

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY
ATTORNEY GENERAL



ORVILLE B. "BUD" FITCH II
DEPUTY ATTORNEY GENERAL

SECTION 5 VOTING SUBMISSION

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

DATE: July 26, 2010

RE: Submissions Under Section 5 of the Voting Rights Act for:
RSA 659:101

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 **RSA 659:101**, relative to Preservation of Absentee Voting Materials, Election Day Affidavits, and Domicile Affidavits, 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 2006, Chapter 94, amending RSA 659:101. See Attached Exhibit RSA 659:101, #1

Laws of 2009, Chapter 278, amending RSA 659:101. See Attached Exhibit RSA 659:101, #2.

(b) A copy of any ordinance, enactment, order, or regulation embodying the voting practice that is proposed to be repealed, amended or otherwise changed (prior law).

Laws of 2003, Chapter 289:59. See Attached Exhibit RSA 659:101, #3.

(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.

The 2006 change adds a requirement that citizenship, voter registration, and domicile affidavits be retained for 3 years following the election in which they were used.

The 2009 change replaces “citizenship” with “qualified voter” as the name of one of the affidavits being addressed by the statute.

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

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

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

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

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

Attorney General Michael A. Delaney
State of New Hampshire

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

Not applicable

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

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

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

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

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

2006 change: May 9, 2006.

2009 change: July 29, 2009.

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

2006 change: July 8, 2006.

2009 change: January 1, 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.

This 2006 change to New Hampshire's voting laws has been enforced or administered. The 2009 change has not been enforced at a statewide election.

As was exhaustively addressed in a 2004 letter to the federal Department of Justice, New Hampshire is engaged in an effort to catch up on preclearance submissions. This change is being submitted now to "catch up" the preclearance as there is a 2010 change to this statute, preclearance for which is being sought simultaneously through submission 2010:172.

(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.

2006 Change: The reason for the 2006 change is to include in the list of election related documents that must be preserved citizenship, voter registration, and domicile affidavits for a minimum of 3 years following the election at which they are used.

2009 Change: The reason for the 2009 change is to change a reference to a particular affidavit from "citizenship" to "qualified voter" affidavit. This was part of a larger change in 2009 that expanded an affidavit which previously was used only for proving citizenship to also allow its use to prove age and identity. The changes to other statutes affected by the 2009 change have been or will be separately submitted for preclearance.

(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

RSA 659:101, as amended in 2003, was precleared on 7/22/2004 by Department of Justice non-objection letter 2004-2557.

(p2) A statement that the procedure for the adoption of the change has been precleared, with the date, or is not subject to the preclearance requirement, or an explanation of why such statements cannot be made.

New Hampshire's Constitution, in its current form, was adopted June 2, 1784, four years before the United States Constitution took effect upon its ratification by

New Hampshire on June 21, 1788. No amendments to Part Second, article 2 or Part Second, article 44 have occurred since 1784, therefore the authority for adopting law changes predates New Hampshire's ten towns becoming subject to Preclearance on effective November 1, 1968.

(q) For redistrictings and annexations.

Not applicable.

(r) Supplemental

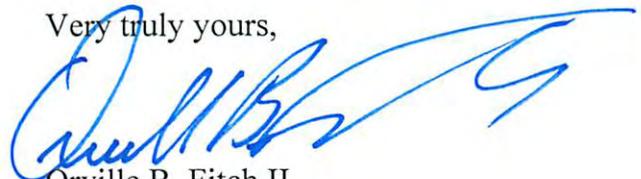
None.

§51.28 (g) Public notice that announce the submission to the Attorney General, inform the public that a complete duplicate copy of the submission is available for public inspection and invites comments for the consideration of the Attorney General and statements regarding where such public notices appeared.

Exhibit A is a copy of a press release issued July 19, 2010 announcing the 2010 round of Preclearance submissions, the availability of copies at the New Hampshire Attorney General's Website and Office, and inviting comments to the United States Attorney General.

I expect the foregoing information is sufficient to enable the United States Attorney General to make the required determination pursuant to Section 5 of the Voting Rights Act. If further information is required or would be helpful, please contact me.

Very truly yours,



Orville B. Fitch II
Deputy Attorney General
bud.fitch@doj.nh.gov
(603) 271-1238

Attachments

CC: Secretary of State William M. Gardner

494425.doc

Received on June 11, 1988. The undersigned hereby certifies that the above is a true and correct copy of the original as shown to the undersigned on June 11, 1988.

For the undersigned and attestation:

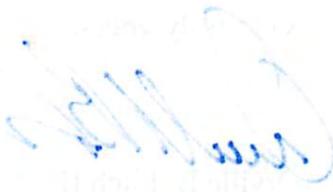
Notary Public

My Commission Expires

Notary Public hereby certifies that the above is a true and correct copy of the original as shown to the undersigned on June 11, 1988. The undersigned hereby certifies that the above is a true and correct copy of the original as shown to the undersigned on June 11, 1988.

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Notary Public
My Commission Expires

Notary Public

My Commission Expires



CHAPTER 94
 HB 391 – FINAL VERSION

01Feb2006... 0208h

01Feb2006... 0486h

2006 SESSION

05-0468

03/10

HOUSE BILL **391**

AN ACT relative to election affidavits.

SPONSORS: Rep. Weed, Ches 3; Rep. Pratt, Ches 2

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill makes citizenship and domicile affidavits public records subject to RSA 91-A for the purpose of voter challenges and modifies requirements for their execution and preservation.

 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.

01Feb2006... 0208h

01Feb2006... 0486h

05-0468

03/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Six

AN ACT relative to election affidavits.

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

94:1 Right to Know Exemption. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, street address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, *citizenship and domicile affidavits*, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. ***Notwithstanding the foregoing, citizenship and domicile affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law, or determining the accuracy of any citizenship or domicile affidavit.*** Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, *citizenship and domicile affidavits*, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

94:2 Affidavit. Amend RSA 659:30 to read as follows:

659:30 Affidavit. The affidavit of a challenged voter, a voter citizenship affidavit, a voter domicile affidavit, or any other affidavit required by the election statutes may be sworn before ~~[any person authorized by law to administer oaths or before]~~ any election officer.

94:3 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 and application forms processed by the moderator as provided in RSA 659:50, and the citizenship 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. ~~[and]~~ ***Citizenship, 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.

94:4 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 9, 2006

Effective: July 8, 2006



CHAPTER 278
 HB 265 – FINAL VERSION

05/27/09 1706s

2009 SESSION

09-0793

03/01

HOUSE BILL **265**

AN ACT relative to proving qualifications to vote.

SPONSORS: Rep. Pierce, Graf 9

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill modifies and renames the voter citizenship affidavit.

 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.

05/27/09 1706s

09-0793

03/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nine

AN ACT relative to proving qualifications to vote.

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

278:1 Determining Qualifications of Applicant. Amend RSA 654:12, I-III to read as follows:

I. When determining the qualifications of an applicant, the supervisors of the checklist, or the town or city clerk, shall require the applicant to present proof of citizenship, age, and domicile, as provided in the following categories:

(a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship: the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a [citizenship] *qualified voter* affidavit, or any other reasonable documentation which indicates the applicant is a United States citizen. The [citizenship] *qualified voter* affidavit shall be in the following form:

Date: _____

[CITIZENSHIP] **QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)**

Name: _____

Name at birth if different: _____

Place of birth: _____

Date of birth: _____

Date and Place of Naturalization: _____

I hereby swear and affirm, under the penalties for voting fraud set forth below, *that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or ward), that I am a United States citizen, that I am at least 18 years of age as of this date or will be at the next election,* and that to the best of my knowledge and belief the information above is true and correct.

(Signature of applicant)

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.

On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

(2) United States passport, armed services identification, or other photo identification issued by the United States government.

(3) Photo identification issued by local or state government.

(c) The presumptions established in this paragraph may be defeated by evidence establishing that it is more likely than not that the applicant is not qualified as a voter.

III. To prove the qualifications set forth in paragraphs I and II, an applicant for registration as a voter must prove his or her identity to establish that the evidence used to prove age, citizenship, and domicile relate to the applicant. A person who has in his or her immediate possession a photo identification approved for use by paragraph II must present that identification when applying for registration. A person who does not have an approved photo identification with him or her may establish identity through any reasonable means, including, but not limited to: photo identification not approved by paragraph II, but determined to be legitimate by the supervisors of the checklist or clerk, verification of the person's identity by another person registered as a voter and known to the supervisor or clerk, or completion of the *qualified voter* affidavit [~~to be completed by a challenged voter~~]. Residents of a nursing home or similar facility may prove their identity through verification of identity by the administrator of the facility or by his or her designee. For the purposes of this section, the application of a person whose identity has been verified by an official of a nursing home or similar facility shall be treated in the same manner as the application of a person who proved his or her identity with a photo identification.

278:2 Reference Changed. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, street address, mailing address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, [~~citizenship~~]-*qualified voter* and domicile affidavits, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. Notwithstanding the foregoing, [~~citizenship~~]-*qualified voter* and domicile affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law, or determining the accuracy of any [~~citizenship~~]-*qualified voter* or domicile affidavit. Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, [~~citizenship~~]-*qualified voter* and domicile affidavits, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or

prosecution.

278:3 Challenge of Voter; Affidavit. Amend RSA 659:27 to read as follows:

659:27 Challenge of Voter; Affidavit. Any voter at any state election may challenge any other voter offering to vote at such election, and the moderator shall not receive the vote of the person so challenged until he *or she* shall sign and give to the moderator an affidavit in the following form: I, _____, do solemnly swear (or affirm) that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or ward) and have a legal domicile therein. *In the alternative, a challenged voter may fill out and sign a qualified voter affidavit.*

278:4 Reference Changed. Amend RSA 659:30 to read as follows:

659:30 Affidavit. The affidavit of a challenged voter, a *qualified* voter [citizenship] affidavit, a voter domicile affidavit, or any other affidavit required by the election statutes may be sworn before any person authorized by law to administer oaths or before any election officer.

278:5 Reference Changed. Amend RSA 659:34, I(a) to read as follows:

(a) When registering to vote; when obtaining an official ballot; or when casting a vote by official ballot, makes a false material statement regarding his or her qualifications as a voter to an election officer or submits a voter registration form, an election day registration affidavit, a [citizenship] *qualified voter* affidavit, a domicile affidavit, or an absentee registration affidavit containing false material information regarding his or her qualifications as a voter;

278:6 Reference Changed. Amend RSA 659:101 to read as follows:

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 [citizenship] *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. [Citizenship] *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.

278:7 Effective Date. This act shall take effect January 1, 2010.

Approved: July 29, 2009

Effective Date: January 1, 2010



CHAPTER 289

HB 627-FN - FINAL VERSION

25mar03... 0694h

25mar03... 0946h

05/22/03 1640s

24jun03... 2155CofC

30jun03... 2316eba

2003 SESSION

03-0294

03/10

HOUSE BILL **627-FN**

AN ACT relative to domicile for voting purposes, penalties for voter fraud, and access to preserved ballots.

SPONSORS: Rep. Drisko, Hills 46; Rep. Lockwood, Merr 35; Rep. Naro, Graf 15; Rep. Whalley, Belk 31; Sen. Roberge, Dist 9

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill:

- I. Establishes civil penalties for wrongful voting.
- II. Modifies procedures for voter registration and absentee voting.
- III. Modifies the laws concerning domicile as it relates to voting and eligibility for office.
- IV. Exempts preserved ballots from RSA 91-A, the right-to-know law.

This bill is a request of committee established by 2002, 15.

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.

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

25mar03... 0694h

25mar03... 0946h

05/22/03 1640s

24jun03... 2155CofC

30jun03... 2316eba

03-0294

03/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to domicile for voting purposes, penalties for voter fraud, and access to preserved ballots.

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

289:1 County Attorneys; Election, Temporary Vacancies. Amend RSA 7:33 to read as follows:

7:33 Election; ~~[Vacancies]~~ **Temporary Vacancies.** There shall be a county attorney for each county, who shall be a member of the New Hampshire bar, elected biennially by the ~~[inhabitants]~~ **voters** of the county. If the county attorney is absent at any term of court or unable to discharge the duties of the office, the superior court, acting as a body, shall appoint a county attorney, who shall be a member of the New Hampshire bar, for the time being and allow said appointee such compensation for his **or her** services as ~~[they think reasonable]~~ **set by the county delegation.**

289:2 Address Confidentiality Program for Victims of Domestic Violence, Stalking, or Sexual Assault; Voting by Program Participants. Amend RSA 7:46, I to read as follows:

I. A program participant who is otherwise qualified to vote may apply as ~~[a]~~ **an** absentee voter. The program participant shall automatically receive absentee ballots for all elections in the jurisdictions for which that individual ~~[resides]~~ **is domiciled** in the same manner as absentee voters pursuant to RSA 657:15. Notwithstanding RSA 654, neither the name nor the address of a program participant shall be included in any list of registered voters available to the public.

289:3 Powers and Duties of Towns; Emergency Borrowing; Method. Amend RSA 31:11 to read as follows:

31:11 Method. The power may be exercised in cities by a 2/3 vote of the city councils. It may be exercised by the selectmen of towns and the governing boards of districts without vote of the ~~[inhabitants]~~ **voters** in town or district meeting. Provided, that no sum in excess of \$100,000 shall be so borrowed without vote of the city, town, or district.

289:4 Town Meetings; Posting Warrant. Amend RSA 39:5 to read as follows:

39:5 Posting Warrant. The selectmen may address their warrant to the ~~[inhabitants]~~ **voters** of the town ~~[qualified to vote in town affairs]~~, in which case they shall post an attested copy of such warrant at the place of meeting, and a like copy at one other public place in the town, at least 14 days before the day of meeting. The 14 days shall not include the day of posting nor the day of the meeting, but shall include any Saturdays, Sundays, and legal holidays within the said period.

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.

289:62 Town Elections; Preservation of Ballots after Recount; Exemption from Right-to-Know Law. Amend RSA 669:33 to read as follows:

669:33 Preservation of Ballots after Recount.

I. Upon the conclusion of the recount, the clerk shall place the ballots and all envelopes or wrappers which had previously contained them in a suitable container showing the contents and the date when and the reason why it was opened; and said clerk shall retain said ballots until the expiration of 60 days from the date of the recount unless some action is pending which makes their further preservation necessary or unless enjoined by action brought before the superior court.

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.

289:63 Voters Confined in Penal Institutions; Address. Amend RSA 654:2-a, III to read as follows:

III. In completing a voter registration [card] form, as specified in RSA 654:7, a person confined in a penal institution shall list the address of his or her domicile in the address section, and the address of the penal institution in the mailing address section.

289:64 Registering at the Polling Place, Election Day Registration. Amend RSA 654:7-a, I to read as follows:

I. The provisions of this section and those of RSA 654:7-b shall be used as an additional procedure for voter registration. For the purposes of this section and RSA 654:7-b, the term "election day" shall refer to state primary and to state general elections, to all town, city, school district, and village district elections, and to all official ballot meetings where persons may vote by absentee ballot. A person who registers to vote on election day according to the provisions of this section shall also be required to complete the voter registration [card] form provided for in RSA 654:7. The provisions of this section and those of RSA 654:7-b shall apply notwithstanding any provision of RSA 654 to the contrary.

289:65 Effective Date. This act shall take effect September 1, 2003.

(Approved: July 18, 2003)

(Effective Date: September 1, 2003)

659:30 ~~[False]~~ Affidavit. The affidavit of a challenged voter, ~~a voter citizenship affidavit, a voter domicile affidavit, or any other affidavit required by the election statutes~~ may be sworn before any person authorized by law to administer oaths or before ~~[the moderator, town clerk or any one of the selectmen or supervisors of the checklist. Any person who shall swear falsely in making such affidavit shall be deemed guilty of perjury and shall be punished accordingly]~~ *any election officer*.

289:59 Preservation of Absentee Voting Materials, Citizenship Affidavits, and Domicile Affidavits. Amend RSA 659:101 to read as follows:

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 citizenship 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] may be preserved in the same manner [as provided in RSA 659:95-100 for the preservation of official state election] that ballots are preserved and may be destroyed one year after the first state general election at which the individual may vote.*

289:60 Sealing and Certifying Ballots; Exemption from Right-to-Know Law. 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 ~~[his]~~ *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 ~~[his]~~ *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 _____, 19____, 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.

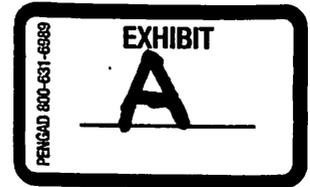
289:61 General Provisions for Recounts; Disposal of Ballots; Exemption from Right-to-Know Law. Amend RSA 660:16 to read as follows:

660:16 Disposal of Ballots.

I. Upon the conclusion of every recount, the secretary of state shall replace the unprotested ballots and absentee voter envelopes in a suitable container for storage. The secretary of state shall retain the ballots and the absentee envelopes for at least 60 days following the recount. Upon an order of the ballot law commission, the secretary of state shall produce the ballots for the inspection of the commission. Following the commission's inspection, the secretary of state shall replace the ballots and envelopes, seal them, and certify the contents and the date when they were examined by the commission. The envelopes and ballots shall be subject to the order of the body to which such person claims to be elected or of the officers required by law to examine the records and to issue certificates of election to such office or of any court having jurisdiction over them.

**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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