

**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 657:19

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 657:19**, relative to Sending Ballots, for preclearance by the U.S. Department of Justice.

A change to RSA 657:19 made in 2010 is being simultaneously being submitted for preclearance in submission 2010:182. Changes made to RSA 657:19 in 1979 and in 1988 have been precleared. We are unable to locate any evidence that a change in 1986 was submitted or precleared, so to ensure New Hampshire achieves full compliance and can start the ten year clock running toward seeking bailout, we are submitting the 1986 change along with a 2003 change to "catch up" preclearance of this statute to allow preclearance of the 2010 change.

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 1986, Chapter 126:9, amending RSA 657:19. See Attached Exhibit RSA 657:19, #1. (Other changes made by Laws of 1986, Chapter 126 have been or will be submitted for preclearance separately.)

Laws of 2003, Chapter 289 Section 55 only, amending RSA 657:19. See Attached Exhibit RSA 657:19, #2. (Other changes made by Laws of 2003, Chapter 289 have been or will be submitted for preclearance separately.)

(b) A copy of any ordinance, enactment, order, or regulation embodying the voting practice that is proposed to be repealed, amended or otherwise changed (prior law).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 1979, Chapter 436:1. See Attached Exhibit RSA 657:19, #3

Laws of 1988, Chapter 209:10. See Attached Exhibit RSA 657:19, #4.

(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 1986 change amended RSA 657:19 to add “the federal government” to the list of entities whose absentee ballot application forms must be treated as valid. It also added the requirement that when an armed services voter requests a state general election absentee ballot prior to October 1 to be mailed outside the United States or Canada, that the voter shall be sent the ballot provided for in RSA 656:34.

The 2003 change amended RSA 657:19 to conform to prior federal (now changed by the MOVE Act.) by requiring that where an applicant requests that the application be considered an application for all covered elections during the following two years that the clerk provide the voter with absentee ballots for those additional elections. It required processing of voter registration applications and absentee ballot applications submitted by an armed services voter at any time. While previously not explicitly provided for in statute, prior practice was and continues to be that such applications can be accepted at any time and except for a suspension of processing during the ten days before an election, will be processed at any time. Applications received during the ten day period before an election are processed on election day and qualified voters get to vote at that election. This change also added a provision reinforcing the general duty clerks have to notify an applicant if his or her application is not certified, by including that requirement in this UOCAVA voter section.

(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.

1986 change: May 20, 1986.
2003 change: July 18, 2003.

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

1986 change: May 20, 1986.
2003 change: September 1, 2003.

(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 changes to New Hampshire's voting laws have been enforced or administered.

As was exhaustively addressed in a 2004 letter to the federal Department of Justice, New Hampshire is engaged in an effort to catch up on preclearance submissions. This change is being submitted now to "catch up" the preclearance of this statute as there is a 2010 change to this statute, preclearance for which is being sought simultaneously through submission 2010:182.

(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.

The 1986 change amended RSA 657:19 to add "the federal government" to the list of entities whose absentee ballot application forms must be treated as valid. It also added the requirement that when an armed services voter requests a state general election absentee ballot prior to October 1 to be mailed outside the United States or Canada, that the voter shall be sent the ballot provided for in RSA 656:34.

The 2003 change amended RSA 657:19 to conform to prior federal (now changed by the MOVE Act.) by requiring that where an applicant requests that the application be considered an application for all covered elections during the following two years that the clerk provide the voter with absentee ballots for those additional

elections. It required processing of voter registration applications and absentee ballot applications submitted by an armed services voter at any time. While previously not explicitly provided for in statute, prior practice was and continues to be that such applications can be accepted at any time and except for a suspension of processing during the ten days before an election, will be processed at any time. Applications received during the ten day period before an election are processed on election day and qualified voters get to vote at that election. This change also added a provision reinforcing the general duty clerks have to notify an applicant if his or her application is not certified, by including that requirement in this UOCAVA voter section. The reason for this change was to bring New Hampshire law and practice into conformance with the Help America Vote Act.

(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 657:19, as amended in 1979, was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.

RSA 657:19, as amended in 1988, was precleared on 8/5/2004 by Department of Justice non-objection letter 2004-2560, 2562, 2596.

(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**

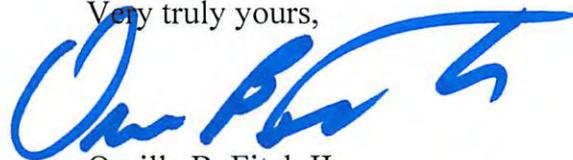
None.

§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

494438.doc

124:2 Effective Date. This act shall take effect 60 days after its passage.

[Approved May 20, 1986.]

[Effective Date July 19, 1986.]

CHAPTER 125 (HB 405)

AN ACT TO PROVIDE FOR THE COMPREHENSIVE STUDY OF THE SAU STRUCTURE
WITHIN THE STATE OF NEW HAMPSHIRE AND DECLARING A
MORATORIUM ON CHANGES IN THE SAU STRUCTURE.

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

125:1 Study Committee.

I. There is hereby established a committee to be composed of the following 6 persons:

- (a) 3 members of the senate to be appointed by the president of the senate; and
- (b) 3 members of the house of representatives to be appointed by the speaker of the house.

II. The members shall choose a chairman from among the committee. The members of the committee shall serve without compensation, except that the legislative members shall be entitled to mileage at the legislative rate.

III. The committee shall set the criteria for studying the effectiveness and validity of the SAU structure in New Hampshire. Upon establishing the criteria, the committee, with the assistance of the legislative budget assistant, shall hire an independent consultant to review, study, and report on the effectiveness and validity of the SAU structure in New Hampshire. The consultant shall submit a report by December 1, 1986, to the committee established in paragraph I, to the president of the senate, to the speaker of the house of representatives, and to the governor.

125:2 Funding the Study. The cost of this study shall not exceed \$25,000 and shall be paid from funds appropriated to the legislative budget assistant, post audit division by 1985, 406.01,01,02,03,02, consultant fees, class 90, as of the effective date of this act.

125:3 Moratorium. The general court hereby declares a moratorium on further changes in the SAU structure pending completion of the study provided for by this act or until July 1, 1987.

125:4 Effective Date. This act shall take effect upon its passage.

[Approved May 20, 1986.]

[Effective Date May 20, 1986.]

CHAPTER 126 (HB 464)

AN ACT RELATIVE TO OVERSEAS VOTERS, ARMED SERVICES VOTERS,
GENERAL ELECTION BALLOTS, AND ELIMINATING
REFERENCES TO ELECTORS ON THE BALLOT.

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

126:1 (supp) a inserting

652:13 cial, or nominati

States senator, or United States rep are eligible to vote in federal electio shall also include any presidential p

126:2 Reference to Electors Rem 1979, 436:1 by striking out said sect ing:

656:4 Name and Domicile. Every name and domicile of each candidate the election laws, except as hereinaf except party appellations. The nam shall not be printed on the ballot; candidates for president and vice-p designation for "President and Vice-tion has been made by nomination added to the name of the political pa

126:3 Instruction to Voters. Ar 436:1 by striking out said section and

656:6 Designation of Office. Im printed the instructions to voters as shall be immediately to the left of t shall list the offices, each preceded whose names are listed in the part Governor". Below each such phrase letters "Vote for any (here insert a r be voted for)".

126:4 Reference to Electors Rem 1979, 436:1 as amended by striking o the following:

656:7 Order of Offices. The order placed in the party columns shall be : United States, governor, United Sta tive councilor, state senator, repr officers.

126:5 Eliminating Reference to E by 1979, 436:1 by striking out said s lowing:

656:8 Squares. Directly at the righ a square; except that, in the case o States, one square shall suffice wh "President and Vice-President of the

126:6 Instructions; Circle. Amenc as amended by striking out said sect ing:



656:10 Circle. Above the party designation shall be printed a circle not less than 3/4 of an inch in diameter, and surrounding such circle shall be the following words printed in plain letters: "straight ticket for all candidates of this party make a cross (X) within this circle."

126:7 Special Write-In Ballots. Amend RSA 657 by inserting after section 10 the following new section:

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 the date of the primary 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 candidates' names printed on it.

126:8 Address of Absentee Voters. Amend RSA 657:15 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 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. Copies of said lists shall be open to inspection and shall be posted at the polling places on the day of election as provided in RSA 658:27.

126:9 Ballots Mailed to Armed Services Voters. Amend RSA 657:19 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

657:19 Sending Ballots. Upon receipt of a properly executed application for an official armed services absentee ballot, whether the form supplied by the secretary of state, the federal government or a written statement containing the information required by RSA 657:4, or the federal application form, a town or city clerk shall send the materials provided for in RSA 657:9 regardless of whether the applicant appears on the checklist. Whenever an armed services voter requests a state general election absentee ballot prior to October 1 to be mailed to an address outside of the United States or Canada, he shall be sent the same ballot as provided in RSA 656:34.

126:10 Instructions for Voters. Amend RSA 659:18 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

659:18 Instructions for Voters; How to Mark the Ballot.

I. In a state general election, the following instructions to voters for straight ticket voting shall be printed on the ballot: Make a cross (X) within the circle of the political party of your choice if you wish to vote for all candidates running in

that party column. If you vote a straight ticket for all candidates of a different party, your vote for any individual candidate will override your vote for any other individual candidate. If you vote for one candidate and one candidate is to be elected of your choice for that office, because of your choice for that office, because of that office.

II. In a state general election ticket voting shall be printed on the ballot, make crosses (X) in the square next to the name of the candidate whom you wish to vote.

III. In a state general election, if the names of the candidates are not printed on the ballot, the blank column at the right.

126:11 Effective Date. This act shall take effect on the date of its approval.

[Approved May 20, 1986.]

[Effective Date July 19, 1986.]

CHAI

AN ACT PROHIBITING OPERATORS FROM CROSSING OR CROSSING PRIVATE OR PUBLIC LAND TO AVOID TRAFFIC SIGNAL PENALTIES FOR OVERSIGHT

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

127:1 Crossing Public or Private Land. Amend RSA 265:11 by inserting after section 11 the following new section:

265:11-a Prohibiting Avoidance of Signal or Sign. A person who crosses a public or private property at or near a traffic control signal or sign to avoid the traffic control signal or sign, or who violates this section shall be guilty of a violation.

127:2 Overtaking and Passing. Amend RSA 265:1 by striking out the following:

I-b. A person who violates the provisions of this section shall be fined not less than \$50 and not more than \$100 for each offense, and shall be fined not less than \$50 and not more than \$100 for each offense within a 12-month period.

127:3 Effective Date. This act shall take effect on the date of its approval.

[Approved May 20, 1986.]

[Effective Date January 1, 1987.]

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SA 657 by inserting after section 10

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that party column. If you vote a straight ticket, but wish to vote for one or more
individual candidates of a different party, you may do so, and your vote for an
individual candidate will override the straight party vote for that office. How-
ever, if you vote for one candidate of a different party for an office where more
than one candidate is to be elected, be sure to vote individually for all candidates
of your choice for that office, because your straight ticket vote will not be counted
for that office.

II. In a state general election, the following instructions to voters for split
ticket voting shall be printed on the ballot: If you do not wish to vote in any party
circle, make crosses (X) in the squares opposite the names of the candidates for
whom you wish to vote.

III. In a state general election, the following instructions to voters for write-in
voting shall be printed on the ballot: If you wish to vote for candidates whose
names are not printed on the ballot, write in the names on the appropriate lines in
the blank column at the right.

126:11 Effective Date. This act shall take effect 60 days after its passage.

[Approved May 20, 1986.]
[Effective Date July 19, 1986.]

CHAPTER 127 (SB 52)

AN ACT PROHIBITING OPERATORS OF MOTOR VEHICLES FROM CUTTING ACROSS
PRIVATE OR PUBLIC LAND AT TRAFFIC CONTROL SIGNALS OR SIGNS
TO AVOID TRAFFIC SIGNALS OR SIGNS AND AMENDING THE
PENALTIES FOR OVERTAKING AND PASSING A SCHOOL BUS.

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

127:1 Crossing Public or Private Land Prohibited. Amend RSA 265 by insert-
ing after section 11 the following new section:

265:11-a Prohibiting Avoidance of Traffic Signals. At any traffic control sig-
nal or sign, it shall be unlawful for the driver of a motor vehicle to cut across
public or private property at or near the intersection which is not a roadway to
avoid the traffic control signal or sign. Any person who violates the provisions of
this section shall be guilty of a violation.

127:2 Overtaking and Passing School Bus. Amend RSA 265:54, I-b (supp) as
inserted by 1983, 355:1 by striking out said paragraph and inserting in place
thereof the following:

I-b. A person who violates the provisions of paragraph I shall be guilty of a
violation and shall be fined not less than \$100 nor more than \$250 for a first
offense, and shall be fined not less than \$200 nor more than \$500 for a subsequent
offense within a 12-month period.

127:3 Effective Date. This act shall take effect January 1, 1987.

[Approved May 20, 1986.]
[Effective Date January 1, 1987.]



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. 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.

289:50 General Voter Registration; Forms to be Forwarded. Amend RSA 654:9 to read as follows:

654:9 Forms to be Forwarded. The provisions of this section shall apply in all cities and in all towns. The town or city clerk shall present to the next meeting of the supervisors of the checklist the [triplicate] voter registration forms of all persons making application to [him] *the clerk* since the previous meeting of said supervisors.

289:51 General Voter Registration; Action by Supervisors. Amend RSA 654:13, I to read as follows:

I. If the supervisors decide to add the name of the applicant to the checklist, then they shall retain the original of the [triplicate] registration form for their own file, forward one copy to the supervisors of the checklist of the city or town of the applicant's last voting address if said address is in the state of New Hampshire, Vermont, Maine, Massachusetts, Connecticut, or Rhode Island, and send another copy to the clerk of their town or city.

289:52 Overseas Citizens Voting; 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 applicant does not qualify as an overseas voter in the city or town as provided in RSA 654:3, domiciled [~~in Canada or Mexico or in any other country~~] outside the [continental] 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.

289:53 New Section; Right to Know Exemption. Amend RSA 654 by inserting after section 31 the following new section:

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, 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. Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, 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.

289:54 Absentee Voting; Refusal to Certify, Procedure. 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 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 [is] 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.~~

289:55 Procedure for Armed Services and Federal Overseas Citizen Voting; Sending Ballots. Amend RSA 657:19 to read as follows:

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 [in Canada or Mexico or in any other country] outside of the [continental] 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.*

~~289:56 Federal Post Card Application. Amend RSA 657:19-a to read as follows:~~

~~657:19-a Federal Post Card Application. An armed services voter or federal overseas citizen voter who is domiciled [in Canada or Mexico or in any other country] outside the [continental] 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.~~

~~289:57 New Section; Voting Procedure; Hours of Polling Extended by Order. Amend RSA 659 by inserting after section 26 the following new section:~~

~~659:26-a Hours of Polling Extended by Order. In any federal election where hours of polling are extended by a federal or state court order or other order, the moderator or his or her designee shall mark all ballots cast during the extended hours of polling "EH." These extended hours ballots shall be counted in the usual manner, but shall be separated and held apart from other ballots when stored.~~

~~289:58 Election Procedure; Challenges; Affidavit. Amend RSA 659:30 to read as follows:~~

~~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.~~

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)

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 is applying for a ballot of a political party, he 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 is applying for, the clerk shall refuse to certify as provided in RSA 657:16.

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.

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 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 clerks office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the continental United States or is in Alaska, 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. Copies of said lists shall be open to inspection and shall be posted at the polling places on the day of election as provided in RSA 658:27.

657:16 Refusal to Certify; Procedure. If he refuses to certify the application, the town or city clerk shall notify the applicant in writing within 7 days to that effect. The clerk shall preserve the application until the time is 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 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.

657:17 Procedure by Voter. After marking the ballot, the voter shall enclose and seal the same in the affidavit envelope, shall execute the affidavit thereon and 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, affixing postage, or personally deliver it to the city or town clerk from whom it was sent.

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.

Procedure for Armed Services Voting

657:19 Sending Ballots. Upon receipt of a properly executed application for an official armed services absentee ballot, whether the form supplied by

the secret
required
for in RS

657:20

A voter shall seal the same in the affidavit envelope and shall execute the appropriate affidavit thereon. If an armed services voter desires to vote, he shall execute the affidavit and shall be empowered to administer oaths with the exception that, if an armed services voter with a physical disability is unable to mark his ballot as directed by the provisions of this section, he may give no information regarding the ballot. The armed services voter shall enclose the ballot in the envelope provided. He shall then endorse thereon his name and address and shall mail the envelope or personally deliver it to the town clerk from whom it was sent.

657:21 Registration of Voters. When an armed services voter, who is not registered, is applying for an armed services ballot, the clerk shall examine the affidavit envelope and deliver the affidavit envelope and checklist of the voting place indicated on the affidavit to the applicant. If the affidavit is properly executed, the applicant shall become a voter and his name shall be placed on the checklist. The clerk shall then return the affidavit envelope to the town clerk who shall see that they are properly filed. Said clerk shall attach the affidavit envelope to the ballot submitted by said voter to the town clerk until election day.

657:22 Cutoff. In any state election, no absentee ballots completed after 5:00 p.m. on the day of the election shall be received after such time shall be received for the destruction of other state election materials which time the envelopes shall be examined.

657:23 Delivery to Moderator. At the time set for processing the polls or the time set for processing the absentee ballots under RSA 659, the clerk shall deliver the absentee ballots therefor received by him to the moderator thereof; except that no absentee ballot shall be delivered to a moderator for lack of an attached affidavit.

657:24 Misusing Absentee Ballots. No absentee ballot shall be printed or distributed or otherwise used for any purpose except to vote at the polls or the time of processing absentee ballots; provided that this provision shall not apply to the printing or distributing or otherwise using of absentee ballots by law. Anyone who votes or attempts to



ertain if the person is on the
 stered as to party designation.
 to be properly registered or if
 not registered as a member of
 he is applying for a ballot of a
 ver of said party; and, in either
 led for in RSA 657:15. If the
 a member of a party different
 clerk shall refuse to certify as

Supervisors of the checklist shall
 request any information relative
 in which may be necessary to
 be sent to an absentee voter.
 shall be guilty of a violation.

Verification required by RSA
 in the application and, without
 ant the appropriate ballot and
 657:9 or designate an assistant to
 clerk may not designate as an
 nomination or office or who is
 it pursuant to the provisions of
 y officials from the city or town
 nt. If the address to which the
 tinal United States or is in
 aid clerks shall keep lists of the
 ces, of all applicants to whom
 pies of said lists shall be open to
 places on the day of election as

ie refuses to certify the applica-
 icant in writing within 7 days to
 ation until the time is set by law
 tion at which time the applica-
 prior court has jurisdiction in
 ure that the name of the person
 e placed upon the checklist or
 sent an absentee ballot.

king the ballot, the voter shall
 lope, shall execute the affidavit
 lope in the return envelope. He
 and voting place and shall mail
 eliver it to the city or town clerk

of a return envelope purporting
 he clerk of the city or town shall
 e ballot submitted by said voter.
 ned until election day.

Services Voting

a properly executed application
 t, whether the form supplied by

the secretary of state 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 657:9 regardless of whether the applicant appears on the checklist.

657:20 Procedure by Voter. After marking his ballot, an armed services
 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 an armed services voter is not registered in the town in which he
 desires to vote, he shall execute the appropriate affidavit before an official
 empowered to administer oaths who shall also certify the affidavit. Provided,
 however, that, if an armed services absentee because of blindness or other
 physical disability is unable to mark his ballot, such official 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
 armed services voter shall enclose and seal said envelope in the return enve-
 lope. 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.

657:21 Registration of Voters. Upon receipt of a return envelope contain-
 ing an armed services 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 armed services voter is
 not registered, the appropriate affidavit appearing on said envelope, if prop-
 erly 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 envel-
 ope. Said clerk shall attach the application for an armed services absentee
 ballot submitted by said voter to the 2 corresponding envelopes and retain
 them until election day.

Election Day

657:22 Cutoff. In any state election, a town or city clerk shall not accept any
 completed absentee ballots except armed service ballots delivered to him by
 any means after 5:00 p.m. on the day immediately prior to election day. Ballots
 received after such time shall be retained by him unopened until the time set
 for the destruction of other state election ballots as provided in RSA 659:100 at
 which time the envelopes shall likewise be destroyed, unopened and un-
 examined.

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.

657:24 Misusing Absentee Ballot. Whoever, prior to the closing of the
 polls or the time of processing absentee ballots on election day, shall show or
 exhibit an unsealed absentee ballot to any person or shall use an absentee
 ballot for any purpose except to vote the same shall be guilty of a misdemea-
 nor; provided that this provision shall not apply to any person engaged in
 printing or distributing or otherwise dealing with said ballots according to
 law. Anyone who votes or attempts to vote under the provisions of this chapter



CHAPTER 209 (HB 810)

AN ACT RELATIVE TO OVERSEAS VOTERS.

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

209:1 Reference to Canada and Mexico Added. Amend the introductory paragraph of RSA 654:3 to read as follows:

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 in Canada or Mexico or in any other country outside the continental 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 had his domicile immediately prior to his departure from the United States, even though he no longer maintains domicile in said town or city and even though his intent to return thereto is uncertain, provided:

209:2 Overseas Voting; Notarized Certificate Deleted. RSA 654:20 is repealed and reenacted to read as follows:

654:20 Affidavit. Any person qualified to vote as an overseas voter in a city or town as provided in RSA 654:3, because he is domiciled in Canada or Mexico or in any other country outside the continental 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:

Affidavit

I, _____, do hereby swear or affirm, under penalty of perjury, the following:

1) That I am a United States citizen;
2) That I have been domiciled in Canada or Mexico or any other country outside the continental 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;

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 continental United States is:

Street or Route Number

club or to the chief of the bureau of adequate for operating a snow traveling RV clubs or on trails designated as bureau of off highway recreational designated snow traveling vehicle trails of off highway recreational vehicles, upon request. Individuals operating be required to obtain specific land-

club or to the chief of the bureau of adequate for operating a wheeled RV clubs or on trails designated by recreational vehicles as wheeled OHRV OHRV trails shall be maintained by recreational vehicles and shall be available on wheeled OHRVs on such trails upon permission.

lands designated under subparagraph provided by the landowner. Any individual obtain written landowner permis-

not Create a Lien or Irrevocable paragraph XI the following new

by a landowner to an OHRV club, recreational vehicles, or an individual to title shall in no way be construed as an OHRV on said property.

SA:12, VIII, IX and X to read as

for sale in this state any ATV does not have a working headlight or ATV is in operation.

for sale in this state any ATV must have a working brake light on the

for sale in this state any ATV must be equipped with a location on the front of registration plates or decals,

60 days after its passage.

In addition of my name to the checklist of overseas citizen living outside the state in the next federal election held therein. Applicant _____

d. Amend RSA 654:21 to read as follows: "The ballot shall be directly forwarded to the applicant by the secretary of state."

d. Amend RSA 654:23 to read as follows:

The checklist shall be of the opinion of the secretary of state. If an overseas voter in the city or town as defined in RSA 654:23 or in Mexico or in any other country shall appear at the next session of the board of elections, at their next session for the purpose of receiving a receipt of such affidavit properly filled out, the receipt shall be attached to the checklist together with a mark or sign indicating that the person entered on the checklist for the election thereafter, such person shall be entitled to vote in the election at both federal primary and general elections. The name of the applicant to the checklist shall be written in writing within 7 days of the receipt of the checklist.

Application Added. Amend RSA 657:6

An application for an absentee ballot shall be filed with the secretary of state by the applicant and sent to the clerk of the town or city. Alternatively, a person may apply to said clerk a written statement in accordance with the appropriate paragraph of RSA 657:4.

Amend RSA 657:8 to read as follows:

In the event of an election, the secretary of state shall do whatever he deems necessary:

to provide absentee ballots as provided in RSA 657:4, or in Mexico or in any country outside the state to maintain the ballots on which shall be

to provide overseas citizens federal election absentee ballot in the town or city in which he desires to vote:

perjury that I am a duly qualified voter in the town or city of _____, and that I am unable to read because I am blind) 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) _____

(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 desires to vote shall fill out and sign the following certificate:

I do hereby certify under penalty of perjury that I am a qualified 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 _____

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

209:7 Armed Services Voting; Certification by Officer Not Required. Amend RSA 657:9, II(b) to read as follows:

(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 desires to vote shall fill out and sign the following certificate:

I do hereby certify under penalty of perjury that I am a qualified 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 _____

209:8 Reference to Federal Post Card Application Form Added. 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, 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, he shall refuse to certify as provided in RSA 657:16.

209:9 Subdivision Heading Amended. Amend the subdivision heading preceding RSA 657:19 to read as follows:

Procedure for Armed Services and Federal Overseas Citizen Voting

209:10 Reference to Overseas Citizens Federal Election Absentee Ballot Added. Amend RSA 657:19 to read as follows:

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. Whenever an armed services voter requests a state general election ballot prior to October 1 to be mailed to an address in Canada or Mexico or in any other country outside of the continental United States, he shall be sent the same ballot as provided in RSA 656:34.

209:11 Federal Post Card Applications. Amend RSA 657 by inserting after section 19 the following new section:

657:19-a Federal Post Card Application. An armed services voter or federal overseas citizen voter who is domiciled in Canada or Mexico or in any other country outside the continental 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 last domicile. The applicant may request an absentee ballot for all elections in which he is qualified to cast a ballot during the calendar year.

209:12 Reference to Overseas Citizens Federal Election Absentee Ballots Added; Notary Requirements Deleted. Amend RSA 657:20 and 21 to read as follows:

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.

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.

209:13 Repeal. RSA 654:22, relative to executing affidavits and certificates for overseas voters, is repealed.

209:14 Effective Date. This act shall take effect 60 days after its passage.

[Approved April 29, 1988.]
[Effective Date June 28, 1988.]

*Be it Enacted by the Senate and
convened:*

210:1 Support Services. Amend

318:9 Administrative, Clerical

I. The board shall employ on board in the position of executive responsible for the performance board and other duties as the board perform any discretionary or de solely responsible.

II. The board may employ such services as may in their judgment of the governor and council, and macy fund.

210:2 Disciplinary Action by Board as follows:

- (c) By revocation of license;
- (d) By imposition of a fine on licensee or the permit holder for violation
- (e) By requiring the person to be licensed in the area or areas in which

210:3 Rulemaking Authority; laws:

VII. The establishment of all including application fees for nonre

210:4 Pharmacy Board Approval

I. The sum of \$45,280 is appropriated ending June 30, 1989. This sum is to be used to the pharmacy board. The said sum out of any money in the

II. The pharmacy board shall receive from any and all revenue sources

210:5 Effective Date.

- I. Sections 1-3 of this act shall
- II. Section 4 of this act shall take

[Approved April 29, 1988.]
[Effective Date I. Section 1-3 of this act shall take effect July 4 of this act shall take effect July

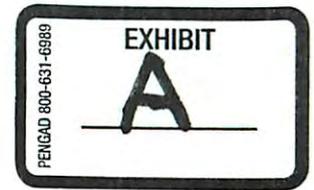
**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
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MICHAEL A. DELANEY
ATTORNEY GENERAL



ORVILLE B. "BUD" FITCH II
DEPUTY ATTORNEY GENERAL



News Release

RELEASED BY: Attorney General Michael A. Delaney

SUBJECT: Voting Rights Act – 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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