New Paragraph; Election Fund; Accounts. Amend RSA 5:6-d by inserting after paragraph VI the following new paragraph:

VII. The treasurer shall, upon request of the secretary of state, establish separate accounts within the election fund in order to segregate funds according to funding source.

317:70 New Paragraphs; Electronic Ballot Counting Devices; Rules. Amend RSA 656:42 by inserting after paragraph VI the following new paragraphs:

VII. Each electronic ballot counting device shall have a memory card, a metal bar covering the inserted memory card, a canvas cover closed by 2 zippers, 2 hard shell covers on the front of the device, a hard shell cover on the rear of the device, and 3 communication ports in the rear of the device.

VIII.(a) Before each election, the vendor for any electronic ballot counting device shall provide the secretary of state with an exact electronic record of the data written to each memory card to be used in the election.

(b) The town or city clerk shall preserve each memory card used at each election until after the recounts for such election are complete and any and all legal challenges to the outcome of that election are adjudicated.

(c) The town or city clerk shall securely preserve each memory card used in any election as directed by the secretary of state.

(d)(1) To help ensure that the counting device cannot be tampered with or improperly accessed, the town or city clerk shall employ electronic ballot counting device seals specified by the secretary of state and seal the electronic ballot counting device in the following areas:

(A) The connection of the 2 zippers on the closed canvas cover of the counting device.

(B) The metal bar in front of the inserted memory card.

(C) Electronic ballot counting device housing:

(i) The seam connecting the 2 hard shell covers on the front of the counting device.

(ii) The seam connecting the hard shell cover on the rear of the counting device.

- (iii) The 3 communication ports in the rear of the counting device.
- (2) The town or city clerk shall update an activity log supplied by the secretary of state to keep a record each time a counting device seal is broken and a new one installed, and the reason for which the seal was broken.
- (3) No person shall break a counting device seal without the presence of 2 witnesses. Upon breaking such seal, the person responsible shall update the activity log, obtain the signatures of each witness, record the reason for breaking such seal, ensure that it is resealed with a new seal immediately, and properly record the new seal number in the activity log.
- (4) Before the moderator places into service a counting device on election day, the moderator shall verify all counting device seals have been maintained intact, and any seals which have been broken have been promptly resealed and the activity log properly recorded and signed.
- (5) If, on election day, the moderator notices that any seal on the counting device appears tampered with or broken without an adequate record in the activity log, the moderator shall refrain from using the counting device in that election, and shall report the apparent tampering to the attorney general, the secretary of state, the town or city clerk, and the selectmen.
- (6) The counting device and the activity log shall be subject to review by the attorney general or secretary of state at any time.
- (7) Whenever the town or city clerk receives a memory card from the vendor, the clerk shall break the memory card seal, insert the memory card in the electronic ballot counting device, and apply a new seal. The clerk shall lock any memory card not inserted into an electronic ballot counting device in a safe and record the names of individuals that have access to such safe on the activity log.
- (8) Whenever the town or city clerk removes the memory card from the electronic ballot counting device, the clerk shall immediately return it to the memory card programmer and reseal the metal bar in front of the empty memory card slot.
- (e)(1) The town or city clerk shall give public notice of the date and time of a pre-election test of the electronic ballot counting device and ballots.
- (2) Upon receipt of the official ballots from the secretary of state, the town or city clerk shall remove the number of ballots needed to test the electronic ballot counting device from among the official ballots and keep them separate and secure from the remaining official ballots thereafter.
- (3) The town or city clerk shall mark any ballots used for testing with the words "TEST."
- (4) The town or city clerk shall mark the test ballots in such a way as to demonstrate a vote for each candidate on at least one test ballot, as well as votes for less than and more than

the number of candidates that may be voted for an office, write-ins, multiple votes for a candidate who appears in more than one party column for the same office on a general election ballot, and ballots on which there are no votes. The clerk shall mark as many as possible of the combinations of choices that a voter may indicate on the ballot.

(5) The town or city clerk shall run each of the test ballots through the counting device in the following orientations: Top first with side one face up, bottom first with side one face up, top first with side one face down, and bottom first with side one face down.

(6) The town or city clerk shall count the votes marked on the test ballots run through the electronic ballot counting device and multiply the results by 4 to account for the 4 different orientations, and check these results against the tally from the electronic ballot counting device.

(7) If the electronic ballot counting device's tally does not match the count of the town or city clerk, the clerk shall notify the moderator, who shall order that the electronic ballot counting device not be used at the election.

(8) The pre-election test shall be completed no later than the Wednesday immediately prior to the election.

(9) The town or city clerk shall document the pre-election test by preserving:

(A) The test ballots.

(B) The count of votes on the test ballots made by the town or city clerk.

(C) The results from the electronic ballot counting device that was tested.

(10) The clerk shall test all electronic ballot counting devices and memory cards in the possession of the town or city.

(11) Prior to placing the electronic ballot counting device or any memory card into service in an election, the moderator shall certify that there is evidence that pre-election testing was conducted on each electronic ballot counting device and each memory card in the town or city clerk's possession, and that these devices and cards have passed the test.

317:71 Repeal. The following are repealed:

I. RSA 654:4, relative to armed services voters.

II. RSA 654:21, relative to forwarding registration affidavits.

III. RSA 657:3, relative to armed services voter eligibility.

IV. RSA 657:9, relative to armed services voting.

317:72 Absentee Voting; Provisions for General Election. Amend RSA 657:12 to read as

follows:

657:12 Provisions for General Election. Upon receipt of a properly executed application for an official absentee ballot *for a general election*, whether the form supplied by the secretary of state, the federal *official* post card [~~application~~] form, or a written statement containing the information required by [~~the appropriate paragraph of~~] RSA 657:4, *I*, a town or city clerk shall forthwith ascertain if the applicant is on the checklist of the town or city. If the applicant is on the checklist, the clerk shall send the materials provided for in RSA 657:15 to the applicant and record the information pursuant to RSA 657:15; if not, the clerk shall refuse to certify as provided in RSA 657:16. An application may be transmitted by facsimile to a town or city clerk.

317:73 Sending Absentee Ballots. Amend RSA 657:15 to read as follows:

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver, *email*, or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through [~~657:9~~] *657:8* 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 absentee ballots have been sent, and shall identify those official absentee ballots which have been returned to the clerk and shall record the absentee voter applicant information in the statewide centralized voter registration database. Candidates whose names appear on the ballot and persons bearing notarized requests or copies of notarized requests from candidates whose names appear on the ballot may obtain a list of absentee voter applicants, excluding voters who have presented to the supervisors of the checklist valid protective orders pursuant to RSA 173-B; the lists shall not be available for public inspection at any time without a court order.

317:74 Absentee Voting; Procedure by Clerk. Amend RSA 657:18 to read as follows:

657:18 Procedure by Clerk. Upon receipt of [~~a return~~] *an outer* envelope purporting to contain an official absentee voting ballot, the clerk of the city or town shall attach thereto the application for an absentee ballot submitted by said voter and record the information pursuant to RSA 657:15. All such envelopes shall be preserved unopened until election day.

317:75 Absentee Voting; Delivery to Moderator. Amend RSA 657:23 to read as follows:

657:23 Delivery to Moderator. Upon election day, prior to the closing of the polls or the time set for processing absentee ballots in accordance with RSA 659:49, the clerk shall deliver all such envelopes, the applications therefor received by him or her, and the list of absentee voter applicants compiled pursuant to RSA 657:15 to the moderators in the several voting precincts in which the absentee voters assert the right to vote, taking a receipt from the moderator thereof; except that no [~~armed-services~~] *UOCAVA voter's* ballot shall be

rejected by a moderator for lack of an attached application, *provided a signature is available for comparison on a voter registration document.*

317:76 Challenges. Amend RSA 659:51 to read as follows:

659:51 Challenges. All absentee ballots are subject to challenge after the moderator publicly announces the name of the absentee voter but not after the ballot is removed from the envelope. A person who makes a challenge shall state the reason for the challenge. If the ballot is challenged, the moderator shall write on the [affidavit] envelope containing the ballot the word "challenged" and the name and address of the person who makes the challenge and the basis of the challenge. The moderator shall also number each challenged envelope consecutively by marking, for example, the first challenged ballot "Challenged Ballot No. 1". The moderator shall then determine if the challenge to the ballot is well grounded. If the moderator decides the challenge is well grounded, the moderator shall not open the envelope but shall preserve it with the other ballots cast at the election as provided in RSA 659:101 and shall record next to the name of the absentee voter on the clerk's list of absentee [voter applicants] voters prepared pursuant to RSA 657:15 the word "challenged" and the reason for the challenge. The clerk shall record this information in the statewide centralized voter registration database. If the moderator decides that the challenge is not well grounded, he or she shall open the [affidavit] envelope so the affidavit [thereon] is not destroyed and proceed first to mark on the reverse of the folded ballot the corresponding challenge number as previously marked on the envelope. The moderator shall then proceed to deposit the ballot as provided in RSA 659:52.

317:77 Opening Envelope; Depositing Ballot. Amend RSA 659:52 to read as follows:

659:52 Opening Envelope; Depositing Ballot. If the absentee ballot is not challenged, the moderator shall, after announcing the name of the voter, open the [affidavit] envelope containing the ballot so the affidavit [on the envelope] is not destroyed. The moderator shall then take the ballot out of the envelope without unfolding the ballot or without permitting the ballot to be examined, and *he or she* shall preserve the affidavit [separately from] *with* the ballots [~~and deliver it to the town or city clerk upon the closing of the polls]~~ *cast at the election as provided in RSA 659:101.* The moderator shall then have a checkmark placed beside the name of the absentee voter on the checklist and write therewith the letters "A.V." in red ink and shall then deposit the ballot in the ballot box.

317:78 Effect. Amend RSA 654:23 to read as follows:

654:23 Effect. Unless the supervisors of the checklist shall be of the opinion that the federal post card applicant does not qualify as a UOCAVA voter in the city or town as provided in RSA 654:3, they shall, at their next session for the correction of the checklist subsequent to their receipt of such federal post card application properly executed, cause his or her name to be added to the checklist and, if the applicant is domiciled outside the United States, a mark or sign clearly indicating that the application has been entered on the checklist for the purpose of voting in federal elections only. Thereafter, if the person is domiciled outside the United States, he or she shall be entitled to vote by federal offices only absentee ballot at both federal primary and general elections. *The supervisors shall retain the registration form in accordance with RSA 33-A:3-a and forward a copy of the form*

to the clerk. If the supervisors decide not to add the name of the applicant to the checklist, they shall send notification to the applicant in writing within 7 days stating the reason for that denial. *The supervisors of the checklist shall write the word "REJECTED" and the date of rejection across the registration form. They shall retain the registration form and a copy of the denial notification in accordance with RSA 33-A:3-a.*

317:79 Refusal to Certify. Amend RSA 657:16 to read as follows:

657:16 Refusal to Certify; Procedure. If he or she refuses to certify the application, the town or city clerk shall notify the applicant in writing within 7 days to that effect. The town or city clerk shall provide the applicant with an absentee ballot and a notice that the ballot will not be counted unless the applicant submits the documents necessary to complete an absentee registration. The applicant shall be advised in writing what documents, if any, have been received in proper form and which the applicant must submit in the outer envelope that contains the absentee ballot envelope. The town or city clerk shall mark the absentee ballot application and the absentee ballot affidavit with the words "Not Registered." If the applicant returns the required documents in proper form with the absentee ballot and if the applicant is found to be qualified, ~~[he or she]~~ *the town or city clerk, shall forward the registration forms to the supervisor of the checklist and the applicant* shall be registered and his or her absentee ballot shall be processed in the same manner as the absentee ballot of a previously registered voter. If the ballot is returned without the required documents in proper form, the ballot shall be marked ~~[and preserved]~~ in the manner set ~~[for]~~ forth by law for successfully challenged absentee ballots *and preserved in accordance with RSA 33-A:3-a.* The clerk shall preserve the application of any applicant who is not registered as a voter until the time set by law for the destruction of the ballots after the election at which time the application shall be destroyed. Any justice of the superior court has jurisdiction in equity upon such notice as he or she may order to require that the name of the person making application for an absentee ballot be placed upon the checklist or registered as a member of any party and be sent an absentee ballot.

317:80 Copies of Return. Amend RSA 659:75 to read as follows:

659:75 Forwarding; Retaining Copies of Return. One copy of the election return shall be forwarded by the town or ward clerk to the secretary of state in both paper and electronic form no later than 8:00 a.m. on the day following a state election unless the secretary of state orders them sooner. The other shall be kept by the town or city clerk *in accordance with RSA 33-A:3-a* and shall be open to public inspection at reasonable times. If an official state election return is sealed along with the ballots, the clerk having custody of the sealed ballots shall, at the request of the secretary of state, and in the presence of a state election official, unseal the ballots and retrieve the election return. The ballots shall be immediately resealed and the election return shall be delivered to the secretary of state by the election official.

317:81 Sealing and Certifying Ballots. Amend RSA 659:95 to read as follows:

659:95 Sealing and Certifying Ballots.

I. Immediately after the ballots cast at a state election have been tabulated and the result has been announced and the return has been made, the moderator or the moderator's designee, in the presence of the selectmen or their designee, shall place the cast, cancelled, and uncast ballots, including such ballots from any additional polling places, and further including the successfully challenged and rejected absentee ballots still contained in their envelopes, in the containers provided by the secretary of state as required by RSA 659:97 and shall seal such container with the sealer provided by the secretary of state as required by RSA 659:97. The moderator or the moderator's designee shall then enter in the appropriate blanks on such sealer on each container the number of cast, cancelled, and uncast ballots in such container and shall endorse in the appropriate place on such sealer a certificate in substance as follows: Enclosed are the ballots from the state election in the town of _____ 317:_____ (or in ward _____ in the city of _____) held on _____, 20____, Box _____ of _____, to be preserved in accordance with RSA 33-A:3-a. The moderator and the selectmen or their designee shall sign their names in the appropriate blanks on the sealer.

II. Ballots, including cast, cancelled, and uncast ballots and successfully challenged *and rejected* absentee ballots still contained in their envelopes, prepared or preserved in accordance with the election laws shall be exempt from the provisions of RSA 91-A. This exemption shall apply to any ballots or absentee voter affidavits prepared for or used in any election conducted by the state or any political subdivision, including federal elections.

317:82 Delivery of Ballots to Town Clerk. Amend RSA 659:98, I to read as follows:

I. The moderator, or the moderator's designee, and the selectmen, or their designee, after they have sealed and certified the state election ballots as provided in RSA 659:95 and RSA 659:96, shall deliver the sealed containers to the town or city clerk, or to the clerk's designee, who shall in their presence enter in the appropriate place on each sealer the time of day and shall sign his or her name in the appropriate blank on the sealer. Except as provided in paragraphs II and III, the clerk or *the clerk's* designee shall, without breaking the seals or otherwise changing the condition of the containers, deposit the containers in the town or city hall, where the ballots shall be kept for a period [~~of 60 days~~] *set forth in RSA 33-A:3-a.*

317:83 Preservation of Voting Materials. Amend RSA 659:101 to read as follows:

659:101 Preservation of Absentee Voting Materials, Election Day Affidavits, and Domicile Affidavits. The absentee ballot affidavits and application forms processed by the moderator as provided in RSA 659:50, the absentee ballots challenged and rejected as provided in RSA 659:51 and RSA 659:53, and the qualified voter affidavits and domicile affidavits as provided in RSA 654:12 and any other documentary proof of qualifications retained by the town or city clerk, the supervisors of the checklist, or other election official shall be preserved in [~~the same manner that ballots are preserved~~] *accordance with RSA 33-A:3-a.* Qualified voter, voter registration, and domicile affidavits shall be retained for [~~3 years after the election in which they are used~~] *the period set forth in RSA 33-A:3-a,* and other materials may be destroyed after the election is settled and all appeals have expired or one year after the election, whichever is longer.

317:84 Contingency Provisions.

I. If HB 1529 of the 2010 regular legislative session becomes law, then sections 72-77 of this act shall take effect upon the passage of this act and sections 26, 29, 32, 39, 42, and 43 shall not take effect. If HB 1529 does not become law, then sections 72-77 of this act shall not take effect.

II. If HB 1574-FN of the 2010 regular legislative session becomes law, then sections 78-83 of this act shall take effect at 12:01 a.m. on the effective date of HB 1574-FN and sections 9, 30, 47, 54, 55, and 57 of this act shall not take effect. If HB 1574-FN does not become law, then sections 78-83 of this act shall not take effect.

III. If this act becomes law, then section 6 of HB 1529 of the 2010 regular legislative session is hereby nullified and shall not take effect.

317:85 Effective Date.

I. Sections 15 and 23 of this act and RSA 657:19, III and IV as inserted by section 34 of this act shall take effect September 15, 2010.

II. Sections 9, 26, 29, 30, 32, 39, 42, 43, 47, 54, 55, 57, and 72-83 of this act shall take effect as provided in section 84 of this act.

III. The remainder of this act shall take effect upon its passage.

Approved: July 18, 2010

Effective Date: I. Sections 15 and 23 and RSA 657:19, III and IV as inserted by section 34 shall take effect September 15, 2010.

II. Sections 9, 26, 29, 30, 32, 39, 42, 43, 47, 54, 55, 57, and 72-83 shall take effect as provided in section 84 of this act.

III. The remainder of this act shall take effect July 18, 2010.



TITLE III TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

CHAPTER 44 CITIES AND WARDS

Section 44:5

44:5 Voters and Checklists. – Any person having his or her domicile within the city, qualified to vote as provided in RSA 654:1-654:2 and 654:4-654:6 and whose name is on the checklist shall be qualified to vote in city elections. The supervisors of the checklist shall prepare, post, and revise the checklist for city elections in the same manner as for a state election as provided in RSA 654:25-654:31.

Source. 1848, 615:3, 4. GS 40:5. GL 44:5. PS 46:5. PL 50:5. RL 62:5. RSA 44:5. 1979, 410:15, eff. July 1, 1979. 2003, 27:1, eff. July 1, 2003.



TITLE LXIII ELECTIONS

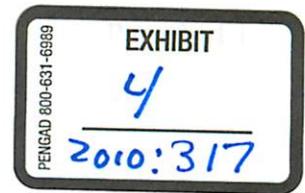
CHAPTER 652 GENERAL PROVISIONS

Terms and Definitions

Section 652:13

652:13 Federal Election. – "'Federal election" shall mean any state general, special, or primary election held solely or in part for the purpose of choosing or nominating any candidates for the offices of president, vice-president, United States senator, or United States representative. For federal overseas voters who are eligible to vote in federal elections as provided in RSA 657:2, "'federal election" shall also include any presidential primary election.

Source. 1979, 436:1. 1983, 176:1. 1986, 126:1, eff. July 19, 1986.



TITLE LXIII ELECTIONS

CHAPTER 654 VOTERS AND CHECKLISTS

Eligibility

Section 654:4

654:4 Armed Services Voters. –

I. Notwithstanding any other provision of law to the contrary, an armed services voter, as hereinafter defined, being a citizen of the United States and being at least 18 years of age as provided in Article 11 of Part First of the Constitution of New Hampshire shall have the right to vote absentee in any state election in the town or city in New Hampshire in which he had his domicile immediately prior to such service, even though he no longer maintains domicile in said town or city and even though his intent to return thereto is uncertain, provided:

(a) He complies with all other applicable requirements and qualifications of the state of New Hampshire.

(b) He is not registered to vote in any other state or election district of a state or in any territory or possession of the United States.

II. As used in this section, the term "armed services voter" means:

(a) Members of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Ocean Survey, and Public Health Service, and all regular and reserve components thereof, while in active service.

(b) Members of the Merchant Marine of the United States in active service, including persons (other than members of the armed forces) employed as officers or members of crews of vessels documented under the laws of the United States, or of vessels owned by the United States, or of vessels of foreign-flag registry under charter to or control of the United States, and persons (other than members of the armed forces) enrolled with the United States for employment, or for training for employment, or maintained by the United States for emergency relief service, as officers or members of crews of any such vessels; but does not include persons so employed or enrolled for such employment or for training for such employment, or maintained for such emergency relief service, on the Great Lakes or the inland waterways.

(c) Civilian employees of the United States government, including the Peace Corps, serving outside the territorial limits of the several states of the United States and the District of Columbia, whether or not the employee is subject to civil service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by the Congress.

(d) Members of religious groups or welfare agencies assisting members of the armed forces, who are officially attached to and serving with the armed forces.

(e) The spouses or dependents of any person described in subparagraph (a), (b), (c), or (d) when residing with or accompanying them.

Source. 1979, 436:1, eff. July 1, 1979.



TITLE LXIII ELECTIONS

CHAPTER 654 VOTERS AND CHECKLISTS

Eligibility

Section 654:3

654:3 Voting Rights of Overseas Citizens. – Notwithstanding any other provision of law to the contrary, any United States citizen being at least 18 years of age as provided in Article 11 of Part First of the Constitution of New Hampshire, who is domiciled outside the United States, shall have the right to register absentee to vote in any federal election in the town or city in New Hampshire in which he or she had his or her domicile immediately prior to his or her departure from the United States, even though he or she no longer maintains domicile in said town or city and even though his or her intent to return thereto is uncertain, provided:

I. He or she complies with all other applicable requirements and qualifications of the state of New Hampshire; and

II. He or she is not domiciled and is not registered to vote in any other state or election district of a state or in any territory or possession of the United States; and

III. He or she has a valid passport or card of identity issued under the authority of the Secretary of State of the United States.

Source. 1979, 436:1. 1988, 209:1. 2003, 289:49, eff. Sept. 1, 2003.



TITLE LXIII ELECTIONS

CHAPTER 654 VOTERS AND CHECKLISTS

Absentee Voter Registration

Section 654:19

654:19 Submission; Effect. – The applicant shall forward the absentee registration affidavit and the applicant's voter registration form to the clerk of the town or city named for submission to the supervisors of the checklist. If the supervisors find that the affidavit and the voter registration form are properly executed, they shall follow the procedure for applications made in person as provided in RSA 654:11, 654:13, and 654:15, except that in the case of an absentee voter they shall accept an absentee registration affidavit and a registration form. An affidavit which is properly executed shall be considered valid and shall be effective for both a primary and a general election for armed services voters and for absent voters who reside outside the continental United States.

Source. 1979, 436:1. 1988, 73:1. 1995, 124:3, eff. July 16, 1995.

TITLE LXIII ELECTIONS



CHAPTER 654 VOTERS AND CHECKLISTS

Overseas Citizens Voting: Federal Elections Only

Section 654:20

654:20 Overseas Absentee Registration Affidavit. – Any person qualified to vote as an overseas voter in a city or town as provided in RSA 654:3, because he or she is domiciled outside the United States, may apply to the city or town clerk or to the secretary of state for an overseas citizens federal election absentee registration affidavit. Such affidavit shall be prepared by the secretary of state and shall be in substantially the following form:

Overseas Absentee Registration Affidavit

I, _____, do hereby swear or affirm, under the penalties for voting fraud set forth below, the following:

- 1) That I am a United States citizen; Place of Birth: City: _____ State: _____ Country: _____;
- 2) That I have been domiciled in a country outside the boundaries of the United States since _____; (month) (year)
- 3) That I hold a valid passport or card of identity with Registration No. _____ issued by the United States Secretary of State;
- 4) That, immediately prior to my departure from the United States, I was legally domiciled in the state of New Hampshire at the following address:

 Street and Number or Rural Route, etc.

 City or Town
- 5) That I will be of the age of 18 years or older on election day, have complied with all applicable qualifications and requirements of the state of New Hampshire, and am entitled to vote in the next subsequent federal election to be held in said state; Date of Birth: ____ (mm)/ ____ (dd)/ ____ (yyyy);
- 6) That I do NOT maintain a domicile, am NOT registered to vote, and am NOT voting in any other state, territory, or possession of the United States, or election district thereof;
- 7) That my party affiliation (if any) is _____
- 8) That my permanent address outside the boundaries of the United States is:

 Street or Route Number

 City, Province, Country
- 9) That I hereby make application for the addition of my name to the checklist of

_____, New Hampshire, as an overseas citizen living outside the boundaries of the United States entitled to vote in any federal election held therein.

Signature of Applicant

Date

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Source. 1979, 436:1. 1988, 209:2. 2003, 289:31, eff. Sept. 1, 2003. 2009, 214:2, eff. Sept. 13, 2009.

TITLE LXIII ELECTIONS

CHAPTER 655 NOMINATIONS

Conduct of Primary

Section 655:37



655:37 Vacancy for Office on Party Ticket. – If, after the holding of a state primary election, a vacancy exists for any office on a party ticket, such vacancy may be filled as provided in this section. The appropriate party committee shall notify the secretary of state in writing of a person they designate to fill the vacancy. The person so designated shall, no later than the second Friday following the primary election, file with the secretary of state a declaration of candidacy as provided in RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election. If the candidate is designated for the office of governor, executive councilor, state senator or state representative, he shall also file, no later than the second Friday following the primary, the appropriate affidavit as provided in RSA 655:29. Any candidate who has not filed all the forms required by this section within the required period of time shall not have his name printed on the state general election ballot for that office.

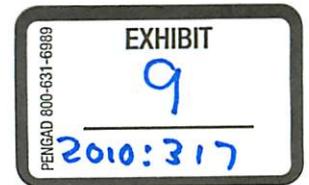
Source. 1979, 436:1. 1983, 426:14. 1994, 4:7, eff. May 27, 1994.

TITLE LXIII ELECTIONS

CHAPTER 655 NOMINATIONS

Nominations for Special State Elections

Section 655:81



655:81 Nomination of U.S. Representative, Executive Councilor, State Senator and Representative to the General Court. – The nomination of candidates for the U.S. House of Representatives or for the executive council or for the state senate or for representative to the general court for special elections shall be accomplished through the holding of special election primaries. The filing of candidates for such primaries and all other matters connected with such primaries shall be the same as for primaries before a state general election except that:

I. The special election shall be held on the Tuesday not less than 80 nor more than 87 days following the day that the governor and council declare that there shall be a special election; provided, however, that if one or more municipalities where a special election for state representative will be held have a regularly-scheduled election occurring between 80 and 180 days following the day that the governor and council declare that there shall be a special election, the governor and council shall set the date of the election to coincide with the regularly-scheduled election if a majority of the towns or wards, as represented by the city, jointly request that day; if towns or wards, as represented by the city, request that the special election coincide with regularly-scheduled elections occurring on different dates, the election shall be held on the Tuesday not less than 80 nor more than 87 days following the day that the governor and council declare that there shall be a special election; and

II. The time limits in RSA 655:14 shall be changed to not more than 43 days nor less than 36 days prior to the primary; and

III. Under RSA 655:15, the official with whom state representative candidates shall file shall be the secretary of state, except that a state representative candidate may file with the appropriate town or city clerk under RSA 655:15 or with the secretary of state during the first Monday and Tuesday only of the filing period in towns and cities in which the clerk's office is open on one or both of those days, in which case the town or city clerk shall forward each declaration of candidacy to the secretary of state on the same day on which the declaration is filed; and

IV. The primary shall be held 34 days prior to the special election; and

V. Supplementary primary petitions may be filed as needed not less than 36 days before the primary; and

VI. The deadline for filing nomination papers shall be no more than 34 days prior to the special election; and

VII. The notice of the primary in RSA 655:11 shall be prepared by the secretary of state and distributed to the town and city clerks as soon as practicable after the setting of the date for the special election; and

VIII. Under RSA 655:12, clerks shall post notices of special election primaries as soon as possible after they are received; and

IX. The names of all candidates for a party nomination at a special election primary shall be printed in alphabetical order on the ballot, and the same ballot listing shall be used at all polling places where the special primary election is held; and

X. The publication of the result provided in RSA 659:89 shall not be required; and

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

Source. 1981, 512:1. 1994, 381:6. 1996, 36:7. 2006, 32:1, eff. June 3, 2006.

TITLE LXIII ELECTIONS

CHAPTER 655 NOMINATIONS

Nominations for Special State Elections

Section 655:82

655:82 Uncontested Primary. – In the event that no party has more than one candidate file, the primary election shall not be conducted. In such a case, the special election shall be held on the day previously fixed as the day for the holding of the special primary election. The deadline for candidates to file nomination papers pursuant to RSA 655:40-45 shall be 32 days prior to the rescheduled special election date.

Source. 1981, 512:1. 1998, 136:1, eff. June 5, 1998.



TITLE LXIII ELECTIONS



CHAPTER 656 PREPARATION OF VOTING MATERIALS

State General Election

Section 656:13

656:13 Questions on the Ballot. – Except as provided in RSA 656:14, whenever a question is submitted to voters at a state general election as provided in RSA 663, the question shall be printed on the state general election ballot following the offices columns. Printed after the question there shall be 2 squares, one with the word ""yes" beside it and another with the word ""no" beside it.

Source. 1979, 436:1. 1994, 309:7, eff. June 8, 1994; 324:2, eff. June 8, 1994, at 12:01 a.m.

TITLE LXIII ELECTIONS



CHAPTER 656 PREPARATION OF VOTING MATERIALS

State General Election

Section 656:17

656:17 Endorsement. – Upon the back of each state general election ballot shall be printed the words "Official ballot for" followed by the name of the town for which the ballot is prepared, the date of the state general election and a facsimile of the signature of the secretary of state.

Source. 1979, 436:1, eff. July 1, 1979.



TITLE LXIII ELECTIONS

CHAPTER 656 PREPARATION OF VOTING MATERIALS

Absentee Voters

Section 656:34

656:34 Official Overseas Citizens Federal Election Absentee Ballot. – Prior to any federal election, the secretary of state shall prepare, in such quantity as the secretary of state may deem necessary, overseas citizens federal election absentee ballots as nearly as practicable in the same form as the official ballot to be used at said election. Said ballots shall have the words ""official overseas citizens federal election absentee ballot" printed on them and shall be similarly endorsed and printed on paper of the same color as that used for official absence and disability ballots. Such ballots shall provide for voting absentee only for candidates seeking election to federal offices and for no other candidates.

Source. 1979, 436:1. 1981, 392:2. 1996, 88:5, eff. July 14, 1996.

TITLE LXIII ELECTIONS



CHAPTER 656 PREPARATION OF VOTING MATERIALS

Absentee Voters

Section 656:35

656:35 Armed Services Absentee Ballot. – Prior to any state election, the secretary of state shall prepare, in such quantity as the secretary of state may deem necessary, armed services absentee ballots in the same form as the absence and disability absentee ballot to be used at said election.

Source. 1979, 436:1. 1996, 88:5, eff. July 14, 1996.



TITLE LXIII ELECTIONS

CHAPTER 656 PREPARATION OF VOTING MATERIALS

Absentee Voters

Section 656:36

656:36 Questions on the Ballot. – Whenever a question to voters is printed on an official state election ballot, the secretary of state shall ensure that said question is also printed on the absence and disability absentee ballot and on the armed services absentee ballot, except as otherwise provided.

Source. 1979, 436:1, eff. July 1, 1979.



TITLE LXIII ELECTIONS

CHAPTER 656 PREPARATION OF VOTING MATERIALS

Absentee Voters

Section 656:37

656:37 Constitutional Amendments. – Whenever a question to voters related to a proposed constitutional amendment is printed on a special and separate ballot as provided in RSA 663:3, the question shall also be printed on a separate absentee ballot of the same color as the ballot used for constitutional questions by in-person voters, shall be included with each absence and disability or armed services absentee ballot and shall have printed on it the words ""absentee ballot."

Source. 1979, 436:1. 1981, 392:3, eff. Aug. 22, 1981.

TITLE LXIII ELECTIONS

CHAPTER 657 ABSENTEE VOTING

Eligibility

Section 657:2

657:2 Overseas Voters. – Any person who is registered as an overseas voter in any city or town as provided in RSA 654:20, 654:21, and 654:23 may vote in federal elections as provided in this chapter.

Source. 1979, 436:1, eff. July 1, 1979.





TITLE LXIII ELECTIONS

CHAPTER 657 ABSENTEE VOTING

Application

Section 657:4

657:4 Forms. – Prior to any state election, the secretary of state shall prepare the appropriate application forms for absentee ballots worded in substantially the following form. The secretary of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the application form. The secretary of state shall prepare the application forms in such quantity as he or she deems necessary:

I. Absence (Excluding Absence Due to Residence Outside the Continental United States), Religious Observance, and Disability:

New Hampshire law requires that you vote in person at the polling place for your town or ward unless you:

- a. Plan to be absent on the day of the election from the city, town, or unincorporated place in which you are registered to vote.
- b. Cannot appear in public on election day because of observance of a religious commitment.
- c. Are unable to vote in person due to a disability.
- d. Cannot appear at any time during polling hours at your polling place because an employment obligation requires you to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close.

RSA 657:1. Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

I am requesting an absentee ballot for the following election:

State Primary. I am member of the:

Republican Party

Democratic Party

or I am now declaring my affiliation with that party and am requesting a ballot for that party's primary.

General Election

Applicant's Name

(Last) (First) (Middle)

Applicant's Voting Domicile (home address):

(Street) (City/Town) (zip)

Mail the ballot to me at this address:

I hereby declare that:

I am a duly qualified voter who is currently registered to vote in this town/ward.

___ I am absent from the town/city where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

I will be entitled to vote by absentee ballot at the election designated above because:

___ I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled.

___ I am requesting a ballot for the presidential primary election and I may be absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request 14 days after the filing period for candidates has closed, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.

___ I cannot appear in public on election day because of observance of a religious commitment.

___ I am unable to vote in person due to a disability.

___ I cannot appear at any time during polling hours at my polling place because an employment obligation requires me to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close.

This application form must be signed by the applicant. The absentee ballot forms you receive will require you to sign an affidavit confirming that you are entitled to vote by absentee ballot due to one of the reasons stated above. The moderator is required to compare the signature on the affidavit to your signature on this form. The absentee ballot will not be counted if the affidavit and this form do not appear to have been signed by the same person. RSA 659:50.

Signature of the Applicant

II. Any person that publishes, mails, or distributes in any manner any written communication that contains a form or postcard which a reasonable person would consider as intended to be used by the recipient of the communication to submit a request for an absentee ballot shall attach a copy of the form prepared by the secretary of state pursuant to paragraph I of this section to the communication or include in the communication a complete facsimile of the form prepared by the secretary of state pursuant to paragraph I of this section. Any person that violates this paragraph shall be subject to a civil penalty not to exceed \$1,000, to be imposed in the manner set forth in RSA 659:34, III-V.

III. (a) Absence Due to Residence Outside the Continental United States:

To the city or town clerk of _____

I, _____, hereby apply for an official absentee ballot. I am a duly qualified voter and entitled to vote in ward ____, city or town of _____.

Mail absentee ballot to _____.

Signature

Street and Number

City or Town, State and Country

(b) Overseas Voting:

To the city or town clerk of _____

I, _____, hereby apply for an official overseas citizens federal election absentee ballot. I am a duly qualified overseas voter and entitled to vote in federal elections held in the city or town of _____.

Mail overseas citizens federal election absentee ballot to _____.

Signature

Street and Number

City or Town, Province, Country

(c) Armed Services Voting:

To the town or city clerk of _____

I, _____, hereby apply for an official armed services absentee ballot. I am:

- a. A member of the armed forces of the United States. Service ()
Organization _____
- b. A member of the merchant marine of the United States. ()
- c. A civilian employee of the United States government serving outside ()
the United States.
- d. A member of a religious group or welfare agency assisting members ()
of the armed forces.
Organization _____
- e. A spouse or dependent of a person listed in a, b, c, or d above. ()

My complete service address is:

My (non-military) domicile in New Hampshire immediately prior to such service was: street and
number _____ city or town _____

Signature of Applicant

Source. 1979, 436:1; 308:3, 4. 1988, 73:3. 2006, 136:5. 2007, 212:2, eff. June 25, 2007. 2009, 288:2,
eff. Sept. 27, 2009.

TITLE LXIII ELECTIONS

CHAPTER 657 ABSENTEE VOTING

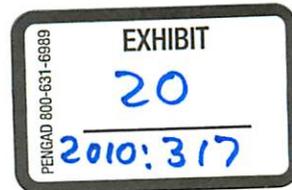
Application

Section 657:6

657:6 Procedure by Applicant. – An application form for an absentee ballot shall be mailed or delivered to any person who applies therefor to the secretary of state or to any town or city clerk. It shall be filled out by the applicant and sent to the clerk of the town or city in which he desires to vote. Alternatively, a person may apply for an official absentee ballot by sending to said clerk a written statement containing the information required by the appropriate paragraph of RSA 657:4, or by the federal post card application.

Source. 1979, 436:1. 1988, 209:5, eff. June 28, 1988.





TITLE LXIII ELECTIONS

CHAPTER 657 ABSENTEE VOTING

Absentee Ballots and Related Materials

Section 657:8

657:8 Overseas Voting. – Prior to any federal election, the secretary of state shall prepare the following forms in such quantity as he or she deems necessary:

I. Overseas citizens federal election absentee ballots as provided in RSA 656:34 for citizens who are domiciled outside the United States.

II. Affidavit envelopes of sufficient size to contain the ballots on which shall be printed the following:

(a) For Voters Who Are Registered.

Overseas Citizen. A person desiring to vote by overseas citizens federal election absentee ballot who is a registered voter in the town or city in which he or she desires to vote shall fill out and sign the following certificate:

I do hereby certify under the penalties for voting fraud set forth below that I am an overseas citizen voter registered as such in the city or town of _____, New Hampshire; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the overseas citizens federal election ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).

(Signature)_____

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

(b) For Voters Not Registered. A person desiring to vote by overseas citizens federal election absentee ballot who is not registered as such in the town or city in which he or she desires to vote shall fill out and sign the following certificate:

I do hereby certify under the penalties for voting fraud set forth below that I am a federal overseas voter, that I am at least 18 years of age and a citizen of the United States; and that my last domicile within the United States was in New Hampshire at the following address:

street _____ and number _____

city or town _____

I am not registered to vote in any state and am not voting in any other manner in this election.

Signature of Voter

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

III. Other forms as provided for in RSA 657:7, III, IV and V.

Source. 1979, 436:1. 1983, 220:2. 1988, 209:6. 2003, 289:38, eff. Sept. 1, 2003.

TITLE LXIII ELECTIONS

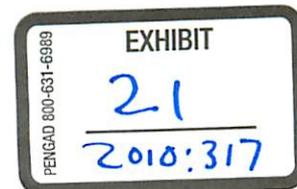
CHAPTER 657 ABSENTEE VOTING

Absentee Ballots and Related Materials

Section 657:10

657:10 Forwarding Forms. – The secretary of state shall retain for his own use so many of the absentee ballots and forms provided for in RSA 657:7 through 657:9 as he may deem necessary and shall supply each town and city clerk in the state with as many of them as he may deem sufficient. The same shall be sent in sealed packages and shall be marked on the outside clearly designating the type and number of ballots enclosed. The secretary of state shall keep a record of the time when and the manner in which the absentee ballots and forms were sent to said clerks and of the number of ballots so forwarded. The secretary of state shall forward overseas citizens federal election ballots to the town or city clerks so as to be received by them no later than 30 days prior to the date of the federal election. Additional absentee ballots of any type may be obtained as required from the secretary of state upon written application by a town or city clerk.

Source. 1979, 436:1, eff. July 1, 1979.



TITLE LXIII ELECTIONS



CHAPTER 657 ABSENTEE VOTING

Absentee Ballots and Related Materials

Section 657:10-a

657:10-a Special Overseas and Armed Services Election Write-In Ballot. – Notwithstanding any other provision of the election laws, a qualified absentee voter may apply to a city or town clerk for a special write-in absentee ballot. These ballots shall be mailed by the town or city clerk no later than July 15 for voting in a state primary election, no later than November 1 for voting in a presidential primary election, and no later than the date of the state primary for voting in a state general election, to overseas citizens and armed services personnel who state they are unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated areas outside the United States and Canada. The ballot shall be prepared by the secretary of state and shall be, as nearly as practicable, the same as the official overseas citizens federal election ballot except that there shall be no candidate's names printed on it.

Source. 1986, 126:7. 1994, 218:2. 2007, 212:3, eff. June 25, 2007.

TITLE LXIII ELECTIONS

CHAPTER 657 ABSENTEE VOTING



Procedure for Absence, Religious Observance, and Disability and Overseas Voting

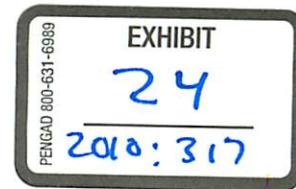
Section 657:13

657:13 Provisions for State or Presidential Primary Elections. – Upon receipt of a properly executed application for an official absentee ballot, whether the form supplied by the secretary of state or a written statement containing the information required by the appropriate paragraph of RSA 657:4, a town or city clerk shall forthwith ascertain if the person is on the checklist of the town or city and is properly registered as to party designation. If such person is found to be on the checklist and to be properly registered or if such person is found to be on the checklist but is not registered as a member of any party, but the information supplied states he or she is applying for a ballot of a political party, the person shall be registered as a member of said party; and, in either case, the clerk shall send the materials provided for in RSA 657:15. If the person is not on the checklist or is registered as a member of a party different from the one whose ballot he or she is applying for, the clerk shall refuse to certify as provided in RSA 657:16. An application may be transmitted by facsimile to a town or city clerk.

Source. 1979, 436:1. 2003, 8:2, eff. June 21, 2003.

TITLE LXIII ELECTIONS

CHAPTER 657 ABSENTEE VOTING



Procedure for Absence, Religious Observance, and Disability and Overseas Voting

Section 657:14

657:14 Information Furnished. – The supervisors of the checklist shall furnish to the town or city clerks upon their request any information relative to persons entitled to vote in their ward or town which may be necessary to enable them to determine the proper ballot to be sent to an absentee voter. Whoever violates any provision of this section shall be guilty of a violation.

Source. 1979, 436:1, eff. July 1, 1979.

TITLE LXIII ELECTIONS



CHAPTER 657 ABSENTEE VOTING

Procedure for Absence, Religious Observance, and Disability and Overseas Voting

Section 657:17

657:17 Procedure by Voter. – After marking the ballot, the voter or the person assisting a blind voter shall enclose and seal the same in the affidavit envelope. The voter shall execute the affidavit on it. The voter or the person assisting the blind voter shall enclose and seal said envelope in the return envelope. The voter shall then endorse thereon his name, address and voting place and shall mail the envelope, affixing postage, or personally deliver it to the city or town clerk from whom it was sent.

Source. 1979, 436:1. 1983, 220:4, eff. Aug. 15, 1983.



TITLE LXIII ELECTIONS

CHAPTER 657 ABSENTEE VOTING

Procedure for Armed Services and Federal Overseas Citizen Voting

Section 657:19

657:19 Sending Ballots. – Upon receipt of a properly executed application for an official armed services absentee ballot or an overseas citizens federal election absentee ballot, whether the form supplied by the secretary of state, the federal post card application, or a written statement containing the information required by RSA 657:4, a town or city clerk shall send the materials provided for in RSA 657:8 or 657:9, as applicable, regardless of whether the applicant appears on the checklist, and if the applicant requests that the application be considered an application for an absentee ballot for each subsequent election for federal office through the next 2 regularly scheduled general elections, including primaries, for federal office, the town or city clerk shall provide an absentee ballot to the applicant for each such subsequent election. Whenever an armed services voter or overseas citizen federal voter requests a state general election ballot prior to October 1 to be mailed to an address outside of the United States, he or she shall be sent the same ballot as provided in RSA 656:34. No town or city clerk shall refuse to accept or process an otherwise valid voter registration application or absentee ballot application submitted by an absent armed services voter or federal overseas citizen voter on the grounds that the application was submitted before the first date on which the state otherwise accepts or processes such applications for that election submitted by absentee voters. A town or city clerk who does not certify a voter registration application or absentee ballot application shall provide the absent armed services voter or federal overseas citizen voter the reason for not certifying a voter registration application or an absentee ballot application.

Source. 1979, 436:1. 1986, 126:9. 1988, 209:10. 2003, 289:55, eff. Sept. 1, 2003.

TITLE LXIII ELECTIONS



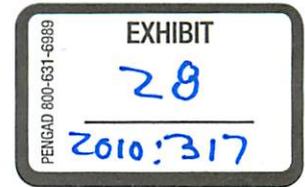
CHAPTER 657 ABSENTEE VOTING

Procedure for Armed Services and Federal Overseas Citizen Voting

Section 657:19-a

657:19-a Federal Post Card Application. – An armed services voter or federal overseas citizen voter who is domiciled outside the United States qualified to vote in New Hampshire may request an absentee ballot by completing a federal post card application form provided by the United States government, and sending it to the town or city clerk of his or her last domicile. The applicant may request an absentee ballot for all elections in which he or she is qualified to cast a ballot during the calendar year.

Source. 1988, 209:11. 2003, 289:56, eff. Sept. 1, 2003.



TITLE LXIII ELECTIONS

CHAPTER 657 ABSENTEE VOTING

Procedure for Armed Services and Federal Overseas Citizen Voting

Section 657:20

657:20 Procedure by Voter. – After marking his ballot, an armed services voter or a federal overseas citizen voter shall seal the same in the affidavit envelope. If he is a registered voter, he shall execute the appropriate affidavit and return the ballot as hereinafter provided. If the voter is not registered in the town in which he desires to vote, he shall execute the appropriate affidavit. If the armed services voter or federal overseas citizen voter, because of blindness or other physical disability, is unable to mark his ballot, an official empowered to administer oaths may assist him to mark his ballot as directed by the voter. The official shall then certify on the outside thereof that it was marked with his assistance and shall thereafter give no information regarding the same. Having executed the affidavit, the voter shall enclose and seal said envelope in the return envelope. He shall then endorse thereon his name, address and voting place and shall mail the envelope or personally deliver it to the city or town clerk from whom it was sent.

Source. 1979, 436:1. 1988, 209:12, eff. June 28, 1988.



TITLE LXIII ELECTIONS

CHAPTER 657 ABSENTEE VOTING

Procedure for Armed Services and Federal Overseas Citizen Voting

Section 657:21

657:21 Registration of Voters. – Upon receipt of a return envelope containing an armed services or overseas citizen federal election absentee ballot, the clerk of the city or town shall open and retain said envelope and deliver the affidavit envelope to the supervisors of the checklist of the voting place indicated thereon. If the voter is not registered, the appropriate affidavit appearing on said envelope, if properly executed, shall be prima facie evidence of the voter's qualifications to become a voter and his name shall be added to the checklist. The supervisors of the checklist shall then return the affidavit envelopes unopened to the city or town clerk who shall see that they agree in number with the mailing envelopes. Said clerk shall attach the application for an armed services or overseas citizen federal election absentee ballot submitted by said voter to the 2 corresponding envelopes and retain them until election day.

Source. 1979, 436:1. 1988, 209:12, eff. June 28, 1988.



TITLE LXIII ELECTIONS

CHAPTER 659 ELECTION PROCEDURE

Processing Absentee Ballots

Section 659:49-b

659:49-b Opening Absentee Ballot Return Envelopes. – The moderator or the moderator's designee may authorize the opening of absentee ballot return envelopes on election day prior to the time established for processing absentee ballots in RSA 659:49, provided that the opening of the return envelopes occurs in public with notice of the time and place. The affidavit envelope containing the ballot shall not be removed from the return envelope at such time, and the return envelope containing the affidavit envelope shall be secured until it is processed pursuant to RSA 659:50. This section shall not apply to return envelopes previously opened pursuant to RSA 657:21.

Source. 2008, 108:1, eff. July 27, 2008.

TITLE LXIII ELECTIONS



CHAPTER 659 ELECTION PROCEDURE

Processing Absentee Ballots

Section 659:50

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

- I. The name of the voter is on the checklist; and
- II. The affidavit on the envelope appears to be properly executed; and
- III. The signature on the affidavit appears to be executed by the same person who signed the application; and
- IV. The signatures appear to be the signatures of a duly qualified voter who has not voted at the election; then the moderator shall publicly announce the name of the absentee voter. If these conditions are not met, the moderator shall follow the procedure provided in RSA 659:53.

Source. 1979, 436:1, eff. July 1, 1979.



TITLE LXIII ELECTIONS

CHAPTER 659 ELECTION PROCEDURE

Counting of Votes

Section 659:61

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

Source. 1979, 436:1. 1981, 454:8. 1987, 371:2, eff. July 25, 1987.

TITLE LXIII ELECTIONS

CHAPTER 659 ELECTION PROCEDURE

Election Returns

Section 659:73

659:73 General Content of Return. – The election return forms shall include, but not be limited to, the name of each person voted for and the number of votes cast, the number of affirmative and negative votes cast on any question submitted to voters, information relating to the number of voters and to the number and types of ballots cast at the election.

Source. 1979, 436:1, eff. July 1, 1979.





TITLE LXIII ELECTIONS

CHAPTER 659 ELECTION PROCEDURE

Defective Returns; Penalties

Section 659:77

659:77 General Neglect by Town or Ward Clerk. – If any town or ward clerk shall neglect to make any return of votes required by law, for which neglect no other penalty is provided, he shall be guilty of a violation.

Source. 1979, 436:1, eff. July 1, 1979.

TITLE LXIII ELECTIONS



CHAPTER 659 ELECTION PROCEDURE

Defective Returns; Penalties

Section 659:78

659:78 Late Return. – Whenever the election return of any town or ward has not been received by the secretary of state within 5 days after a state election, the secretary of state shall so notify the clerk of the town or ward who shall forward such return forthwith.

Source. 1979, 436:1, eff. July 1, 1979.



TITLE LXIII ELECTIONS

CHAPTER 659 ELECTION PROCEDURE

Defective Returns; Penalties

Section 659:79

659:79 Incorrect or Incomplete Return; Amendment. – If a town or ward clerk shall make an incorrect or incomplete election return, the moderator may require that clerk, at his own expense, to appear and amend the return according to the facts. If the clerk shall refuse to appear and amend the return, he shall be guilty of a violation.

Source. 1979, 436:1, eff. July 1, 1979.



TITLE LXIII ELECTIONS

CHAPTER 659 ELECTION PROCEDURE

Canvass and Declaration: State Primary Election

Section 659:88

659:88 Write-In Votes and Nomination. –

I. (a) A person whose name was not printed on the official state primary election ballot of a political party shall not be entitled to the nomination of that party for any office unless the person received at least 35 write-in votes.

(b) A person whose name was not printed anywhere on the official state primary election ballot, and who receives the nomination of a party by write-in vote in a primary election and wishes to accept the nomination, shall file a declaration of candidacy with the secretary of state no later than the second Monday after the primary. The declaration of candidacy shall be filed with the understanding that, where the form says ""primary election," it shall be construed to mean ""general election." A person who files a declaration of candidacy under this section shall be subject to the requirements of RSA 655:19 and 655:19-b relative to filing fees. The person may have the filing fee waived if he is unable to pay the fee by reason of indigency. Such person shall not, however, be required to pay the administrative assessment under RSA 655:19-c.

II. If a person is disqualified from a nomination in accordance with the provisions of paragraph I, then the nomination shall be awarded to the qualified person who received the highest number of votes.

Source. 1979, 436:1. 1981, 240:1. 1993, 187:1. 1994, 218:4, eff. May 25, 1994. 2008, 142:1, eff. Aug. 5, 2008.



TITLE LXIII ELECTIONS

CHAPTER 659 ELECTION PROCEDURE

Canvass and Declaration: State Primary Election

Section 659:90

659:90 Rejection of Nomination by Write-In Vote. – Persons nominated by write-in vote who wish to reject the nomination shall reject their nominations as follows. A person notified in writing of his nomination by the secretary of state as required by RSA 659:89 shall advise the secretary of state in writing if he wishes to reject the nomination. If such rejection of nomination is not received by the secretary of state by the second Friday following the date of the primary, the person shall be deemed to have accepted the nomination; and his name shall appear on the official ballot as a candidate for the office. If for any reason the person cannot be contacted by the deadline for the printing of the ballots, the candidate's name shall be printed on the official state general election ballot.

Source. 1979, 436:1. 1981, 240:3. 1983, 426:18. 1994, 4:18, eff. May 27, 1994.



TITLE LXIII ELECTIONS

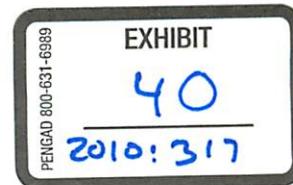
CHAPTER 659 ELECTION PROCEDURE

Canvass and Declaration: State Primary Election

Section 659:91

659:91 Nominations for Incompatible Offices. – Any person who is nominated by the same political party for incompatible offices shall notify the secretary of state no later than the Monday following the date of the primary of which nomination he will accept. Thereupon the secretary of state shall declare a vacancy to exist in the nomination which such person declined. The vacancy shall be filled as provided in RSA 655:37 except that all the necessary declarations of candidacy and affidavits shall be filed no later than the second Friday following the date of the primary.

Source. 1979, 436:1. 1981, 240:4. 1983, 426:19. 1994, 4:19, eff. May 27, 1994.



TITLE LXIII ELECTIONS

CHAPTER 659 ELECTION PROCEDURE

Preservation of Ballots and Other Election Materials

Section 659:99

659:99 Forwarding Ballots to the Secretary of State. – If any person shall make a request for a recount as provided in RSA 660 the clerk having the custody of such ballots shall, at the request of the secretary of state, forward the ballots forthwith to the secretary of state.

Source. 1979, 436:1, eff. July 1, 1979.



TITLE LXIII ELECTIONS

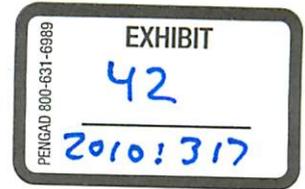
CHAPTER 660 POST-ELECTION PROCEDURE

State or Presidential Primary Recounts

Section 660:7

660:7 Application. – Any person for whom a vote was cast for any nomination of any party at a state primary may apply for a recount, provided that the difference between the votes cast for the applying candidate and a candidate of that party declared nominated is less than 20 percent of the total votes cast for candidates of that party in the towns which comprise the office to be recounted. Any person receiving at least 9 percent of the votes cast in any party's presidential primary may apply for a recount. The application shall be made in writing to the secretary of state and shall be submitted no later than the Friday after the primary for a recount of all ballots cast for such nomination. Each candidate requesting a recount shall pay the secretary of state fees as provided in RSA 660:2.

Source. 1979, 436:1. 1981, 510:2. 1983, 175:6; 426:20. 1994, 4:22. 1995, 69:5, eff. July 8, 1995. 2008, 377:5, eff. Sept. 9, 2008.



TITLE LXIII ELECTIONS

CHAPTER 661 VACANCIES AMONG PUBLIC OFFICERS ELECTED AT STATE ELECTIONS

By Office

Section 661:8

661:8 Executive Councilor; State Senator; State Representative. –

I. If a vacancy occurs in the office of executive councilor or state senator, it shall be filled as provided in Part II, Articles 34 and 62 of the state constitution.

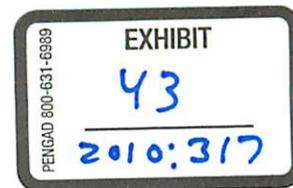
II. If a vacancy occurs in the office of state representative from a single town or ward district, the vacancy may be filled following the provisions of RSA 655:81 and RSA 655:82 in the same manner as a state general election is held. In a multi-town or multi-ward district, a vacancy in the office of state representative shall be filled following the provisions of RSA 655:81 and RSA 655:82 by a special election if the selectmen of any town or the city for any ward in said district so request of the governor or council.

III. Notwithstanding the provisions of paragraph II, if a vacancy occurs in the office of state representative in a district comprised of a city ward or wards, a request to hold the primary and special elections on the same dates as the city's biennial primary and regular elections may be submitted to the governor and council by the governing body of the city. If so requested, the governor and council shall declare the vacancy not less than 50 days prior to the date of the city's primary election. The filing period shall be held not more than 41 days nor less than 34 days prior to the primary election. The provisions of RSA 655:81, III, VI, VII, VIII, IX, X, and XI shall apply to elections held pursuant to this paragraph.

IV. Within 21 days after proof of a vacancy or a request that a vacancy be filled, the governor, in the case of an executive council vacancy, or the governor and council, in the case of any other vacancy, shall declare that there shall be a special election which shall be held as provided in RSA 655:81 and 82 or as provided in RSA 661:8, III.

V. No special election shall be held after March 15 of the second year of the biennium, as determined by RSA 655:81, I.

Source. 1979, 436:1. 1981, 512:2. 1998, 136:2. 2001, 231:11. 2005, 25:1. 2006, 32:2, eff. June 3, 2006.



TITLE LXIII ELECTIONS

CHAPTER 665 BALLOT LAW COMMISSION

General Provisions

Section 665:5

665:5 Hearing Date. –

I. If necessary, the ballot law commission shall meet on the fourth Friday of September in each general election year and the third Friday following the presidential primary election in order to hear and decide:

- (a) Written objections filed pursuant to RSA 665:6, I and II; and
- (b) Written appeals filed pursuant to RSA 665:8, I.

II. The ballot law commission shall meet on the fourth Monday in November in each general election year. The commission shall hear and decide all pending matters concerning the election of persons to the New Hampshire general court. At this time, the commission may also act on any other pending matters.

III. The ballot law commission shall also meet at such other times as may be necessary as provided in RSA 655:31, RSA 665:8, II, and RSA 665:9.

Source. 2003, 151:8, eff. Jan. 1, 2004. 2009, 44:1, eff. July 14, 2009.



TITLE LXIII ELECTIONS

CHAPTER 669 TOWN ELECTIONS

General Provisions

Section 669:4

669:4 Qualifications of Voters. – Any person having his domicile within the town and qualified to vote under RSA 654:1-654:2 and 654:4-654:6 and who is on the town checklist shall be qualified to vote in town elections.

Source. 1979, 410:1, eff. July 1, 1979.



TITLE LXIII ELECTIONS

CHAPTER 669 TOWN ELECTIONS

By Official Ballot

Section 669:24

669:24 Paper, Uniformity, Endorsement. – The ballots shall be printed on plain white paper, in weight not less than that of ordinary printing paper; provided, however, that if more than one ballot is used during any town election, each ballot shall be of a different color than any other ballot used at the election. There shall be no impression or mark to distinguish one ballot from another. The names of all candidates shall be printed in uniform type and the ballots shall be folded so that their width and length when folded shall be uniform. On the back, or at the top of of the face, of each ballot shall be printed the words ""Official Ballot for the Town of _____," the date of the election and a facsimile of the signature of the town clerk who prepared the ballot.

Source. 1979, 410:1. 1991, 370:2, eff. Aug. 31, 1991.



TITLE LXIII ELECTIONS

CHAPTER 669 TOWN ELECTIONS

By Official Ballot

Section 669:25

669:25 Conduct. – In towns which have adopted an official ballot system, the town election shall be conducted in the same manner as a state general election as provided in RSA 658 and 659, except that all duties required to be performed by the secretary of state under those chapters shall be performed by the town clerk, and except that no copy of marked or unmarked checklists need be forwarded to the state archives or federal district court as provided in RSA 659:102. Polling hours for a town meeting or election shall be set by the selectmen or by a vote of the town.

Source. 1979, 410:1. 1981, 454:10, eff. Aug. 22, 1981.



TITLE LXIII ELECTIONS

CHAPTER 669 TOWN ELECTIONS

By Official Ballot

Section 669:26

669:26 Absentee Voting. – Every town which has adopted an official ballot system for town elections as provided in RSA 669:12 or 669:13 shall provide for absentee voting. Any registered voter or armed services voter who is absent from such a town on the day of a town election, or who cannot appear in public on election day because of his observance of a religious commitment, or who, by reason of physical disability, is unable to vote in person may vote at a town election in accordance with the provisions of this section and RSA 669:27-669:29. A person who is unable to appear at any time during polling hours at his or her polling place because an employment obligation requires the person to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close shall be considered absent for purposes of this section and RSA 669:27-669:29.

Source. 1979, 410:1; 308:7. 1981, 454:11. 2006, 136:3, eff. July 21, 2006.



TITLE LXIII ELECTIONS

CHAPTER 669 TOWN ELECTIONS

By Official Ballot

Section 669:27

669:27 Forms. – Prior to each such election, the clerk shall prepare in such quantities as he may deem necessary the following forms:

I. Official absentee voting ballots, with the words ""absentee ballot" printed on them, similar in form to the official ballot to be used at said election, and similarly endorsed and printed on paper of the same color as that used for official ballots;

II. Blank forms of application for such ballots worded as follows:

To the clerk of _____, I, _____, am a duly qualified voter and entitled to vote in _____ (insert name of town, city, village district or school district).

Mail absentee voter's ballot to:

(Signature) _____
(Street and number) _____
(Town, state and country) _____;

III. Envelopes of sufficient size to contain the ballots specified in paragraph I, on which shall be printed the following affidavit:

Absence. A person voting by absentee ballot because of absence from the place in which he or she is entitled to vote shall fill out and sign the following certificate:

I do hereby certify, under the penalties for voting fraud set forth below, that I am a voter in the town (city, village district, school district) of _____, New Hampshire, that I will be unable to appear at any time during polling hours at my polling place because I will be working on election day or will be otherwise absent on election day from said town (city, village district, school district) and will be unable to vote in person; that I have carefully read the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the within ballot and enclosed and sealed it in this envelope.

(Signature) _____

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Absence Because of Religious Observance or Physical Disability. A person voting by absentee ballot because of religious observance or physical disability shall fill out and sign the following certificate:

I do hereby certify, under the penalties for voting fraud set forth below, that I am a voter in the town (city, village district, school district) of _____, New Hampshire, that I will be observing a religious commitment which prevents me from voting in person, or that on account of physical disability I am unable to vote in person; that I have carefully read the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the within ballot and sealed it in this envelope.

(Signature) _____

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

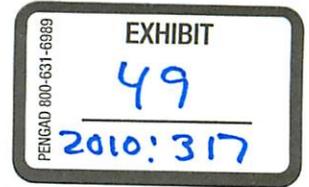
Source. 1979, 410:1; 308:8. 1981, 392:4. 1987, 276:7. 2003, 289:47. 2006, 136:4, eff. July 21, 2006.

TITLE LXIII ELECTIONS

CHAPTER 669 TOWN ELECTIONS

By Official Ballot

Section 669:29



669:29 Application of Statutes. – The procedure for absentee voting in town elections shall be the same as in state elections as provided in RSA 657:6, 9, 12 and 14-24.

Source. 1979, 410:1. 1981, 169:2, eff. Aug. 1, 1981; 454:12, eff. Aug. 22, 1981.



TITLE LXIII ELECTIONS

CHAPTER 671 SCHOOL DISTRICT ELECTIONS

Cooperative School Districts

Section 671:14

671:14 Qualifications. – Any person domiciled in the school district who is qualified to vote as provided in RSA 654:1-654:2 and 654:4-654:6 and who is on the school district checklist shall be entitled to vote at any school district election.

Source. 1979, 321:1. 1997, 176:4, eff. Aug. 11, 1997.

TITLE I

THE STATE AND ITS GOVERNMENT

CHAPTER 5

DEPARTMENT OF STATE

Department and Secretary of State

Section 5:6-d



5:6-d Election Fund. –

I. There is established in the office of the state treasurer a nonlapsing fund to be known as the election fund which shall be kept distinct and separate from all other funds. The election fund is established to meet the requirements of section 254(b) of the Help America Vote Act, Public Law 107-252.

II. The treasurer shall deposit in the election fund all monies received by the state pursuant to the Help America Vote Act of 2002, Public Law 107-252. The treasurer shall also deposit in the election fund such other funds received under state or federal law, or donated to the state by private parties, for the purposes of conducting elections, voter and election official education, election law enforcement, and related information technology projects and improvements, and shall credit any interest or income earned on monies on deposit to the fund.

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of voting equipment which complies with Help America Vote Act of 2002, Public Law 107-252, election law enforcement, and improvements to related information technology.

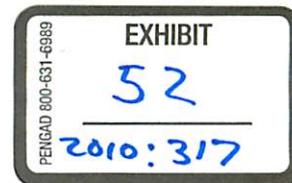
IV. All monies in the election fund shall be continually appropriated to the department of state and shall not lapse.

V. The treasurer, upon approval of the secretary of state shall pay the expenses of planning, equipping, administering, staffing, maintaining, and improving the election services provided by the secretary of state and related services provided by the department of safety, the department of health and human services, and the department of justice out of any monies in the election fund, subject to the limitations established in paragraph III, notwithstanding any other provision of law.

VI. The secretary of state shall include appropriations from the election fund in the department budget submitted pursuant to RSA 9:4.

Source. 2003, 266:1, eff. July 15, 2003. 2009, 144:218, eff. July 1, 2009.

TITLE LXIII ELECTIONS



CHAPTER 656 PREPARATION OF VOTING MATERIALS

Electronic Ballot Counting Devices

Section 656:42

656:42 Rules. –

I. The ballot law commission shall make such rules as may be necessary to ensure the accuracy of electronic ballot counting devices, including rules for the testing of electronic ballot counting devices prior to each election and the submission of testing records to the secretary of state. The ballot law commission shall make such rules as may be necessary in order that electronic ballot counting devices may be used in this state in such a manner that the election laws may be complied with as far as possible. Said commission shall have the power and authority in making rules to declare certain laws relative to distribution and marking of ballots and other requirements inconsistent with the use of electronic ballot counting devices ineffective in towns and cities adopting such a method of voting. The presiding officer at each polling place shall enforce the rules of the ballot law commission made under the authority of this section.

II. Consistent with the rules of the ballot law commission the secretary of state shall include protocols for the testing of electronic ballot counting devices in the election manual authorized by RSA 652:22. Each device shall be tested after installation and prior to each election.

III. Any company, partnership, proprietorship, or other person, wherever located, which supplies, maintains, or programs electronic ballot counting devices which are used in elections in New Hampshire is subject to regulation by this state.

IV. Each person described in paragraph III shall designate, in writing, an agent for service of all process, including, but not limited to summonses, writs, orders, petitions, and subpoenas, and shall agree in writing that the attorney general, in conjunction with any election investigation, may inspect its records, machines or other devices, and premises.

V. Any such person described in paragraph III who fails to properly program and test electronic ballot counting devices shall be liable to reimburse the state for the cost of any recount which is necessitated by such failure.

VI. Any person who knowingly violates the testing procedures established under this section or the rules of the ballot law commission shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

Source. 1979, 436:1. 1998, 311:3, eff. June 26, 1998. 2009, 70:3, eff. Aug. 8, 2009.

TITLE LXIII ELECTIONS



CHAPTER 654 VOTERS AND CHECKLISTS

Overseas Citizens Voting: Federal Elections Only

Section 654:21

654:21 Forwarding. – Each such affidavit shall be directly forwarded to the applicant by the city or town clerk or by the secretary of state.

Source. 1979, 436:1. 1988, 209:3, eff. June 28, 1988.



TITLE LXIII ELECTIONS

CHAPTER 657 ABSENTEE VOTING

Eligibility

Section 657:3

657:3 Armed Services Voter. – Regardless of whether he is previously registered, any person qualified as an armed services voter as provided in RSA 654:4 may vote absentee at any state election in the New Hampshire city or town which was last his home as provided in this chapter.

Source. 1979, 436:1, eff. July 1, 1979.



TITLE LXIII ELECTIONS

CHAPTER 657 ABSENTEE VOTING

Absentee Ballots and Related Materials

Section 657:9

657:9 Armed Services Voting. – Prior to any state election, the secretary of state shall prepare the following forms in such quantity as he may deem necessary:

I. Armed services absentee ballots as provided in RSA 656:35.

II. Affidavit envelopes of sufficient size to contain the ballots on which shall be printed the following:

(a) For Voters Who Are Registered. A person voting by armed services absentee ballot who is a registered voter in the town or city in which he or she desires to vote shall fill out and sign the following certificate:

I do hereby certify under the penalties for voting fraud set forth below that I am a voter in the city or town of _____, New Hampshire, in ward _____; that I will be absent on election day from said city or town and will be unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).

(Signature) _____

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

(b) For Voters Not Registered. A person voting by armed services absentee ballot who is not registered in the town or city in which he or she desires to vote shall fill out and sign the following certificate:

I do hereby certify under the penalties for voting fraud set forth below that I am an armed services voter under the laws of the state of New Hampshire, that I am at least 18 years of age and a citizen of the United States; and that, immediately prior to my service, my domicile was in New Hampshire at the following address:

street _____ and number _____

city or town _____

I am not registered to vote in any state and am not voting in any other manner in this election.

Signature of Voter

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

III. Other forms as provided for in RSA 657:7, III, IV and V.

Source. 1979, 436:1. 1983, 220:3. 1988, 209:7. 2003, 289:39, eff. Sept. 1, 2003.



TITLE LXIII ELECTIONS

CHAPTER 657 ABSENTEE VOTING

Procedure for Absence, Religious Observance, and Disability and Overseas Voting

Section 657:12

657:12 Provisions for General Election. – Upon receipt of a properly executed application for an official absentee ballot, whether the form supplied by the secretary of state, the federal post card application form, or a written statement containing the information required by the appropriate paragraph of RSA 657:4, a town or city clerk shall forthwith ascertain if the applicant is on the checklist of the town or city. If the applicant is on the checklist, the clerk shall send the materials provided for in RSA 657:15; if not, the clerk shall refuse to certify as provided in RSA 657:16. An application may be transmitted by facsimile to a town or city clerk.

Source. 1979, 436:1. 1988, 209:8. 2003, 8:1, eff. June 21, 2003.



TITLE LXIII ELECTIONS

CHAPTER 657 ABSENTEE VOTING

Procedure for Absence, Religious Observance, and Disability and Overseas Voting

Section 657:15

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

Source. 1979, 436:1. 1986, 126:8. 1990, 119:11. 1996, 36:9. 1998, 246:3. 2003, 12:1, eff. June 21, 2003.



TITLE LXIII ELECTIONS

CHAPTER 657 ABSENTEE VOTING

Procedure for Absence, Religious Observance, and Disability and Overseas Voting

Section 657:18

657:18 Procedure by Clerk. – Upon receipt of a return envelope purporting to contain an official absentee voting ballot, the clerk of the city or town shall attach thereto the application for an absentee ballot submitted by said voter. All such envelopes shall be preserved unopened until election day.

Source. 1979, 436:1, eff. July 1, 1979.



TITLE LXIII ELECTIONS

CHAPTER 657 ABSENTEE VOTING

Election Day

Section 657:23

657:23 Delivery to Moderator. – Upon election day, prior to the closing of the polls or the time set for processing absentee ballots in accordance with RSA 659, the clerk shall deliver all such envelopes and the applications therefor received by him to the moderators in the several voting precincts in which the absentee voters assert the right to vote, taking a receipt from the moderator thereof; except that no armed services ballot shall be rejected by a moderator for lack of an attached application.

Source. 1979, 436:1, eff. July 1, 1979.

TITLE LXIII ELECTIONS

CHAPTER 659 ELECTION PROCEDURE

Processing Absentee Ballots

Section 659:51

659:51 Challenges. – All absentee ballots are subject to challenge after the moderator publicly announces the name of the absentee voter but not after the ballot is removed from the envelope. A person who makes a challenge shall state the reason for the challenge. If the ballot is challenged, the moderator shall write on the affidavit envelope containing the ballot the word ""challenged" and the name and address of the person who makes the challenge and the basis of the challenge. The moderator shall also number each challenged envelope consecutively by marking, for example, the first challenged ballot ""Challenged Ballot No. 1". The moderator shall then determine if the challenge to the ballot is well grounded. If the moderator decides the challenge is well grounded, he shall not open the envelope but shall preserve it with the other ballots cast at the election as provided in RSA 659:101. If the moderator decides that the challenge is not well grounded, he shall open the affidavit envelope so the affidavit thereon is not destroyed and proceed first to mark on the reverse of the folded ballot the corresponding challenge number as previously marked on the envelope. He shall then proceed to deposit the ballot as provided in RSA 659:52.

Source. 1979, 436:1, eff. July 1, 1979.



TITLE LXIII ELECTIONS

CHAPTER 659 ELECTION PROCEDURE

Processing Absentee Ballots

Section 659:52

659:52 Opening Envelope; Depositing Ballot. – If the absentee ballot is not challenged, the moderator shall, after announcing the name of the voter, open the affidavit envelope containing the ballot so the affidavit on the envelope is not destroyed. He shall then take the ballot out of the envelope without unfolding the ballot or without permitting the ballot to be examined, and he shall preserve the affidavit envelope with the ballots cast at the election as provided in RSA 659:101. The moderator shall then have a checkmark placed beside the name of the absentee voter on the checklist and write therewith the letters "A.V." in red ink and shall then deposit the ballot in the ballot box.

Source. 1979, 436:1, eff. July 1, 1979.





TITLE LXIII ELECTIONS

CHAPTER 654 VOTERS AND CHECKLISTS

Overseas Citizens Voting: Federal Elections Only

Section 654:23

654:23 Effect. – Unless the supervisors of the checklist shall be of the opinion that the applicant does not qualify as an overseas voter in the city or town as provided in RSA 654:3, domiciled outside the United States, they shall, at their next session for the correction of the checklist subsequent to their receipt of such affidavit properly executed, cause his or her name to be added to the checklist together with a mark or sign clearly indicating that the application has been entered on the checklist for the purpose of voting in federal elections only. Thereafter, such person shall be entitled to vote by overseas citizens absentee ballot at both federal primary and general elections. If the supervisors decide not to add the name of the applicant to the checklist, they shall send notification to the applicant in writing within 7 days stating the reason for that denial.

Source. 1979, 436:1. 1988, 73:2; 209:4. 2003, 289:52, eff. Sept. 1, 2003.



TITLE LXIII ELECTIONS

CHAPTER 657 ABSENTEE VOTING

Procedure for Absence, Religious Observance, and Disability and Overseas Voting

Section 657:16

657:16 Refusal to Certify; Procedure. – If he or she refuses to certify the application, the town or city clerk shall notify the applicant in writing within 7 days to that effect. The town or city clerk shall provide the applicant with an absentee ballot and a notice that the ballot will not be counted unless the applicant submits the documents necessary to complete an absentee registration. The applicant shall be advised in writing what documents, if any, have been received in proper form and which the applicant must submit in the return envelope that contains the absentee ballot affidavit envelope. The town or city clerk shall mark the exterior of the absentee ballot affidavit envelope with the words ""Not Registered." If the applicant returns the required documents in proper form with the absentee ballot and if the applicant is found to be qualified, he or she shall be registered and his or her absentee ballot shall be processed in the same manner as the absentee ballot of a previously registered voter. If the ballot is returned without the required documents in proper form, the ballot shall be marked and preserved in the manner set forth by law for successfully challenged absentee ballots. The clerk shall preserve the application of any applicant who is not registered as a voter until the time set by law for the destruction of the ballots after the election at which time the application shall be destroyed. Any justice of the superior court has jurisdiction in equity upon such notice as he or she may order to require that the name of the person making application for an absentee ballot be placed upon the checklist or registered as a member of any party and be sent an absentee ballot.

Source. 1979, 436:1. 2003, 289:54, eff. Sept. 1, 2003.

TITLE LXIII ELECTIONS



CHAPTER 659 ELECTION PROCEDURE

Election Returns

Section 659:75

659:75 Forwarding; Retaining Copies of Return. – One copy of the election return shall be forwarded by the town or ward clerk to the secretary of state no later than the Monday following a state election unless the secretary of state orders them sooner. The other shall be kept by the town or city clerk and shall be open to public inspection at reasonable times. If an official state election return is sealed along with the ballots, the clerk having custody of the sealed ballots shall, at the request of the secretary of state, and in the presence of a state election official, unseal the ballots and retrieve the election return. The ballots shall be immediately resealed and the election return shall be delivered to the secretary of state by the election official.

Source. 1979, 436:1. 1994, 4:17. 2007, 75:1, eff. Aug. 10, 2007.



TITLE LXIII ELECTIONS

CHAPTER 659 ELECTION PROCEDURE

Preservation of Ballots and Other Election Materials

Section 659:95

659:95 Sealing and Certifying Ballots. –

I. Immediately after the ballots cast at a state election have been tabulated and the result has been announced and the return has been made, the moderator or the moderator's designee, in the presence of the selectmen or their designee, shall place the cast, cancelled, and uncast ballots, including such ballots from any additional polling places, and further including the successfully challenged absentee ballots still contained in their envelopes, in the containers provided by the secretary of state as required by RSA 659:97 and shall seal such container with the sealer provided by the secretary of state as required by RSA 659:97. The moderator or the moderator's designee shall then enter in the appropriate blanks on such sealer on each container the number of cast, cancelled, and uncast ballots in such container and shall endorse in the appropriate place on such sealer a certificate in substance as follows: Enclosed are the ballots from the state election in the town of _____ (or in ward _____ in the city of _____) held on _____, 20____, required by law to be preserved. The moderator and the selectmen or their designee shall sign their names in the appropriate blanks on the sealer.

II. Ballots, including cast, cancelled, and uncast ballots and successfully challenged absentee ballots still contained in their envelopes, prepared or preserved in accordance with the election laws shall be exempt from the provisions of RSA 91-A. This exemption shall apply to any ballots or absentee voter affidavit envelopes prepared for or used in any election conducted by the state or any political subdivision, including federal elections.

Source. 1979, 436:1. 1985, 292:1. 2003, 289:60, eff. Sept. 1, 2003.



TITLE LXIII ELECTIONS

CHAPTER 659 ELECTION PROCEDURE

Preservation of Ballots and Other Election Materials

Section 659:98

659:98 Delivery of Ballots to Town Clerk. – The moderator, or his designee, and the selectmen, or their designee, after they have sealed and certified the state election ballots as provided in RSA 659:95 and 96, shall deliver the sealed containers to the town or city clerk, or to his designee, who shall in their presence enter in the appropriate place on each sealer the time of day and shall sign his name in the appropriate blank on the sealer. The clerk or his designee shall, without breaking the seals or otherwise changing the condition of the containers, deposit the containers in the town or city hall, where the ballots shall be kept for a period of 60 days.

Source. 1979, 436:1. 1985, 292:2, eff. Aug. 13, 1985.



TITLE LXIII ELECTIONS

CHAPTER 659 ELECTION PROCEDURE

Preservation of Ballots and Other Election Materials

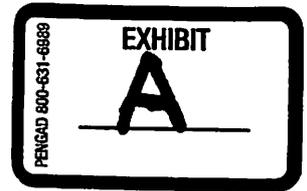
Section 659:101

659:101 Preservation of Absentee Voting Materials, Election Day Affidavits, and Domicile Affidavits. – The affidavit envelopes and application forms processed by the moderator as provided in RSA 659:50, and the qualified voter affidavits and domicile affidavits as provided in RSA 654:12 and any other documentary proof of qualifications retained by the town or city clerk, the supervisors of the checklist, or other election official may be preserved in the same manner that ballots are preserved. Qualified voter, voter registration, and domicile affidavits shall be retained for 3 years after the election in which they are used, and other materials may be destroyed one year after the first state general election at which the individual may vote.

Source. 1979, 436:1. 2003, 289:59. 2006, 94:3, eff. July 8, 2006. 2009, 278:6, eff. Jan. 1, 2010.

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397



MICHAEL A. DELANEY
ATTORNEY GENERAL

ORVILLE B. "BUD" FITCH II
DEPUTY ATTORNEY GENERAL



News Release

RELEASED BY: Attorney General Michael A. Delaney

SUBJECT: Voting Rights Act – Submissions of requests for preclearance of 2010 changes to New Hampshire Voting laws and procedures

DATE: July 19, 2010

RELEASE TIME: Immediate

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

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

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

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

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

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

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

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

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

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

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

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

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