

## Summary of Election Laws Affected by 2010 Legislative Session

**Ch. 329;2010.** Procedure for towns to follow to apply for funds from the American Recovery and Reinvestment Act of 2009 or any similar act adopted by Congress in 2010 or 2011.

**RSA 33-A:3-a.** Provides for retention and disposition of election records.

**RSA 40:13, II-a(c), 40:13, II-b(c) and 40:13-c(e).** Additional notice of supplemental budget hearings not required if date, time, and place of supplemental sessions are made known at original hearing.

**RSA 40:13,XVII Use of Official Ballot.** Special meetings to consider the adoption, amendment, or repeal of a zoning ordinance, historic district ordinance, or building code pursuant to RSA 675.

**RSA 41:57-a Term of Office.** Appointed town officers term to begin upon his/her appointment and qualification for office.

**RSA 49-C:6 Municipal Elections; City Charters; Preparation of Ballots.** Provides for order of names on city ballots.

**RSA 652:13 Federal Election.** Voters domiciled outside the United States are considered “federal ballot only voters.”

**RSA 652:16-b UOCAVA Voters.** Defines a “UOCAVA voter.”

**RSA 652:16-c Absent Uniformed Services Voters.** Defines “absent uniformed services voters”

**RSA 652:16-d Accessible Voting System.** Defines “accessible voting system.”

**RSA 652:23 Chief Election Officer.** Provides for the secretary of state to be the chief election officer.

**RSA 653:9 Presidential Primary Election.** States the purpose of this section is to protect the tradition of the New Hampshire first-in-the-nation presidential primary.

**RSA 654:3 Uniformed and Overseas Citizens Voting Act (UOCAVA) Voters.** The right to vote for all UOCAVA voters.

**RSA 654:4** relative to armed services voters – REPEALED.

**RSA 654:12 Determining Qualifications of Applicant.** Provides that these affidavits are retained in accordance with RSA 33-A:3-a.

**RSA 654:13 Actions by Supervisors.** Change of voter registration to be added to statewide centralized voter registration database for use by supervisors in other New Hampshire towns.

**RSA 654:19 Submission; Effect.** Eliminates the use of an absentee ballot application to be used for both a primary and a general election.

**RSA 654:20 Federal Post Card Application Form for UOCAVA Voters.** UOCAVA voters may apply to register of vote and apply for an absentee ballot using the federal official post card form.

**RSA 654:21** relative to forwarding registration affidavit – REPEALED.

**RSA 654:23 Effect.** Procedure for supervisors if they determine the federal post card applicant does not qualify as a UOCAVA voter.

**RSA 654:25 Preparing Checklist.** Replaces “street address” with “domicile address” on the checklist and provides that the checklists used on election day by ballot clerks do not need to include mailing addresses.

**RSA 654:31, IV Checklist and Voter Information.** Replaces “street address” with “domicile address” on the checklist.

**RSA 654:31-a Right to Know Exemption.** Replaces “street address” with “domicile address” on the checklist.

**RSA 654:34, V (a) and (b) Change of Registration.** Eliminates the word “Libertarian” from change of party registration form.

**RSA 654:36 Reports of Transfer.** Reports of transfer to be added to the voter database.

**RSA 654:34-a, VII; 654:36-a, II; 654:36-a; 654:37; 654:44, I; 659:102; and 549:103; 659:33; 659:100.** Retention Information.

**RSA 657:21 Registration of Voters.** Procedure for clerks to send affidavit envelope of unregistered voters to supervisors of the checklist.

**RSA 654:39, IV Verification Every 10 Years; Reregistration.** No person needs to register in 2011 if they voted in any election within the last 4 years or if they have been added to the checklist since the 2008 general election.

**RSA 654:45, I Statewide Centralized Voter Registration Database.** Provides for information to be included in the voter database.

**RSA 654:45, VII Contact and Polling Place Information.** Requires city and town clerks to keep up to date election official contact information and polling place information.

**RSA 655:14-b, I-II Form of Candidate's Name on Ballot; Nicknames.** Provides for the way a candidate may have his or her name placed on the ballot.

**RSA 655:17-b Declaration of Intent: Presidential Candidates who File Nomination Papers.** Adds a sentence signed under penalties of perjury that the candidate is qualified to be a candidate for president of the United States.

**RSA 655:37 Vacancy for Office on Party Ticket.** Moves date for filling of vacancies after primary to 5:00 p.m. on September 17<sup>th</sup>.

**RSA 655:47, I Presidential Nominations; Declaration of Candidacy.** Adds a sentence signed under penalties of perjury that the candidate is qualified to be a candidate for president of the United States.

**RSA 655:81 Nominations for Special State Election.** Changes dates in special election process.

**RSA 656:5 Party Columns.** Outlines the way columns of candidates are to be arranged on general election ballot.

**RSA 656:5-a Order of Candidate Names on Ballots.** Outlines the way candidates names for state representative shall appear on the ballot. **See also: RSA 656:24**

**RSA 656:34 Federal Offices Only Absentee Ballot.** and

**RSA 656:35 Absentee Ballot for Uniformed Services Voters and Voters Temporarily Residing Outside the United States.** Provides for electronic transmission of absentee ballots to UOCAVA voters.

**RSA 656:42 Electronic Ballot Counting Devices; Rules.** Provides for rules governing the security of electronic ballot counting devices.

**RSA 657:2 UOCAVA Voters.** Defines who is eligible to vote as UOCAVA voter.

**RSA 657:3** relative to armed services voters eligibility—REPEALED.

**RSA 657:4 Absentee Voting Application Forms.** New absentee ballot application form.

**RSA 657:8 UOCAVA Oath.** Oath that UOCAVA voters must sign upon completing and returning an absentee ballot.

**RSA 657:9** relative to armed services voting – REPEALED.

**RSA 657:10 Forwarding Forms.** The secretary of state must provide each town and city clerk with a ballot that may be electronically sent to a qualified UOCAVA voter.

**RSA 657:10-a Write-in Absentee Ballot.** Provides for a write-in ballot for UOCAVA voters who certify the need to receive their ballots more than 45 days prior to an election.

**RSA 657:10-B Federal Write-in Absentee Ballot.** UOCAVA voters may vote using the Federal Write-in Absentee Ballot.

**RSA 657:15 Sending Absentee Ballots.** Clerks must identify who absentee ballots were sent to on the voter database.

**RSA 657:16 Refusal to Certify; Procedure.** Procedure by clerk to applicant of absentee ballot if the absentee registration form is denied.

**RSA 657:17 Procedure by Voter.** Procedure voter uses in returning registration information with the completed absentee ballot.

**RSA 657:19 Sending Ballots to UOCAVA Voters.** Procedure for sending absentee ballots to UOCAVA voters.

**RSA 657:19-a Federal Official Post Card Form and Other Requests from UOCAVA Voters.** The federal post card application may be used by UOCAVA voters for voter registration and absentee ballot request.

**RSA 657:19-b Procedure for Requesting Voter Registration Applications or Absentee Ballot Applications Electronically.** **RSA 657:19-c E-Mail Account Maintained by Clerks.** UOCAVA voters may request forms from secretary of state's website or by sending electronic request to clerk. Clerks must maintain an e-mail account which shall be publicly available to voters and clerks must keep such information in the voter database.

**RSA 657:20 Procedure by UOCAVA Voter** and **RSA 657:21 Procedure by Clerk.** Procedure on sending and receiving an absentee ballot from a UOCAVA voter.

**RSA 657:22 Cutoff.** Absentee ballots must be delivered to clerk by 5:00 p.m. on election day, except those absentee ballots used by emergency workers.

**RSA 657:23 Delivery to Moderator.** Clerk must deliver list of absentee voter applicants, as well as envelopes and applications to moderator prior to the time set for processing absentee ballots.

**RSA 657:26 Absentee Voter Website.** The secretary of state shall create a website where absentee voters can check to see if their application has been received, when the absentee ballot was mailed, and when the absentee ballot was returned to the clerk.

**RSA 659:13-a Observing Voter Check-In.** No person may stand or sit within 6 feet of the ballot clerk without express permission of the moderator.

**RSA 659:27 Challenge of Voter; Affidavit.** New affidavit that a challenged voter must sign before they are permitted to vote.

**RSA 659:27-a Asserting a Challenge:** Any person asserting a challenge must complete a signed affidavit as to the reason of the challenge.

**RSA 659:50 Announcement by Moderator.** Provides for how moderator handles challenged ballots of voters who are included in the address confidentiality program.

**RSA 659:51 Challenges.** Provides for how moderator handles challenged ballots.

**RSA 659:53 Forms Not in Order.** Provides for how moderator handles rejected ballots.

**RSA 659:54-a Immaterial Defects; Electronically Transmitted Absentee Ballots.** Provides that no electronically sent ballot may be rejected because of size, color, weight, font.

**RSA 659:61 Votes Counted After Processing of Absentee Ballots.** Provides for assistance to the moderator in completing the election return forms.

**RSA 659:73 General Content of Return.** Information that must be included on the return of votes sent to the secretary of state.

**RSA 659:75 Forwarding; Retaining Copies of Returns.** Return of votes must be submitted to secretary of state no later than 8:00 a.m. on the day following the election.

**RSA 659:77 General Neglect by Town or Ward Moderator and Clerk.** If moderator or clerk neglect to make accurate returns as required by law a violation is incurred. Provides for an election monitor to assist towns that need help in providing accurate returns.

**RSA 659:78 Late Return.** If the secretary of state has not received the election return by 8:00 a.m. on the day after a state election, the attorney general, and the moderator, selectmen and clerks are notified.

**RSA 659:79 Incorrect or Incomplete Return; Amendment.** If an incorrect or incomplete election return is made, the town clerk has 4 hrs from notification to appear and amend the return.

**RSA 659:88, I(b) Write-In Votes and Nomination.** A person whose name was not printed on the ballot receives the nomination of a party by write-in vote, that person must file a declaration of candidacy with the secretary of state no later than 3:00 p.m. on the first Friday after the election.

**RSA 659:90 Rejection of Nomination by Write-In Vote.** A person who was nominated by write-in votes has until 3:00 p.m. on the first Friday after the primary to file a declaration of candidacy, otherwise it will be considered a rejection of the nomination.

**RSA 659:91 Nominations for Incompatible Offices.** A person nominated for incompatible offices must notify the secretary of state by 3:00 p.m. on the Thursday following the primary of which office he/she wishes to accept. A vacancy created by this action may be filled no later than 5:00 p.m. on the Friday following the primary.

**RSA 659:95 Sealing and Certifying Ballots.** Ballot sealers are to be numbered so it is clear how many boxes of ballots there are for each town or ward.

**RSA 659:101 Preservation of Absentee Voting Materials, Election Day, Affidavits, and Domicile Affidavits.** Provides for retention of election affidavits.

**RSA 660:7 Application.** Recounts for the primary election shall begin 2 days after the primary. Requests are to be received by the secretary of state no later than 5:00 p.m. on the day after the primary. Fees shall be paid prior to the beginning of the recount.

**RSA 661:8, III Vacancies; State Representative.** Provides for a change of days in calculating a special election in a city on the same day at the city's regular elections.

**RSA 665:5, I Ballot Law Commission; Hearing Date.** The ballot law commission is required to meet at 9:00 a.m. on the Saturday following the primary.

**RSA 667:12 Constitutional Convention Ballots; Form and RSA 669:23 Town Elections; Official Ballot: Voting Materials.** Provides for the order of the names on the ballot.

**RSA 669:24 Paper, Uniformity, Endorsement.** Provides for electronic ballots in town elections.

**RSA 669:27, II-III.** Provides that the clerks prepare absentee ballot applications and envelopes for town and city elections.

**RSA 669:29 Application of Statutes.** Provides for absentee voting in town elections.

**Chapter 330:9 Rotation of Party Columns; 2010 General Election.** Procedure for party columns on 2012 general election ballot.

# 2010 ELECTION LAW CHANGES

Ch. 329  
(SB 128)

**American Recovery and Reinvestment Act of 2009; Local Authority; Special Meeting Appropriations and Expenditure of Funds.** Notwithstanding any other provision of law, the governing body of any town, village district, or school district, including those towns that have adopted RSA 40:13, may call a special meeting, without court approval, to consider an appropriate response to the American Recovery and Reinvestment Act of 2009 or any similar act adopted by Congress in 2010 or 2011. [See Chapter 329 (SB128) of the Laws of 2010]

Ch. 172  
(HB1574)  
amend

**RSA 33-A:3-a, XXXVI-XXXVIII relative to retention of election records.**

XXXVI. Elections-federal elections: ballots *and absentee ballot applications, affidavit envelopes, and lists: by the town clerk until the contest is settled and all appeals have expired or at least 22 months after the election, whichever is longer.*

XXXVII. Elections-not federal: ballots *and absentee ballot applications, affidavit envelopes, and lists: by the town clerk until the contest is settled and all appeals have expired or at least 60 days after the election, whichever is longer.*

XXXVIII. Elections-challenge affidavits *by the town clerk:*

(a) *Federal elections: until the contest is settled and all appeals have expired or 22 months after the election, whichever is longer.*

(b) *Non-federal elections: until the contest is settled and all appeals have expired or 60 days after the election, whichever is longer.*

**RSA 33-A:3-a CXL-CXLI Disposition and Retention Schedule.**

CXL. Voter checklist-marked copy kept by town pursuant to RSA 659:102: 7 years.

CXLI Voter Registration:

(a) *Forms, including absentee voter registration forms: until voter is removed from the checklist plus 7 years.*

(b) *Same day, returned to undeclared status, form and report from statewide centralized voter registration database: 7 years.*

(c) *Party change form: until voter is removed from checklist plus 7 years.*

(d) *Forms, rejected, including absentee voter registration forms, and denial notifications: 7 years.*

(e) *Qualified voter affidavit: until voter is removed from checklist plus 7 years.*

(f) *Domicile affidavit: until voter is removed from checklist plus 7 years.*

(g) *Overseas absentee registration affidavit: until voter is removed from checklist plus 7 years.*

(h) *Absentee ballot voter application form in the federal post card application format, for voters not previously on the checklist: until voter is removed from checklist plus 7 years.*

(i) *Absentee ballot affidavit envelope for federal post card applicants not previously on the checklist: until voter is removed from checklist plus 7 years.*

(j) *Notice of removal, 30-day notice: until voter is removed from checklist plus 7 years.*

(k) *Report of death: until voter is removed from checklist plus 7 years.*

(l) *Report of transfer: until voter is removed from checklist plus 7 years.*

(m) *Undeliverable mail or change of address notice from the United States Postal Service: until voter is removed from checklist plus 7 years.*

Ch. 172  
(HB1574)  
amend

**RSA 33-A:3-a CLV. Election return forms, all elections: permanently.**

**RSA 40:13, II-a(c)** Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a and RSA 675:3 shall be held on or before the third Tuesday in January. *One or more supplemental budget hearings may be held at any time before the first session of the annual meeting, subject to the 7-day notice requirement in RSA 32:5. If the first hearing or any supplemental hearing is recessed to a later date or time, additional notice shall not be required for a supplemental session if the date, time, and place of the supplemental session are made known at the original hearing.*

Ch. 90  
(HB1198)  
amend

**RSA 40:13, II-b(c)** Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a and RSA 675:3 shall be held on or before the third Tuesday in February. *One or more supplemental budget hearings may be held at any time before the first session of the annual meeting, subject to the 7-day notice requirement in RSA 32:5. If the first hearing or any supplemental hearing is recessed to a later date or time, additional notice shall not be required for a supplemental session if the date, time, and place of the supplemental session are made known at the original hearing.*

Ch. 90  
(HB1198)  
amend

Ch. 90  
(HB1198)  
amend

**RSA 40:13, II-c(c)** Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a and RSA 675:3 shall be held on or before the third Tuesday in March. *One or more supplemental budget hearings may be held at any time before the first session of the annual meeting, subject to the 7-day notice requirement in RSA 32:5. If the first hearing or any supplemental hearing is recessed to a later date or time, additional notice shall not be required for a supplemental session if the date, time, and place of the supplemental session are made known at the original hearing.*

Ch. 69  
(HB 1211)  
NEW

**RSA 40:13, XVII. Use of Official Ballot.** XVII. Notwithstanding any other provision of law, if the sole purpose of a special meeting is to consider the adoption, amendment, or repeal of a zoning ordinance, historic district ordinance, or building code pursuant to RSA 675, the meeting shall consist of only one session, which shall be for voting by official ballot on the proposed ordinance, code, amendment, or repeal. The warrant for the meeting shall be posted in accordance with RSA 39:5. This paragraph shall not apply to a special meeting for consideration of the adoption of an emergency temporary zoning and planning ordinance pursuant to RSA 675:4-a.

Ch. 262  
(HB 1448)amend

**RSA 40:14, VII.** Any local political subdivision which has adopted RSA 40:13 may consider rescinding its action in the manner described in paragraphs III-VI. (No changes in rest of section)

Ch. 226  
(HB1174)  
NEW

**RSA 41:57-a Term of Office.** *Except as otherwise provided, the term of office of any appointed town officer shall begin upon his or her appointment and qualification for office and shall end upon the appointment and qualification of his or her successor.*

Ch. 330  
(SB157)  
amend

**RSA 49-C:6 Municipal Elections; City Charters; Preparation of Ballots.** The city clerk shall prepare the ballots to be used at the municipal elections. Under charters providing for election by the Australian ballot system, the ballots shall be prepared in accordance with the procedure provided for in general election laws governing such system. Under charters providing for non-partisan elections, the ballot shall contain the name in alphabetical order by surname *according to the alphabetization procedure established in RSA 656:5-a*, without party designation, of all who file with the city clerk as candidates for elective office. The charter shall specify a filing period, the filing fee to be paid for each office, and, as an alternative method of becoming a candidate on the ballot, the number of qualified voters which may be subscribed to a nominating petition in such form as the charter may set out.

Ch. 317  
(HB1535)  
amend

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

Ch. 317  
(HB1535)  
NEW

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

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

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

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

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

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

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

Ch. 317  
(HB1535)  
NEW

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

**NEW SECTION; CHIEF ELECTION OFFICER**

Ch. 317  
(HB1535)  
NEW

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

Ch. 121  
(HB341)  
amend

**RSA 653:9 Presidential Primary Election.** The presidential primary election shall be held on the second Tuesday in March or on a date selected by the secretary of state which is 7 days or more immediately preceding the date on which any other state shall hold a similar election, whichever is earlier, of each year when a president of the United States is to be elected or the year previous. Said primary shall be held in connection with the regular March town meeting or election or, if held on any other day, at a special election called by the secretary of state for that purpose. *The purpose of this section is to protect the tradition of the New Hampshire first-in-the-nation presidential primary.*

Ch. 317  
(HB1535)  
REPEALED  
and  
RE-ENACTED

**RSA 654:3 Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Voters.** *I. Absent uniformed services voters. An absent uniformed services voter, being a citizen of the United States and being at least 18 years of age as provided in Article 11 of Part First of the constitution of New Hampshire, shall have the right to vote absentee in any state election in the town or city in New Hampshire in which he or she had his or her domicile immediately prior to service, even though he or she no longer maintains domicile in said town or city and even though his or her intent to return thereto is uncertain, provided:*

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

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

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

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

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

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

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

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

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

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

HB 1535

**RSA 654:4 relative to armed services voters is REPEALED.**

**RSA 654:12, I(a) Determining Qualifications of Applicant.** (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 qualified voter affidavit, or any other reasonable documentation which indicates the applicant is a United States citizen. The qualified voter affidavit shall be in the following form, *and shall be retained in accordance with RSA 33-A:3-a.*

Ch. 172  
(HB 1574)  
amend

(b) AGE. Any reasonable documentation indicating the applicant *will be* 18 years of age or older *at the next election*, or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, a qualified voter affidavit, *which shall be retained in accordance with RSA 33-A:3-a.*

(c) DOMICILE. Any reasonable documentation which indicates that the applicant has a domicile and intends to maintain a domicile, as defined in this chapter, in the town, city, or ward in which he or she desires to vote, or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, an affidavit in the following form, *which shall be retained in accordance with RSA 33-A:3-a.*

Ch. 172  
(HB 1574)  
amend

**RSA 654:12, III Determining Qualifications of Applicant.** Adds phrase in sentence: A person who does not have.....or completion of the qualified voter affidavit, *which shall be retained in accordance with RSA 33-A:3-a.*

Ch. 172  
(HB 1574)  
amend

**RSA 654:13 Actions by Supervisors.** I. If the supervisors decide to add the name of the applicant to the checklist, then they shall retain the original of the registration form for their own file, *which shall be retained in accordance with RSA 33-A:3-a,* 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 Vermont, Maine, Massachusetts, Connecticut, or Rhode Island, and send another copy to the clerk of their town or city. *Upon entry of the voter record in the statewide centralized voter registration database, the supervisors of the checklist in another New Hampshire city or town will receive notice through the statewide centralized voter registration database that the voter has moved.*

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

Ch. 317  
(HB1535)  
amend

**RSA 654:19 Submission; Effect.** The applicant shall forward the absentee registration affidavit and the applicant's voter registration form to the clerk of the town or city named for submission to the supervisors of the checklist. If the supervisors find that the affidavit and the voter registration form are properly executed, they shall follow the procedure for applications made in person as provided in RSA 654:11, 654:13, and 654:15, except that in the case of an absentee voter they shall accept an absentee registration affidavit and a registration form.

Ch. 317  
(HB1535)  
Repealed  
and Re-  
enacted

**RSA 654:20 New subheading: Federal Post Card Application Form.**

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

HB 1535

**RSA 654:21, Relative to Forwarding Registration Affidavits is REPEALED.**

Ch. 172  
(HB1574)  
amend--  
further  
amended by  
Ch 317  
(HB(1535))

**RSA 654:23 Effect.** Unless the supervisors of the checklist shall be of the opinion that the *federal post card* applicant does not qualify as a UOCAVA voter in the city or town as provided in RSA 654:3, they shall, at their next session for the correction of the checklist subsequent to their receipt of such *federal post card application* properly executed, cause his or her name to be added to the checklist, *and if the applicant is domiciled outside the United States,* a mark or sign clearly indicating that the application has been entered on the checklist for the purpose of voting in federal elections only. Thereafter, *if the person is domiciled outside the United States, he or she* shall be entitled to vote by *federal offices only* absentee ballot at both federal primary and general elections. *The supervisors shall retain the registration form in accordance with RSA 33-A:3-a and forward a copy of the form to the clerk.* If the supervisors decide not to add the name of the applicant to the checklist, they shall send notification to the applicant in writing within 7 days stating the reason for that denial. *The supervisors of the checklist shall write the word*

*“REJECTED” and the date of rejection across the registration form. They shall retain the registration form and a copy of the denial notification in accordance with RSA 33-A:3-a.*

Ch. 366  
(HB1477)  
amend

**RSA 654:25 Preparing Checklist.** The secretary of state shall issue and distribute guidelines for the composition and style of checklists and for the maintenance of data related to checklists by which the supervisors of the checklist shall compile and correct the checklist. Such guidelines shall specify the information which will be maintained and updated by the supervisors. The secretary shall establish standard forms and procedures for the use of the supervisors for the maintenance of such information. The information to be maintained and updated shall include the full name, *domicile* address, *mailing address*, and party affiliation, if any, of each voter on the checklist and such other information as the secretary requires. Every checklist used at any election shall contain the full name, *domicile* address, *mailing address*, and party affiliation, if any, of each voter on the checklist. *The paper checklists used by ballot clerks on election day need not include mailing addresses.* The name and address of a voter shall not appear on the checklist at the request of the voter if the voter presents to the supervisors of the checklist a valid protective order pursuant to RSA 173-B. The name, *domicile* address, and mailing address, if different, of such a voter shall be maintained on a separate list of voters, which shall be nonpublic and not subject to RSA 91-A. If it is necessary to establish such a nonpublic list, the public checklist shall be marked at the end with a notation of the number of voters whose names are maintained on the nonpublic list.

Ch. 180  
(HB1525)  
amend

**RSA 654:31, V Availability of Checklist and Voter Information.** V. Except for fees collected on behalf of a city or town, fees collected by the secretary of state under this section shall be deposited in the *election fund established pursuant to RSA 5:6-d.* Fees collected by a town or city or by the secretary of state on behalf of a city or town under this section shall be for the use of the town or city.

Ch. 366  
(HB1477) amend

**RSA 654:31, IV Checklist and Voter Information.** Changes the words “street address” to “*domicile* address”.....

**RSA 654:31-a Right to Know Exemption.** Changes the words “street address” to “*domicile* address”.....

Ch. 172  
(HB 1574)  
amend

**RSA 654:34, V (a) and (b) Change of Registration.** V: (a) Delete the word “Libertarian” as a political party registration change.  
V. (b).The supervisors of the checklist, upon receipt of such a card, shall keep it *in accordance with RSA 33-A:3-a and at their next session of supervisors of the checklist shall change the party of the voter as indicated on the card.*

Ch. 172  
(HB 1574)  
amend

**RSA 654:34-a, VII. Changes of Registration.**

VII. The town or city clerk shall present to the next meeting of the supervisors of the checklist, in accordance with the checklist guidelines as provided by RSA 654:25, the name of any person who made application to him *or her* for a change of party affiliation and the name of the party with which *the person* desires to be affiliated or that he *or she* desires to be affiliated with no party. The supervisors of the checklist shall cause the party affiliation of the applicant to be changed on the checklist. Any change submitted which is prohibited by the provisions of RSA 654:34, IV shall be *kept* by the supervisors *until acted upon*; and the change shall be made as soon as permitted by law. *Forms shall be retained in accordance with RSA 33-A:3-a.*

Ch. 172  
(HB 1574)  
amend

**RSA 654:36 Reports of Transfer.** If the supervisors of the checklist have received a notice of transfer from *any other state or from another board of supervisors of the checklist in the state of New Hampshire through the statewide centralized voter registration database* that a voter whose name is on the checklist has been added to the checklist of some other town or city, they shall strike that name from the checklist at the next session for the correction of the checklist. They shall retain the notice *in accordance with RSA 33-a:3-a* as proof of their reasoning in striking the name from the checklist.

Ch. 172  
(HB 1574)  
amend

**RSA 654:36-a, II Request to Correct Checklist**  
**RSA 654:36-b Reports of Change of Address**  
**RSA 654:37 Reports of Death**  
**RSA 654:44, I Removing Names from Checklist**  
**RSA 659:33 Affidavits Preserved**  
**RSA 659:100 Destruction of Ballots**  
**RSA 659:102 Preservation of Checklists**  
**RSA 659:103 Preservation of Challenge Affidavits**

These sections all specify that the appropriate forms shall be held in accordance with RSA 33-A:3-a.

Ch. 177  
(HB1476)  
amend

**RSA 654:39, IV Verification Every 10 Years; Reregistration.** IV. For the purpose of this section, a person shall be deemed reregistered and need not appear before the supervisors if:  
(a) The person voted in *any election within the 4 years* immediately preceding a 10-year verification; or  
(b) The person *has been added to the checklist since the last state general election.*

Ch. 182  
(HB1529)  
amend

**RSA 654:45, I Statewide Centralized Voter Registration Database.** I. The secretary of state is authorized to plan, develop, equip, establish, site, and maintain a statewide centralized voter registration database and communications system, hereinafter referred to as the voter database, connecting users throughout the state. The voter database shall include the *current* information on the voter registration forms, the *accepted absentee ballot applications*, the voter checklists, and *voter participation as recorded on the marked checklist* maintained by each city, ward and town in the state.

Ch. 182  
(HB1529)  
NEW

**RSA 654:45, VII Contact and Polling Place Information.** VII. *The city and town clerk shall enter, maintain, and keep up to date election official contact information and polling place information as determined by the secretary of state in the statewide centralized voter registration database for use by the secretary of state in effecting election laws.*

Ch. 330  
(SB 157)  
amend

**RSA 655:14-b, I-II Form of Candidate's Name on Ballot; Nicknames.** I. Every candidate for state or federal office who intends to have his or her name printed upon the ballot of any party for a primary shall designate in the declaration of candidacy, or on the primary petitions and assents to candidacy, the form in which the candidate's name shall be printed on the ballot. *The designated name may include the candidate's given name or a shortened form of the candidate's given name or a one-word nickname customarily related to the candidate, and by which the candidate is commonly recognized. The designated name may also include an initial for the first or middle name, or both.* No candidate may designate a nickname that implies that the candidate is some other person, that constitutes a slogan or otherwise associates the candidate with a cause or issue, that has an offensive or profane meaning, *or that creates a perception of a professional or vocational affiliation, such as "Doc" or "Coach."* A candidate shall include his or her surname in the designation of the form in which the candidate's name shall be printed on the ballot.

II. Every candidate for state or federal office who intends to have his or her name placed on the ballot for the state general election by means other than nomination by party primary shall designate in the declaration of intent the form in which the candidate's name shall be printed on the ballot. *The designated name may include the candidate's given name or a shortened form of the candidate's given name or a one-word nickname customarily related to the candidate, and by which the candidate is commonly recognized. The designated name may also include an initial for the first or middle name, or both.* No candidate may designate a nickname that implies that the candidate is some other person, that constitutes a slogan or otherwise associates the candidate with a cause or issue, that has an offensive or profane meaning, *or that creates a perception of a professional or vocational affiliation, such as "Doc" or "Coach."* A candidate shall include his or her surname in the designation of the form in which the candidate's name shall be printed on the ballot.

Ch. 19  
(HB1150)  
amend-Sec. I

**RSA 655:17-b Declaration of Intent; Presidential Candidates Who File Nomination Papers.** I. Declarations of intent for each candidate for president who seeks nomination by nomination papers shall be in the form provided in paragraph II. Declarations of intent required by this section shall be filed with the secretary of state, signed by the candidate, and notarized by a notary public.

II. I, \_\_\_\_\_, *swear under penalties of perjury that I am qualified to be a candidate for president of the United States pursuant to article II, section 1, clause 4 of the United States Constitution, which states, "No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States."* I further declare that I am domiciled in the city (or town or unincorporated place) of \_\_\_\_\_, county of \_\_\_\_\_, state of \_\_\_\_\_, and am a qualified voter therein; that I intend to be a candidate for the office of president to be chosen at the general election to be held on the \_\_\_\_\_ day of \_\_\_\_\_; and I intend to file nomination papers by the deadline established under RSA 655:43. I further declare that, if qualified as a candidate for said office, I shall not withdraw; and that, if elected, I shall be qualified for and shall assume the duties of said office.

Ch. 50  
(HB1245)  
amend-sec II

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

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(HB1535)  
Amend

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

Ch. 50  
(HB1245)  
amend

**RSA 655:47, I Presidential Nominations; Declaration of Candidacy.** The names of any persons to be voted upon as candidates for president at the presidential primary shall be printed on the ballots upon the filing of declarations of candidacy with the secretary of state in the following form and signed by the candidate: “I, \_\_\_\_, swear under penalties of perjury that I am qualified to be a candidate for president of the United States pursuant to article II, section 1, clause 4 of the United States Constitution, which states, “No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.” I further declare that I am domiciled in \_\_\_\_, in the city (or town or unincorporated place) of \_\_\_\_, county of \_\_\_\_, state of \_\_\_\_, that I am a registered member of the \_\_\_\_ party; that I am a candidate for the nomination for the office of president to be made at the primary election to be held on the \_\_\_\_ day of \_\_\_\_; and I hereby request that my name be printed on the official primary ballot of said \_\_\_\_ party as a candidate for such nomination.

Ch. 19  
(HB1150)  
amend

**RSA 655:53 By Nomination Papers.** Candidates for president may be nominated by nomination papers as provided in RSA 655:40 through 655:45.

**RSA 655:81 Nominations for Special State Elections.**

I. The special election shall be held on a Tuesday no less than 131 nor more than 145 days following the day that the governor and council declare that there shall be a special election; provided, however, that if one or more municipalities where a special election for state representative will be held have a regularly-scheduled election occurring between 131 and 180 days following the day that the governor and council declare that there shall be a special election, the governor and council shall set the date of the election to coincide with the regularly-scheduled election if a majority of the towns or wards, as represented by the city, jointly request that day; if towns or wards, as represented by the city, request that the special election coincide with regularly-scheduled elections occurring on different dates, the election shall be held on a Tuesday not less than 131 nor more than 145 days following the day that the governor and council declare that there shall be a special election; and

II. *The filing period shall start on the Monday following the date on which the governor and council declare that there shall be a special election and shall end at 5:00 p.m. on the Friday of that week;* and

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

IV. The primary shall be held 63 days prior to the special election; and

V. Supplementary primary petitions may be filed as needed *no later than 5:00 p.m. on the last day of the filing period;* and

VI. The deadline for filing nomination papers shall be *no later than 5:00 p.m. on the day set for the primary;* and

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

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

IX. The names of all candidates for a party nomination at a special election primary shall be printed in alphabetical order on the ballot *according to the alphabetization procedure established in RSA 656:5-a;* and

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

XI. The deadline for any candidate to request a recount pursuant to RSA 660:7 shall be *5:00 p.m. on the day after the election.*

Ch. 330 (SB157)  
amend

Ch. 317  
(HB1535) amend

Ch. 317  
(HB1535)  
amend

**RSA 655:82 Uncontested Primary.** In the event that no party has more than one candidate file, the primary election shall not be conducted.

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(SB157)  
amend  
EFF:  
1/1/11

**RSA 656:5 Party Columns.** *I. The names of all candidates nominated in accordance with the election laws shall be arranged upon the state general election ballot in successive party columns. Each separate column shall contain the names of the candidates of one party; except that, if only a part of a full list of candidates is nominated by a political party, 2 or more such lists may be arranged whenever practicable in the same column. The party columns that list the names of candidates for offices that elected more than one person shall stagger the names of the candidates so that they do not line up evenly in a horizontal direction. The left-most column shall begin one line below the column to its right. The secretary of state shall determine the vertical location of any additional columns that may appear on the ballot.*

*II. The position of party columns shall be rotated on the ballots used so that each party column shall appear thereon, to the extent practicable, an approximately equal number of times in the first, last, and each intermediate column position across the state, without requiring more than one unique column order or ballot format for each town, ward, or unincorporated place. Starting with the general election for 2012 and following each new apportionment of representative districts, but before the close of the period during which a person may accept the nomination of a party committee pursuant to RSA 655:32, the secretary of state shall develop as many generic column rotation plans for use in general elections as he or she might reasonable expect to be needed for different possible numbers of party columns on the general election ballot. If the number of party columns expected on the general election ballot changes such that one or more additional generic column rotation plans are needed, the secretary of state shall, from time to time, prepare such additional plans as are needed for any general election.*

*III. The generic column rotation plans shall be based on a reasonable balanced rotation of party columns within and across all non-floterial state representative districts, those being the smallest representative districts to which each voting place is apportioned pursuant to part I, article 11 of the New Hampshire constitution. Consideration shall also be given to reasonably minimize any obvious, substantial, and avoidable imbalances in column rotation within senate districts. The average deviation from equal rotation for the first party column position, measured across the state as a whole and based on population according to the last decennial federal census, shall be as close to 0 percent as is practicable but in no event greater than 1 percent. Once generic column rotation plans are established the secretary of state shall publish such plans to the department's website.*

*IV. Immediately following the close of the period during which a person may accept the nomination of a party committee pursuant to RSA 655:32, the secretary of state or designee shall publicly select by lot the actual party columns to be positioned according to the generic column rotation plan established pursuant to paragraphs II and III. No party shall be assigned the same generic party column designation for 2 consecutive general elections.*

**RSA 656:5-a Preparation of State General Election Voting Materials; Order of Candidate Names on Ballots.**

**RSA 656:5-a. Order of Candidate Names on Ballots.** *I. Whenever there are 2 or more candidates for the same office whose names will appear together within the same column or list on a ballot, the position of such names shall be determined according to this section.*

*II. Immediately following the close of the period during which a person may accept the nomination of a party committee pursuant to RSA 655:32, the secretary of state or designee shall conduct a public random selection of a whole number from one to the total number of candidates for each possible list length where a group of candidates for the same office may appear in the same list in state or local elections during the next 2 years. For example, for a possible list of 3 candidates, the number one, 2, or 3 shall be randomly selected. The seed number for each possible list length shall remain in effect for the 2 years until the next random selection of seed numbers.*

*III. To determine the order of names on each ballot, the candidates for each office in the same list shall be temporarily listed alphabetically by surnames and the positions in such list shall be temporarily numbered in ascending order. The candidate whose position in the initial temporary list equals the seed number selected under paragraph II for the appropriate list length shall appear first on the ballot. The order of candidates after the candidate in the first position shall follow alphabetically by surname with "a" following "z".*

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(SB 157)  
NEW

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

Ch. 317  
(HB1535)  
amend

Ch. 317  
(HB1535)  
amend

**RSA 656:17 Endorsement.** *On each state general election ballot shall be printed the words “Official ballot for” followed by the name of the town for which the ballot is prepared, the date of the state general election and a facsimile of the signature of the secretary of state.*

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(SB157)  
amend

**RSA 656:24 Primary Election Voting Materials; Order of Names.** *With the exception of the office of state representative, whenever there are 2 or more candidates for nomination to the same office, the names of such candidates shall be alternated on the state primary election ballots used so that each name shall appear thereon as nearly as may be an equal number of times at the top, at the bottom, and in each intermediate place, if any, of the list in which it belongs. Names of candidates for nomination to the office of state representative shall be arranged in the alphabetical order of their surnames according to the alphabetization procedure established in RSA 656:5-a.*

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(HB1535)  
Amend

**RSA 656:34 Federal Offices Only Absentee Ballot.** *Prior to any federal election, the secretary of state shall prepare, in such quantity as the secretary of state may deem necessary, federal offices only absentee ballots in paper and electronic form, similar in form to the official ballot to be used at said election. Said ballots shall have the words “federal offices only absentee ballot” on them and shall be endorsed and the paper version shall be printed on paper of the same color as that used for official ballots. Such ballots shall provide for voting absentee only for candidates seeking election to federal offices and for no other candidates.*

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Amend

**RSA 656:35 Absentee Ballot for Uniformed Services Voters and Voters Temporarily Residing Outside the United States.** *Absent uniformed services voters and voters temporarily residing outside the United States shall be provided with the absentee ballot prepared under RSA 656:33, provided that the secretary of state shall prepare an electronic version of such ballot for use by any absent uniformed services voter or voter temporarily residing outside the United States who requests that his or her absentee ballot be transmitted to the voter electronically pursuant to RSA 657:19.*

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(HB1535)  
Amend

**RSA 656:36 Questions on the Ballot.** *Whenever a question to voters is printed on an official state election ballot, the secretary of state shall ensure that said question is also on all applicable absentee ballots.*

**RSA 656:37 Constitutional Amendments.** *Whenever a question to voters related to a proposed constitutional amendment is placed on a separate ballot as provided in RSA 663:3, the question shall also be placed on a separate absentee ballot to be included with each absentee ballot other than federal offices only absentee ballots.*

**RSA 656:42 Electronic Ballot Counting Devices; Rules.**

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

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

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

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

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

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

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

*(C) Electronic ballot counting device housing:*

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

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

*(iii) The 3 communication ports in the rear of the counting device.*

*(2) The town or city clerk shall update an activity log supplied by the secretary of state to keep a record each time a counting device seal is broken and a new one installed, and the reason for which the seal was broken.*

*(3) No person shall break a counting device seal without the presence of 2 witnesses. Upon breaking such seal, the person responsible shall update the activity log, obtain the signatures of each witness, record the*

reason for breaking such seal, ensure that it is resealed with a new seal immediately, and properly record the new seal number in the activity log.

(4) Before the moderator places into service a counting device on election day, the moderator shall verify all counting device seals have been maintained intact, and any seals which have been broken have been promptly re-sealed and the activity log properly recorded and signed.

(5) If, on election day, the moderator notices that any seal on the counting device appears tampered with or broken without an adequate record in the activity log, the moderator shall refrain from using the counting device in that election, and shall report the apparent tampering to the attorney general, the secretary of state, the town or city clerk, and the selectmen.

(6) The counting device and the activity log shall be subject to review by the attorney general or secretary of state at any time.

(7) Whenever the town or city clerk receives a memory card from the vendor, the clerk shall break the memory card seal, insert the memory card in the electronic ballot counting device, and apply a new seal. The clerk shall lock any memory card not inserted into an electronic ballot counting device in a safe and record the names of individuals that have access to such safe on the activity log.

(8) Whenever the town or city clerk removes the memory card from the electronic ballot counting device, the clerk shall immediately return it to the memory card programmer and reseal the metal bar in front of the empty memory card slot.

(e)(1) The town or city clerk shall give public notice of the date and time of a pre-election test of the electronic ballot counting device and ballots.

(2) Upon receipt of the official ballots from the secretary of state, the town or city clerk shall remove the number of ballots needed to test the electronic ballot counting device from among the official ballots and keep them separate and secure from the remaining official ballots thereafter.

(3) The town or city clerk shall mark any ballots used for testing with the words "TEST."

(4) The town or city clerk shall mark the test ballots in such a way as to demonstrate a vote for each candidate on at least one test ballot, as well as votes for less than and more than the number of candidates that may be voted for an office, write-ins, multiple votes for a candidate who appears in more than one party column for the same office on a general election ballot, and ballots on which there are no votes. The clerk shall mark as many as possible of the combinations of choices that a voter may indicate on the ballot.

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

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

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

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

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

(A) The test ballots.

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

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

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

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

**RSA 657:2 UOCAVA Voters.** Any person who is eligible to vote as a UOCAVA voter in any city or town may vote absentee as follows:

I. A person qualified as an absent uniformed services voter as provided in RSA 654:3 may vote absentee at any state election in the New Hampshire city or town which was last his or her last home as provided in this chapter.

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

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NEW

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(HB1535)  
Amend

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

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**RSA 657:3 Relative to Armed Services Voters Eligibility is REPEALED**

**RSA 657:4 Absentee Voting Application Forms.**

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

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Repealed and  
Re-enacted

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

I hereby declare that (check one):

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

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

- I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled.
- I am requesting a ballot for the presidential primary election and I may be absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request 14 days after the filing period for candidates has closed, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.
- I cannot appear in public on election day because of observance of a religious commitment.
- I am unable to vote in person due to a disability.
- I cannot appear at any time during polling hours at my polling place because an employment obligation requires me to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close.

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

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

- Presidential Primary to be held on \_\_\_\_\_ (MM/DD/YYYY)  
(The date may appear as blank when the date is not known.)
- State Primary to be held on \_\_\_\_\_ (MM/DD/YYYY)
- General Election

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

- Republican Party
- Democratic Party

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

Please print: Applicant's Name: \_\_\_\_\_  
(Last)(First)(Middle)(Sr., Jr., II, III)

Applicant's Voting Domicile (home address): \_\_\_\_\_  
(Street Number)(Street Name)(Apt/Unit)(City/Town)(Ward)(Zip Code)

Mail the ballot to me at the address (if different than the home address): \_\_\_\_\_  
(Street Number)(Street Name)(Apt/Unit)(City/Town)(Ward)(Zip Code)

Applicant's signature: \_\_\_\_\_

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

Date Signed: \_\_\_\_\_ (MM/DD/YYYY)

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

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

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(HB1535)  
amend

**RSA 657:6 Procedure by Applicant.** An application form for an absentee ballot shall be mailed or delivered to any person who applies therefor to the secretary of state or to any town or city clerk. It shall be filled out by the applicant and sent to the clerk of the town or city in which he or she desires to vote. Alternatively, a person may apply for an official absentee ballot by sending to said clerk a written statement containing the information required by RSA 657:4, 1 or by the federal *official* post card form.

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

*UOCAVA Voters*

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

*Standard Oath*

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

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

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

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

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

*Signed: \_\_\_\_\_ Date: \_\_\_\_\_ Month/Day/Year*

Ch. 317  
HB 1535  
Repealed  
and re-  
enacted

HB1535

**RSA 657:9 Relative to Armed Services Voting is Repealed.**

Ch. 317  
(HB1535)  
amend

**RSA 657:10 Forwarding Forms.** The secretary of state shall retain for his or her own use so many of the absentee ballots and forms provided for in RSA 657:7 through 657:8 as he or she may deem necessary and shall supply each town and city clerk in the state with as many of them as he or she may deem sufficient. The same shall be *provided electronically* and in sealed packages which shall be marked on the outside clearly designating the type and number of ballots enclosed. The secretary of state shall keep a record of the *date* when the manner in which the absentee ballots were sent to said clerks and of the number of ballots so forwarded. Additional absentee ballots of any type may be obtained as required from the secretary of state upon written application by a town or city clerk.

Ch. 317  
(HB 1535)  
repealed and  
re-enacted

**RSA 657:10-a Write-In Absentee Ballot.** A person entitled to vote by absentee ballot who is an absent uniformed services voter, an absent voter temporarily residing outside the United States, or a voter domiciled outside the United States who is qualified to vote for federal offices only, who certifies that he or she will be unable to receive, mark, and return an absentee ballot sent no later than 45 days before an election by election day may apply for a write-in absentee ballot. The secretary of state shall prepare write-in absentee ballots of all types necessary for each election and make them available to town and city clerks. Clerks shall send a write-in absentee ballot to any qualified UOCAVA voter requesting such ballot without delay for any request received up to 45 days before an election. The ballot and associated forms and instructions shall be sent by mail or electronically as requested by the voter. In completing the ballot, the voter may designate a candidate by writing in the name of the candidate or by writing in the name of a political party next to the title of the office, in which case the ballot shall be counted for that office for the candidate of the political party.

**RSA 657:10-b Federal Write-In Absentee Ballot.** Absent uniformed services voters, absent voters temporarily residing outside the United States, and federal ballot only voters domiciled outside the United States may use the federal write-in absentee ballot in general, special, and primary elections to vote for

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(HB1535)  
NEW

*federal offices only. As required by federal law, a federal write-in absentee ballot shall not be counted if it is submitted from any location in the United States by an absent voter temporarily residing outside the United States or a federal ballot only voter domiciled outside the United States. The federal write-in absentee ballot shall not be counted if a state absentee ballot is received from the voter. In completing the ballot, the voter may designate a candidate by writing in the name of the candidate or by writing in the name of a political party next to the title of the office, in which case the ballot shall be counted for that office for the candidate of the political party.*

Ch. 317  
(HB 1535)  
amend

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

Ch. 182  
(HB 1529)  
amend-  
further  
amended  
by  
Ch. 317  
(HB1535)

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

Ch. 317  
(HB1535)  
Amend

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

Ch. 182  
(HB 1529)  
amend-  
further  
amended  
by  
Ch. 317  
(HB1535)

**RSA 657:15 Sending Absentee Ballots.** When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver, *email*, or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:8 or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official *absentee* ballots have been sent, and shall identify those official *absentee* ballots which have been returned to the clerk *and shall record the absentee voter application information in the statewide centralized voter registration database*. Candidates whose names appear on the ballot and persons bearing notarized requests or copies of notarized requests from candidates whose names appear on the ballot may obtain *a list of absentee voter applicants, excluding voters who have presented to the supervisors of the checklist valid protective orders pursuant to RSA 173-B*; the lists shall not be available for public inspection at any time without a court order.

Ch. 172  
(HB1574)  
amend-  
further  
amended  
by  
Ch.317  
(HB1535)

**RSA 657:16 Refusal to Certify; Procedure.** If he or she refuses to certify the application, the town or city clerk shall notify the applicant in writing within 7 days to that effect. The town or city clerk shall provide the applicant with an absentee ballot and a notice that the ballot will not be counted unless the applicant submits the documents necessary to complete an absentee registration. The applicant shall be advised in writing what documents, if any, have been received in proper form and which the applicant must submit in the *outer* envelope that contains the absentee ballot envelope. The town or city clerk shall mark the *absentee ballot application and the absentee ballot affidavit* with the words "Not Registered." If the applicant returns the required documents in proper form with the absentee ballot and if the applicant is found to be qualified, *the town or city clerk shall forward the registration forms to the supervisors of the checklist and the applicant* shall be registered and his or her absentee ballot shall be processed in the same manner as the absentee ballot of a previously registered voter. If the ballot is returned without the required documents in proper form, the ballot shall be marked in the manner set forth by law for successfully

challenged *absentee* ballots and preserved in accordance with RSA 33-A:3-a. The clerk shall preserve the application of any applicant who is not registered as a voter until the time set by law for the destruction of the ballots after the election at which time the application shall be destroyed. Any justice of the superior court has jurisdiction in equity upon such notice as he or she may order to require that the name of the person making application for an absentee ballot be placed upon the checklist or registered as a member of any party and be sent an absentee ballot.

Ch. 317  
HB 1535  
amend

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

Ch. 182 (HB  
1529) amend-  
further  
amended by  
Ch. 317  
(HB1535)

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

**NEW SUB-HEADING**

**RSA 657:19 Procedure for Uniformed Services, Temporarily Residing Outside the United States, and Federal Ballot Only Voting.**

**RSA 659:19 Sending Ballots to UOCAVA Voters.** I. (a) Upon receipt of a properly executed application for an absentee ballot from a UOCAVA voter as defined in RSA 652:16-b, whether the form supplied by the secretary of state, the federal official post card form, or a written statement containing the information required by RSA 657:4 I, a town or city clerk shall retain the application and, without delay and except as provided in subparagraph (b), enter the application in the statewide centralized registration database.

(b) On the last business day no earlier than 45 days before a regularly scheduled general election, each city and town clerk shall deliver absentee ballot information to the secretary of state, on forms and methods prescribed by the secretary of state, for each UOCAVA voter as defined in RSA 652:16-b who, between the required meeting of the supervisors of the checklist pursuant to RSA 654:27 for the regularly scheduled primary election and the last business day prior to 45 days before the regularly scheduled general election, has requested an absentee ballot for the next regularly scheduled general election, unless that UOCAVA voter and his or her absentee ballot request has been entered into the statewide voter registration database.

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

III. If a request for an absentee ballot for a primary election, other than a presidential primary, or a special election is received from a UOCAVA voter 45 or more days before a primary election, the clerk shall send the ballot and instructions to the applicant no later than the day 45 days prior to the primary election using either mail or electronic transmission, as requested by the voter. (eff. 9/15/10)

IV. If a request for an absentee ballot for a primary election, other than a presidential primary, or a special election is received from a UOCAVA voter less than 45 days before a primary election, the clerk shall send the ballot and instructions without delay using either mail or electronic transmission, as requested by the voter. (eff. 9/15/10)

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

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

Ch. 317  
(HB1535)  
Repealed  
and  
Re-enacted

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

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

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

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

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

Ch. 317  
(HB1535)  
Repealed  
and  
Re-enacted

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

Ch. 317  
(HB1535)  
NEW

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

**RSA 657:20 Procedure by UOCAVA Voter.** UOCAVA voters shall follow the procedure set forth in RSA 657:17.

Ch. 317  
(HB 1535)  
repealed  
and re-  
enacted

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

Ch. 182  
(HB1529)  
amend

**RSA 657:22 Cutoff.** In any state election, a town or city clerk shall not accept any completed absentee ballots delivered to the clerk after 5:00 p.m. on election day *except as provided in RSA 657:21-a, V.* Ballots received after such time shall be retained by the clerk 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 unexamined.

Ch. 182 (HB  
1529) amend-  
further  
amended by  
Ch. 317  
(HB1535)

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

NEW SECTION: Absentee Voter Website

**RSA 657:26 Absentee Voter Website.** The secretary of state shall make available by July 31, 2010 a public website by which an absentee voter, in the 2010 general election and every subsequent state election, may

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(HB1529)  
NEW

determine whether the voter's absentee ballot request has been received by the clerk, whether the absentee ballot has been sent pursuant to such request, and whether the envelope purporting to contain the absentee ballot has been received by the clerk. The town and city clerk shall, without delay, enter into the statewide centralized voter registration database the dates that all valid requests for absentee ballots are received, the dates all absentee ballots are sent, and the date all envelopes purporting to contain absentee ballots are received. The secretary of state shall allow free and secure access to any voter who enters on the website his or her full first name, full last name, the town where the voter has requested an absentee ballot, and the voter's date of birth as they appear in the statewide centralized voter registration database. The city and town clerk shall provide instructions to absentee voter applicants describing how to access this website.

Ch. 182  
(HB1529)  
amend

**RSA 658:33 Delivery of Ballots to Additional Polling Place.** Before the polls are opened at the central polling place on the day of an election, the town clerk shall seal up the 2 duplicate copies of the checklist for each additional polling place lodged with the clerk by the supervisors with a number of blank ballots equal to the number of voters on such checklist and 50 additional ballots. If the moderator has authorized the counting of votes and thereby authorized the processing of absentee ballots at the additional polling place, the absentee ballots of those persons qualified to vote in that additional polling place shall be sealed up along with a list of those persons qualified to vote at that additional polling place to whom absentee ballots have been sent pursuant to RSA 657:15. This package shall be prepared and sealed in the presence of the moderator and selectmen and shall be delivered immediately to the assistant moderator of the additional polling place by 2 election officers designated by the moderator.

Chapter 103(HB  
1528) NEW

**RSA 659:13-a Observing Voter Check-In.** No person not authorized by law may stand or sit within 6 feet of the ballot clerk for purposes of observing the check-in of voters without the express permission of the moderator.

Ch. 366  
(HB1477)  
Repealed  
and  
Reenacted

**RSA 659:27 Challenge of Voter; Affidavit. I.** A voter offering to vote at any state election may be challenged by any other voter registered in the town or ward in which the election is held, an election official, a challenger appointed by a political committee pursuant to RSA 666:4, or a challenger appointed by the attorney general pursuant to RSA 666:5.

II. Upon receipt of a written challenge, the moderator shall determine if the challenge to the ballot is well grounded. If the moderator determines that the challenge is well grounded, the moderator shall not receive the vote of the person so challenged until the person signs and gives to the moderator an affidavit in the following form: I, \_\_\_\_\_, do solemnly swear (or affirm) under penalties of voter fraud, 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. If the moderator determines that the challenge is not well grounded, the moderator shall permit the voter to proceed to vote.

III. No voter or appointed challenger shall challenge a person's qualifications to be a voter at the election day registration table.

Ch. 366  
(HB1477)  
NEW

**RSA 659:27-a Asserting a Challenge. I.** No challenge may be asserted except in the form of a signed affidavit, under oath administered by an election official, in the following form:

**INFORMATION ON THE PERSON MAKING THE CHALLENGE**

Name of Person Making the Challenge: \_\_\_\_\_(Last Name First Name Middle Name/Initial)  
Party Affiliation: \_\_\_\_\_

If person making a challenge is a voter: \_\_\_\_\_ Physical Address – Street Name & Number

If person is a political party or attorney general appointee: \_\_\_\_\_ mailing address & phone number

The challenger's qualifications to assert the challenge

**INFORMATION ON THE VOTER BEING CHALLENGED:** The person making the challenge shall complete the following:

Name being used by the voter who you wish to challenge: \_\_\_\_\_ Last Name First Name Middle Name

**GROUNDS FOR THE CHALLENGE:** The person making the challenge shall indicate the ground on which the challenge is made (check all grounds that apply).

\_\_\_ The person seeking to vote is not the individual whose name he or she has given.

\_\_\_ The person seeking to vote has already voted in the election at (name polling place) \_\_\_\_\_ at approximately (state time if known) \_\_\_\_\_.

\_\_\_ The person seeking to vote is disqualified as a voter by conviction of a willful violation of the election laws (state offense, court, and date of conviction) \_\_\_\_\_.

\_\_\_ The person seeking to vote is under 18 years of age.

\_\_\_ The person seeking to vote is not a United States Citizen.

\_\_\_ The person seeking to vote is not domiciled in the town or ward where he or she is seeking to vote (state person's true domicile – town/city) \_\_\_\_\_.

\_\_\_ The person seeking to vote does not reside at the address listed for that person on the checklist.  
\_\_\_ The person seeking to vote is an incarcerated convicted felon who is currently sentenced to incarceration (state name of institution person is in) \_\_\_\_\_.  
\_\_\_ This is a primary and the person seeking to vote in the (state political party name) \_\_\_\_\_ primary is not a declared member of the party he or she claims to be affiliated with.  
\_\_\_ The person seeking to vote is ineligible to vote pursuant to the following state or federal statute or constitutional provision: \_\_\_\_\_.

**BASIS FOR THE CHALLENGE:** The person making the challenge shall state the specific source of the information or personal knowledge upon which the challenge of the particular individual is based:

\_\_\_\_\_

**OATH:** The person making the challenge shall complete the following: I hereby swear and affirm, under the penalties of perjury, that to the best of my knowledge and belief the information above is true and correct. \_\_\_\_\_ (Signature of challenger)

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.

\_\_\_\_\_ Notary Public/Justice of the Peace/Official Authorized by RSA 659:30

**TO BE COMPLETED BY THE MODERATOR:** Ruling on the challenge: If the ground at issue is age, citizenship, or domicile: The supervisors of the checklist have ruled that the challenged voter is: qualified as a voter; not qualified as a voter.

The moderator rules on challenges based on other grounds. The moderator rules that the challenge is: well ground; not well grounded. If it is ruled that the voter is not qualified or that the challenge is well grounded, the challenged person may vote only if he or she completes and swears to a challenged voter affidavit.

II. A challenge may be asserted only upon personal knowledge or other basis of probable cause that the challenged voter is ineligible to vote. No challenge may be accepted unless one of the following grounds is asserted and specific facts are offered in support of such grounds:

- (a) The person seeking to vote is not the individual whose name he or she has given.
- (b) The person seeking to vote has already voted in the election at the time and place specified in the challenge.
- (c) The person seeking to vote is disqualified as a voter by conviction of a willful violation of the election laws, such conviction having been for the offense specified in the challenge.
- (d) The person seeking to vote is under 18 years of age.
- (e) The person seeking to vote is not a United States citizen.
- (f) The person seeking to vote is not domiciled in the town or ward where he or she is seeking to vote because the person's true domicile is in the town or city specified in the challenge.
- (g) The person seeking to vote does not reside at the address listed for that person on the checklist.
- (h) The person seeking to vote is an incarcerated convicted felon who is currently sentenced to incarceration in the institution specified in the challenge.
- (i) The person is attempting to vote in a primary and the person is not a declared member of the party with which he or she claims to be affiliated.
- (j) The person is ineligible to vote pursuant to some other state or federal statute or constitutional provision specified in the challenge.

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

Ch. 317  
(HB1535)  
Amend

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

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(HB1535)  
Amend

- I. The name of the voter is on the checklist; and
- II. The affidavit appears to be properly executed; and

III. The signature on the affidavit appears to be executed by the same person who signed the application; and

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

**RSA 659:51 Challenges.** *I. All absentee ballots are subject to challenge after the moderator publicly announces the name of the absentee voter, except for voters provided for in RSA 7:46, but not after the ballot is removed from the envelope. No challenge to an absentee ballot may be asserted except in conformity with the requirements of RSA 659:27-a.*

*II. If the ballot is challenged, the moderator shall write on the envelope containing the ballot the word “challenged” and the name and address of the person who makes the challenge and the basis of the challenge. The moderator shall also number each challenged envelope consecutively by marking, for example, the first challenged ballot “Challenged Ballot No. 1.”*

*III. The moderator shall then determine if the challenge to the ballot is well grounded. If the moderator decides the challenge is well grounded, the moderator shall not open the envelope but shall preserve it with the other ballots cast at the election as provided in RSA 659:101 and shall record next to the name of the absentee voter on the clerk’s list of absentee voters prepared pursuant to RSA 657:15 the word “challenged” and the reason for the challenge. The clerk shall record this information in the statewide centralized voter registration database. If the moderator decides that the challenge is not well grounded, he or she shall open the envelope so the affidavit is not destroyed and proceed first to mark on the reverse of the folded ballot the corresponding challenge number as previously marked on the envelope. The moderator shall then proceed to deposit the ballot as provided in RSA 659:52.*

Ch. 182 (HB 1529) amend-further amended by Ch. 317 76 (HB1535) amend further amended by Ch. 366:8 (HB1477)

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

Ch. 182 (HB 1529) amend-further amended by Ch. 317 (HB1535)

**RSA 659:53 Forms Not in Order.** If the moderator finds that the absentee voter is not entitled to vote, *the moderator shall not open the envelope and shall mark across the face of the envelope the reason the ballot is rejected, such as “rejected as not a voter,” “voted in person,” “affidavit improperly executed,” “not signed by proper person,” or whatever the reason is and shall record next to the name of the absentee voter on the clerk’s list of absentee voter applicants prepared pursuant to RSA 657:15 the word “rejected” and the reason for the rejection. The clerk shall record this information in the statewide centralized voter registration database.* The moderator shall save all the unopened envelopes and shall preserve the envelopes with the ballots cast at the election as provided in RSA 659:101.

Ch. 182 (HB1529) amend

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

Ch. 317 (HB1535) New

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

Ch. 317 (HB1535) Amend

**RSA 659:73 General Content of Return.** *I. The election return forms shall be submitted on paper and electronically immediately after the completion of the vote count in the manner prescribed by the secretary of state. The return of votes shall include, but not be limited to:*

*(a) The name of each candidate printed on the ballot and the number of votes that candidate received for the listed office including any write-in votes for the same office on the same ballot where the voter did not mark the printed candidate name.*

- (b) For each office, the number by which the total number of votes that could have been cast for that office exceeds the total number of votes actually cast for that office.
- (c) For each office, the number of potential votes not counted because the voter marked more candidates than permitted. The totals for subparagraphs (b) and (c) may be reported together as a single number.
- (d) For each office the total number of votes cast for each write-in candidate and the candidate's name, excluding write-in votes for candidates whose names were printed on the ballot where the voter did not mark the printed candidate name and the vote is reported under subparagraph (a).
- (e) For any question submitted to the voters:
- (1) The number of affirmative votes.
  - (2) The number of negative votes.
  - (3) The number of ballots where the voter did not cast a vote.
  - (4) The number of ballots where the ballot was not counted because the voter marked both yes and no.
- (f) The number of voters who voted in person on election day checked off on the checklist as having voted.
- (g) The number of absentee voters checked off on the checklist as having voted.
- (h) The number of official ballots received from the secretary of state brought to the polling place on election day, excluding ballots marked as test ballots and used prior to election day to test a ballot counting machine.
- (i) The number of official ballots cast on election day.
- (j) If the polling place runs out of official ballots, the number of absentee ballots used as official ballots and cast.
- (k) If the polling place runs out of official ballots, the number of photocopy ballots used as official ballots and cast.
- (l) The number of Accessible Voting System ballots cast.
- (m) The number of state absentee ballots cast.
- (n) The number of federal offices only absentee ballots cast.
- (o) The number of state write-in absentee ballots cast.
- (p) The number of federal write-in absentee ballots cast.
- (q) In a primary, the number of ballots cast for each party.
- (r) The number of people who registered to vote on election day.
- (s) The number of undeclared voters that cast ballots for each party at a state primary election.
- (t) The number of undeclared voters that returned to undeclared after voting in a state primary election.
- II. The secretary of state shall provide guidance for completing the returns of votes in the election procedure manual issued pursuant to RSA 652:22. The secretary of state may provide an electronic version of the return of votes capable of being used on a computer at the polling place to assist moderators and clerks in completing and submitting the paper and electronic forms.

Ch. 317  
HB 1535  
Repealed  
and Re-  
enacted

Ch. 172  
(HB1574)  
amend—  
further  
amended by  
Ch. 317  
(HB1535)

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

Ch. 317  
(HB 1535)  
Repealed  
and  
re-enacted

**RSA 659:77 General Neglect by Town or Ward Moderator and Clerk.** I. If any moderator shall neglect to cause an accurate count to be made of the votes cast as required by law, for which no other penalty is provided, he or she shall be guilty of a violation.

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

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

IV. An election monitor appointed under paragraph III shall have full access to the polling place, including authority to directly observe the registration of voters on election day, the checking in of voters by

*inspectors of elections, assistance to voters with disabilities, the use of the accessible voting system, the receipt of ballots, the processing of absentee ballots, and the counting of ballots, and may handle marked ballots for the purposes of instruction during the counting and tabulating process.*

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

Ch. 317  
(HB1535)  
amend

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

Ch. 317  
(HB1535)  
amend

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

Ch. 317  
(HB 1535)  
amend

**RSA 659:88, I(b)** A person whose name was not printed anywhere on the official state primary election ballot, and who receives the nomination of a party by write-in vote in a primary election and wishes to accept the nomination, shall file a declaration of candidacy with the secretary of state no later than 3:00 p.m. on the first Friday after the primary. The declaration of candidacy shall be filed with the understanding that, where the form says "primary election," it shall be construed to mean "general election." A person who files a declaration of candidacy under this section shall be subject to the requirements of RSA 655:19 and 655:19-b relative to filing fees. The person may have the filing fee waived if he or she is unable to pay the fee by reason of indigency. Such person shall not, however, be required to pay the administrative assessment under RSA 655:19-c.

Ch. 317  
(HB 1535)  
Repealed and  
re-enacted

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

Ch. 317  
(HB 1535)  
amend

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

Ch. 172  
(HB1574)  
amend—  
further  
amended  
by Ch. 317  
(HB1535)

**RSA 659:95 Sealing and Certifying Ballots.** I. Immediately after the ballots cast at a state election have been tabulated and the result has been announced and the return has been made, the moderator or the moderator's designee, in the presence of the selectmen or their designee, shall place the cast, cancelled, and uncast ballots, including such ballots from any additional polling places, and further including the successfully challenged and rejected absentee ballots still contained in their envelopes, in the containers provided by the secretary of state as required by RSA 659:97 and shall seal such container with the sealer provided by the secretary of state as required by RSA 659:97. The moderator or the moderator's designee shall then enter in the appropriate blanks on such sealer on each container the number of cast, cancelled, and uncast ballots in such container and shall endorse in the appropriate place on such sealer a certificate in substance as follows: Enclosed are the ballots from the state election in the town of \_\_\_\_\_ (or in ward \_\_\_\_\_ in the city of \_\_\_\_\_) held on \_\_\_\_\_, 20\_\_\_\_, Box \_\_\_\_\_ of \_\_\_\_\_ to be preserved in accordance with RSA 33-A:3-a. The moderator and the selectmen or their designee shall sign their names in the appropriate blanks on the sealer.

II. Ballots, including cast, cancelled, and uncast ballots and successfully challenged and rejected absentee ballots still contained in their envelopes, prepared or preserved in accordance with the election laws shall be exempt from the provisions of RSA 91-A. This exemption shall apply to any ballots or absentee voter

affidavit envelopes prepared for or used in any election conducted by the state or any political subdivision, including federal elections.

Ch. 172  
(HB1574)  
amend—  
further  
amended by  
Ch. 317  
(HB1535)

**RSA 659:98 Delivery of Ballots to Town Clerk.** The moderator, or *the moderator's* designee, and the selectmen, or their designee, after they have sealed and certified the state election ballots as provided in RSA 659:95 and 659:96, shall deliver the sealed containers to the town or city clerk, or to *the clerk's* designee, who shall in their presence enter in the appropriate place on each sealer the time of day and shall sign his or *her* name in the appropriate blank on the sealer. The clerk or *the clerk's* designee shall, without breaking the seals or otherwise changing the condition of the containers, deposit the containers in the town or city hall, where the ballots shall be kept for a period *set forth in RSA 33-A:3-a.*

Ch. 317  
(HB 1535)  
amend

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

Ch. 172  
(HB1574)  
amend—  
further  
amended by  
Ch. 317  
(HB1535)

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

Ch. 317  
(HB 1535)  
amend

**RSA 660:7 Application. I.** Any person for whom a vote was cast for any nomination of any party at a state primary may apply for a recount, provided that the difference between the votes cast for the applying candidate and a candidate of that party declared nominated is less than *10 votes or less than 1.5 percent of the total ballots cast in the primary for that party in the towns which comprise the office to be recounted.* *The application shall be made in writing to the secretary of state and shall be submitted no later than 5:00 p.m. on the day after the primary election. The request may be made by hand delivery, by facsimile transmission, or as an attachment to an e-mail. The fee shall be paid prior to the beginning of the recount. Recounts shall begin 2 days after the primary election and shall be conducted so as to complete all recounts involving towns or wards which have pending requests for absentee ballots for the general election from UOCAVA voters no later than 8:00 a.m. on the Saturday following the primary. Other recounts shall begin during the week following the primary.*

**II.** Any person receiving at least 9 percent of the votes cast in any party's presidential primary may apply for a recount. The application shall be made in writing to the secretary of state and shall be submitted no later than the Friday after the primary for a recount of all ballots cast for such nomination. Each candidate requesting a recount shall pay the secretary of state fees as provided in RSA 660:2.

Ch. 317  
(HB 1535)  
amend

**RSA 661:8, III Vacancies; State Representative. III.** Notwithstanding the provisions of paragraph II, if a vacancy occurs in the office of state representative in a district comprised of a city ward or wards, a request to hold the primary and special elections on the same dates as the city's biennial primary and regular elections may be submitted to the governor and council by the governing body of the city. If so requested, the governor and council shall declare the vacancy not less than 63 days prior to the date of the city's primary election. The filing period shall be held not more than 57 days nor less than 50 days prior to the primary election. The provisions of RSA 655:81, III, VI, VII, VIII, IX, X, and XI shall apply to elections held pursuant to this paragraph.

Ch. 317 (HB 153) amend

**RSA 665:5, I Ballot Law Commission; Hearing Date. I.** The ballot law commission shall meet *at 9:00 a.m. on the Saturday following the regularly-scheduled state primary election and, if necessary, on the third Friday following the presidential primary election in order to hear and decide:*

Ch. 330 (SB 157) amend

**RSA 667:12 Constitutional Convention Ballots; Form.** Last sentence shall read: Whenever there are 2 or more candidates, the names shall be printed upon the ballot in alphabetical order of their surnames *according to the alphabetization procedure established in RSA 656:5-a.*

**RSA 669:23 Town Elections; Official Ballot; Voting Materials.** Provides for listing of candidates names according to the alphabetization procedure established in RSA 656:5-a.

Ch. 317(HB 1535) amend

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

Ch. 317 (HB 1535) amend

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

Ch. 317 (HB 1535) amend

**RSA 669:25 Conduct.** In towns which have adopted an official ballot system, the town election shall be conducted in the same manner as a state general election as provided in RSA 658 and 659, *except that RSA 659:77, III-V, 659:78, and 659:98, II and III shall not apply, and* except that all duties required to be performed by the secretary of state under those chapters shall be performed by the town clerk, and except that no copy of marked or unmarked checklists need be forwarded to the state archives or federal district court as provided in RSA 659:102. Polling hours for a town meeting or election shall be set by the selectmen or by a vote of the town.

Ch. 317 (HB 1535) amend

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

Ch. 317 (HB 1535) repealed and re-enacted

**RSA 669:27, II –III.** *II. Blank forms of application for absentee ballots worded similar in form to those required by RSA 657:4. III. Envelopes of sufficient size to contain the ballots specified in paragraph I, on which shall be printed an affidavit similar in form to that required by RSA 657:7 or 657:8, as applicable.*

Ch. 317 (HB 1535) amend

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

Ch. 317 (HB 1535) amend

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

Ch. 317 (HB 1535) amend

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

Ch. 330:9  
(SB157)  
NEW-  
Chapter  
law

**Rotation of Party Columns; 2010 General Election.** *Immediately following the close of the period during which a person may accept the nomination of a party committee pursuant to RSA 655:32, the secretary of state, the secretary of state or designee shall publicly select by lot the actual party columns to be positioned on the 2010 general election ballot according to the generic column rotation plan established in this section. The first actual party column drawn by lot shall occupy all positions corresponding to the generic party column "1" designation; the second actual party column drawn by lot shall occupy all positions corresponding to the generic party column "2" designation and so forth until all actual party columns are assigned positions on all ballots. If more party columns are required, the secretary of state shall establish such generic party column. (A list of the party columns for each town/ward is established in Ch.330:9)*