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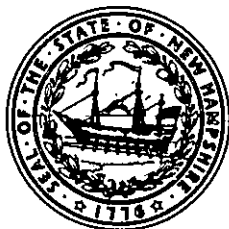
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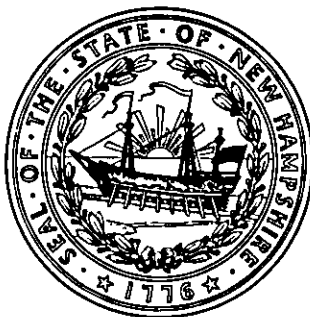
**NEW HAMPSHIRE  
ELECTION LAWS  
and  
POLITICAL  
CALENDAR**

**1992-1993**



**"SECURING TO THE CITIZENS  
THEIR RIGHTS OF SUFFRAGE"**

Ray



**NEW HAMPSHIRE  
ELECTION LAWS  
and  
POLITICAL  
CALENDAR**

**1992-1993**

**PUBLISHED BY THE  
DEPARTMENT OF STATE**

**WILLIAM M. GARDNER  
SECRETARY OF STATE**

**ROBERT P. AMBROSE  
DEPUTY SECRETARY OF STATE**

Return to Resource Center  
International Foundation  
for Electoral Systems  
1620 I St. NW, Suite 611  
Washington, D.C. 20006 ✓



# The State of New Hampshire



## Department of State

### FOREWORD

I am pleased to submit the 1992-1993 edition of the *New Hampshire Election Laws and Political Calendar*. This book includes the latest revisions to the election laws made during the 1990 and 1991 sessions of the New Hampshire General Court. It is published to keep citizens and election officials abreast of current voting rights and procedures.

If the Secretary of State's Office can be of assistance to you in complying with these laws, please do not hesitate to visit us at the State House in Concord or call 271-3242.

A handwritten signature in cursive script, reading "Wm. Gardner".

William M. Gardner  
Secretary of State

**SECTIONS CHANGED  
DURING  
1990 LEGISLATIVE SESSION**

39:3	654:26	657:15
41:8-a	654:27	658:1
41:8-d	654:28	658:7
653:1, VI(b)	654:29, I	658:12
653:1, VI(e)	654:33	658:20
653:1, VI(f)	654:39, II, IV	658:24
654:7	655:19	658:24, II
654:25	656:21	658:27

**SECTIONS CHANGED  
DURING  
1991 LEGISLATIVE SESSION**

39:1	664:2, XI (new)
39:3	664:3, I, II
39:3-d, II(b)	664:4, 4-V
41:18	664:5, V (new)
44:20 (new)	664:5-a, III
197:2	664:5-b, VI (new)
197:6	664:5-c, II
652:12, V, VI (new)	664:6, I, II
653:1, VI(f)	664:6, II-a (new)
654:8	664:6, III
654:25	664:6, IV-a (new)
655:14-a	664:7
655:17	664:14, I, II
655:19	664:14, VI (new)
655:19-b	664:18, I
655:19-c (new)	664:21, III
655:20, II	664:21, IV, V (new)
655:21, 22	664:23 (new)
655:28, 29	665:1, 2
656:7	665:6-a, I-a (new)
658:26	669:1, III (new)
659:4	669:24
659:84, II(b), III	669:55
664:1	670:4
664:2, IX	671:2
	671:17, III, IV (new)

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NEW HAMPSHIRE REVISED STATUTES ANNOTATED

TITLE LXIII

ELECTIONS

CHAPTER 652

GENERAL PROVISIONS

Terms and Definitions

652:1 Election. "Election" shall mean the choosing of a public officer or of a delegate to a party convention or the nominating of a candidate for public office by voters by means of a direct vote conducted under the election laws. The term does not include caucuses or conventions. The types of elections are further defined in this chapter.

652:2 Regular Election, Special Election. "Regular election" shall mean an election required to be held periodically under the election laws, a city charter, or a local by-law, and which is held in accordance with the same. Any other election shall be a "special election." As used in the election laws, "election" shall mean a regular election.

652:3 State Election. "State election" shall mean an election to choose a federal, state, or county officer or a delegate to a party convention or to nominate a candidate for federal, state or county office. The 3 types of state elections are defined in RSA 652:4, 652:5 and 652:6.

652:4 State General Election. "State general election" shall mean an election to choose a federal, state, or county officer.

652:5 State Primary Election. "State primary election" shall mean an election to nominate a candidate for federal, state, or county office or to choose a delegate to a state party convention.

652:6 Presidential Primary Election. "Presidential primary election" shall mean an election to choose delegates to a national party convention.

652:7 Town Election. "Town election" shall mean an election to choose a town officer.

652:8 City Election. "City election" shall mean an election to choose a city officer.

652:9 School District Election. "School district election" shall mean an election to choose a school district officer.

652:10 Village District Election. "Village district election" shall mean an election to choose a village district officer.

652:11 Party. "Party" shall mean any political organization which at the preceding state general election received at least 3 percent of the total number of votes cast for the office of governor.

652:12 Vacancy. A "vacancy" shall occur in a public office if, subsequent to his election and prior to the completion of his term, the person elected to that office:

I. Either dies, resigns or ceases to have domicile in the state or the district from which he was elected; or

II. Is determined by a court having jurisdiction to be insane or mentally incompetent; or

III. Is convicted of a crime which disqualifies him from holding office; or

IV. Refuses to take the oath of office or to give or renew an official bond if required by law; or

V. Has his election voided by court decision or ballot law commission decision; or

VI. Is a member of the general court of New Hampshire and a member of a military reserve or national guard unit; and

(a) Such unit was called to serve in an emergency; and

(b) Service in such unit causes the member to be unable to perform his legislative duties for longer than 180 consecutive days; and

(c) The selectmen of any town or ward in the district from which the member is elected request of the governor and council that the office be declared vacant.

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

652:14 Election Officer. "Election officer" shall mean any moderator, town clerk, selectman, supervisor of the checklist or inspector of election.

652:15 Supervisors of the Checklist. The term "supervisors of the checklist" shall include any board of registrars or similar body performing the functions of registering voters and correcting the checklist in cities.

652:16 Town. The term "town" shall include wards in cities.

#### Time Computation

652:17 Uniform System. For the purposes of the election laws, a uniform system of computation of time shall be maintained.

652:18 Days Excluded. When a period or limit of time is to be reckoned from a day or date, that day or date and the day on which an act should occur shall be excluded from the computation of the period or limit of time.

652:19 Days Included. Whenever the election law refers to a period or limit of time, Saturdays, Sundays, and holidays shall be included, except as provided in RSA 652:18. However, when the last day for performing any act under the election laws is a Saturday, Sunday or official state holiday, the act required shall be deemed to be duly performed if it is performed on the following business day.

652:20 End of Day. Whenever the election laws require a filing with or an action by an official, such filing or action shall be performed before 5 o'clock in the afternoon of the stipulated day. During the afternoon of the stipulated day, the school district clerk or his designee, or the town clerk or his designee, shall arrange his time so as to be available between the hours of 3 o'clock and 5 o'clock.

#### Political Calendar

652:21 Authority; Format. Prior to the state primary election, the secretary of state with the advice and approval of the attorney general shall prepare a political calendar for state and town elections setting forth the dates when action required under the election laws must be taken. Any action taken by any candidate or official in connection with the election laws which shall be taken in accordance with the dates set forth in said calendar shall be deemed to be duly performed for the purposes of the election laws. The expense of printing said political calendar shall be a charge upon the appropriation for the office of the secretary of state.

#### Election Manual

652:22 Authority; Format; Distribution. The secretary of state, with the advice and approval of the attorney general, shall prepare or cause to be prepared by June first preceding each state general election an up-to-date manual on the New Hampshire election laws and procedures for conducting elections. The manual shall be written in non-technical language. The manual shall be distributed free of charge to each moderator, board of selectmen, city council, board of supervisors of the checklist and to each town, city and ward clerk. The secretary of state may distribute said manual to any other person who requests it.

CHAPTER 653

ELECTION OF OFFICERS AND DELEGATES

State and County Officers to be Elected

653:1 Elected for 2-Year Term. At every state general election, the following officers shall be elected for 2-year terms except as otherwise provided:

I. The governor by the voters of the state;

II. One executive councilor by the voters in each executive councilor district;

III. One state senator by the voters in each senatorial district;

IV. The number of state representatives to which a district is entitled by the voters in such state representative district;

V. One sheriff, one county attorney, one county treasurer, one register of deeds, and one register of probate by the voters in each county;

VI. County commissioners as follows:

(a) Coos, Grafton, Merrimack, Hillsborough, and Rockingham counties - one county commissioner by those voters in each county commissioner district in each county;

(b) Carroll County - one county commissioner from each county commissioner district by all the voters of the county;

(c) Strafford County - 3 county commissioners by all the voters of the county;

(d) Cheshire County - one county commissioner by the voters in each county commissioner district; provided that, at the 1980 state general election, no commissioner from district 1 shall be elected, the commissioner from district 2 shall be elected to a 4-year term and the commissioner from district 3 shall be elected to a 2-year term. At each subsequent state

general election, 2 commissioners shall be chosen in the county by the inhabitants of the districts in which a commissioner's term is expiring; and, of the commissioners so chosen, one shall serve a 4-year term and one shall serve a 2-year term and both shall hold their offices until their successors are chosen and qualified. Following the 1980 state general election, the 4-year term shall be rotated in sequence starting with district 3.

(e) Sullivan County - one county commissioner from each county commissioner district by all the voters of the county; provided that, at the 1990 general election, the commissioner from district 1 shall be elected to a 4-year term and the commissioners from districts 2 and 3 shall each be elected to a 2-year term. At each subsequent state general election, 2 commissioners whose terms are expiring shall be elected by all the voters of the county; and, of the commissioners so chosen, one shall serve a 4-year term and one shall serve a 2-year term and both shall hold their offices until their successors are chosen and qualified. Following the 1990 state general election, the 4-year term shall be rotated in sequence starting with district 2.

(f) Belknap County - one county commissioner by the voters in each county commissioner district; provided that, at the 1992 state general election, no commissioner from district 1 shall be elected, the commissioner from district 2 shall be elected to a 4-year term, and the commissioner from district 3 shall be elected to a 2-year term. At each subsequent state general election, 2 commissioners shall be chosen in the county by the inhabitants of the districts in which a commissioner's term is expiring; and, of the commissioners so chosen, one shall serve a 4-year term and one shall serve a 2-year term and both shall hold their offices until their successors are chosen and qualified. Following the 1992 state general election, the 4-year term shall be rotated in sequence starting with district 3.

## Federal Officers to Be Elected

653:2 Electors of the President and Vice-President. At the state general election in 1980 and at the state general election every fourth year thereafter, the voters of the state shall elect the number of electors of the president and vice-president of the United States to which the state is entitled.

653:3 United States Senators. At the state general election in 1980 and at the state general election every sixth year thereafter and at the state general election in 1984 and at the state general election every sixth year thereafter, the voters of the state shall elect one United States senator.

653:4 United States Representatives. At every state general election, the voters of each congressional district shall elect one United States representative.

## Election of Delegates to Party Conventions

653:5 Delegates to National Party Conventions. At every presidential primary election, the voters of the state shall vote their preference for party candidates for president and thereby choose the delegates to each presidential nominating convention to which the state is entitled.

653:6 Delegates to State Party Conventions. At every state primary election, the voters in each state representative district shall elect delegates to each state party convention in accordance with the districts laid out in RSA 662:6.

## Election Dates

653:7 State General Election. The state general election shall be held on the first Tuesday following the first Monday in November of every even-numbered year.

653:8 State Primary Election. The state primary election shall be held on the second Tuesday in September of every even-numbered year.

653:9 Presidential Primary Election. The presidential primary election shall be held on the second Tuesday in March or on the Tuesday 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. 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.

653:10 Assumption of Office. Federal officers-elect shall assume office on the date set by the U.S. Constitution. State officers-elect shall assume office on the date set by the New Hampshire Constitution. County officers-elect shall assume office on the first Wednesday after the first Tuesday in January of the year following the state general election at which they were elected.

#### CHAPTER 654

#### VOTERS AND CHECKLISTS

#### Eligibility

#### 654:1 Legal Voter; Office Holder.

I. Every inhabitant of the state, having a fixed and permanent established domicile, being a citizen of the United States, of the age provided for in Article 11 of Part First of the Constitution of New Hampshire, shall have a right at any meeting or election, to vote in the town, ward, or unincorporated place in which he is domiciled. The determinant of one's domicile is a question of factual physical presence incorporating an intention to reside for an indefinite period. This domicile is the voter's residence to which, upon temporary absence, he has the intention of returning. This domicile is that place in which he dwells on a continuing basis for a significant portion of each year.

II. Any elected or appointed official for whom one of the qualifications for his position is eligibility to be a legal voter in the area represented



or served shall be considered to have resigned if he moves his residence so that he can no longer qualify to be a legal voter in the area represented or served. Any vacancy so created shall be filled as prescribed by law.

654:2 Temporary Absence. A domicile for voting purposes acquired by any person in any town shall not be interrupted or lost by a temporary absence therefrom with the intention of returning thereto as his home. Domicile for the purpose of voting as defined in RSA 654:1, once existing, continues to exist until another such domicile is gained. Domicile for purposes of voting is a question of fact and intention. A voter can have only one domicile for these purposes. No person shall be deemed to have lost a domicile by reason of his presence or absence while employed in the service of the United States; nor while engaged in the navigation of the waters of the United States or of the high seas; nor while a teacher in or student of any seminary of learning; nor while confined in any public prison or other penal institution; nor while a patient or confined for any reason in any nursing, convalescent home or hospital, old folks or old age home, or like institution or private facility.

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

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

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

III. He has a valid passport or card of identity issued under the authority of the secretary of state of the United States.

654:4 Armed Services Voters.

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

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

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

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

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

(b) Members of the Merchant Marine of the United States in active service, including persons (other than members of the armed forces) employed as officers or members of crews of vessels documented under the laws of the United States, or of vessels owned by the United States, or of vessels of foreign-flag registry under charter to or control of the United States, and persons (other than members of the armed forces) enrolled with the United States for employment, or for training for employment, or maintained by the United States for emergency relief

service, as officers or members of crews of any such vessels; but does not include persons so employed or enrolled for such employment or for training for such employment, or maintained for such emergency relief service, on the great lakes or the inland waterways.

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

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

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

654:5 Disqualification for Felony. A person sentenced for a felony shall forfeit his rights as provided in RSA 607-A:2.

654:6 Disqualification for Bribery or Intimidation. Any person convicted of bribery or intimidation relating to elections under RSA 659:40 shall thereafter be forever disqualified from exercising the right to vote, except that the Supreme Court may, on notice to the attorney general, restore the privileges of a voter to any person who may have forfeited them by conviction of such offenses.

#### General Voter Registration

654:7 Voter Registration Form. A standard registration application form shall be used throughout the state. The registration form shall be 4 inches by 6 inches and shall be made in triplicate. The secretary of state shall provide for the preparation of the voter registration form which shall be in substantially the following form:

Date \_\_\_\_\_

VOTER REGISTRATION CARD  
(Please print or type)

1. Name \_\_\_\_\_  
Last First Middle Initial
2. Address \_\_\_\_\_  
Street Ward No.
- \_\_\_\_\_
3. Mailing Address if different that in 2 \_\_\_\_\_  
Town or City Zip Code
- \_\_\_\_\_
4. Place and Date of Birth \_\_\_\_\_  
Street Ward No. Town/City Zip Code  
Town/City State
5. If a naturalized citizen, give name of court  
where and date when naturalized
- \_\_\_\_\_
6. Place last registered to vote \_\_\_\_\_
- \_\_\_\_\_
7. Name under which previously registered, if different from above \_\_\_\_\_  
Town/City Street Ward No.
8. Party Affiliation (if any) \_\_\_\_\_

I hereby swear, under penalty of perjury, that my permanent established domicile is at the above address, that I am a United States citizen, and that I am 18 years of age or older, and that the information above is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
(Signature of Applicant)

654:8 Application to Town or City Clerk. Any person who has his domicile in any town or city in this state and whose name does not appear on the checklist of said town or city may apply to the town or city clerk for the purpose of having his name added thereto by filling out the form provided for in RSA 654:7. The office of the town or city clerk shall have the power to accept applications from such persons under the following conditions:

I. The supervisors of the checklist may issue guidelines to the town clerk for the taking of evidence of qualifications presented by applicants.

II. No application hereunder shall be accepted after the last meeting of the supervisors of the checklist before an election.

III. Such application shall be made during the regular office hours of the town or city clerk.

654:9 Forms to be Forwarded. The town or city clerk shall present to the next meeting of the supervisors of the checklist the triplicate registration forms of all persons making application to him since the previous meeting of said supervisors.

654:10 Exemption. The provisions of RSA 654:8 and 654:9 shall apply in all cities and in all towns unless, upon a vote at a town meeting, a town chooses to exempt itself from such requirements. In a town which is exempt from the provisions of RSA 654:8 and 654:9, the town clerk shall have none of the powers and duties provided for therein, which powers shall be exercised by the supervisors of the checklist, unless and until at a subsequent annual town meeting the town votes to rescind said exemption.

654:11 Application to Supervisors. When the supervisors of the checklist receive a registration form from the town or city clerk or when an applicant submits the form to said supervisors in person at a session for the correction of the checklist, the supervisors of the checklist shall cause his name to be added to the checklist, unless they are of the opinion that the applicant is not qualified to vote in the city or town under RSA 654:1 through 654:6. All decisions of the supervisors of the checklist shall be made by majority vote thereof.

654:12 Determining Qualifications of Applicant.

I. When determining the qualifications of an applicant, the supervisors of the checklist may require the applicant to present the following:

(a) His birth certificate;

(b) His naturalization papers if he is a naturalized citizen;

(c) Proof of domicile in the form of an affidavit declaring that the applicant has a domicile and intends to maintain a domicile for an indefinite period in the town, city or ward in which he desires to vote; and

(d) any other evidence they may request.

II. The supervisors may refuse to add the name of an applicant to the checklist if he fails to present the evidence required by this section.

654:13 Action 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 triplicate registration form for their own file, forward one copy to the supervisors of the checklist of the city or town of the applicant's last voting address if said address is in the state of New Hampshire, Vermont, Maine, Massachusetts, Connecticut or Rhode Island, and send another copy to the clerk of their town or city.

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 in a separate file for proof that such an application was made.

654:14 Complaint to Superior Court. Any applicant may file, as provided in RSA 654:42, a complaint with the superior court stating that his name has been illegally kept from the checklist and asking to have his name added thereto for the reasons stated in the complaint.

654:15 Party Registration. Whenever names are added to the checklist the supervisors shall register the party membership of the voter if he desires such membership registered. The party membership of each voter may be registered by writing in ink, printing, or rubber stamping after the name of such voter the first 3 letters of the name of the party with which he registers.

Absentee Voter Registration

654:16 Applicability. Any person who has his domicile in any town or city in this state and is qualified to vote therein at the next subsequent election to be held in said town or city except for the fact that his name does not appear on the checklist to be used at the election, and who is temporarily absent therefrom or who by reason of physical disability is unable to attend a meeting of the supervisors of the checklist, may cause his name to be added to such checklist by applying to the city or town clerk or the secretary of state for a voter registration form provided for in RSA 654:7 and an appropriate absentee registration affidavit provided for in RSA 654:17.

654:17 Absentee Registration Affidavit.

I. The absentee registration affidavit shall be prepared by the secretary of state and shall be in substantially the following form:

Affidavit (Absence from Town)

I, \_\_\_\_\_, do hereby depose as follows:

1) That my legal domicile is in the town of \_\_\_\_\_, New Hampshire, I will be of the age of 18 years or over on election day and am entitled to vote in the election to be held in said town on \_\_\_\_\_, 19\_\_\_\_, except for the fact that my name does not appear on the checklist to be used in said town at such election;

2) That I do not intend to be present within said town at such time prior to said election as shall enable me personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

3) That I am temporarily residing in \_\_\_\_\_  
\_\_\_\_\_  
(city and state or city, province and country); and

4) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

\_\_\_\_\_  
Signature of Applicant

Affidavit (Physical Disability)

I, \_\_\_\_\_ do hereby depose as follows:

1) That my legal domicile is in the town of \_\_\_\_\_ New Hampshire, I will be of the age of 18 years or over on election day and am entitled to vote in the election to be held in said town on \_\_\_\_\_, 19\_\_\_\_, except for the fact that my name does not appear on the checklist to be used in said town at such election;

2) That I am unable by reason of physical disability personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

3) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

\_\_\_\_\_  
Signature of Applicant

II. There shall be printed below each of the foregoing affidavits the following certificate:



Certificate

I, \_\_\_\_\_, the undersigned officer, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the above named, \_\_\_\_\_, having satisfied me as to his identity, subscribed the foregoing affidavit in my presence, and did before me swear to (or affirm) the truth of the statements therein contained.

\_\_\_\_\_  
Signature of Officer

\_\_\_\_\_  
Title

654:18 Forwarding. The voter registration form, absentee registration affidavit and certificates shall be forwarded directly to the applicant by the city or town clerk or by the secretary of state.

654:19 Execution; Submission; Effect. The absentee registration affidavit shall be executed before a person authorized to perform notarial acts pursuant to the provisions of RSA 456-A. Such officer, after executing the certificate, shall attach thereto proof of his official capacity and shall forward the affidavit and certificate along with the applicant's 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 certificate are properly executed, they shall follow the procedure for applications made in person as provided in RSA 654:11, 654:13, and 654:15. An affidavit and a certificate which are properly executed shall be considered valid and shall be effective for both a primary and a general election for armed services voters and for absent voters who reside outside the continental United States.

Overseas Citizens Voting: Federal Elections Only

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

States, may apply to the city or town clerk or to the secretary of state for an overseas citizens federal election absentee registration affidavit. Such affidavit shall be prepared by the secretary of state and shall be in substantially the following form:

Affidavit

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

1) That I am a United States citizen;

2) That I have been domiciled in Canada or Mexico or any other country outside the continental United States since \_\_\_\_\_;  
(month/year)

3) That I hold a valid passport or card of identity with Registration No. \_\_\_\_\_ issued by the United States Secretary of State;

4) That, immediately prior to my departure from the United States, I was legally domiciled in the state of New Hampshire at the following address.

\_\_\_\_\_  
Street and Number or Rural Route, etc.

\_\_\_\_\_  
City or Town

5) That I will be of the age of 18 years or older on election day, have complied with all applicable qualifications and requirements of the state of New Hampshire, and am entitled to vote in the next subsequent federal election to be held in said state;

6) That I do NOT maintain a domicile, am NOT registered to vote and am NOT voting in any other state, territory, or possession of the United States, or election district thereof;

7) That my party affiliation (if any) is \_\_\_\_\_;

8) That my permanent address outside the continental United States is:

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Street or Route Number

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City, Province, Country

9) That I hereby make application for the addition of my name to the checklist of \_\_\_\_\_, New Hampshire, as an overseas citizen living outside the continental United States entitled to vote in any federal election held therein.

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Signature of Applicant

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Date

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

654:22 Repealed by Laws of 1988.

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

## Voters in Unincorporated Places

654:24 Registration. Inhabitants of unincorporated places shall register to vote as provided in RSA 668.

### Checklists: All State Elections

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 is to 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, address and party affiliation, if any, of each voter on the checklist and such other information as the secretary requires. The supervisors shall use the information so maintained and updated to prepare the checklist for all state elections. Every checklist used at any state election shall contain as a minimum the full name, address, and mailing address if different, and party affiliation, if any, of each voter on the checklist. The address and mailing address, if different, 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:4. A voter who presents a valid protective order may, however, request that a mailing address, if different, be maintained on the checklist. If a voter who presents a valid protective order requests that no address be maintained on the checklist, the supervisors of the checklist may nonetheless maintain a designation on the checklist which indicates that no address is required for that voter.

654:26 Posting Checklist. The supervisors shall make and post copies of the current checklist at the office of the town or city clerk or at the town hall not later than the fourth Tuesday before the day of any state election.

654:27 Sessions for Correction. In cities and towns, the supervisors of the checklist shall be in session for the correction of the checklist at some suitable place in the city or town on at least 2 occasions before any state election, the last of which shall be on the Saturday 10 days prior to the election and upon which all hearings shall be finally closed, provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 9:00 p.m. The first session shall be upon the third Tuesday preceding the day of election and shall take place for 2 hours between 7:00 p.m. and 9:00 p.m. and shall be adjourned to such subsequent day or days at the same time as will permit all claims to be heard and decided. Notice of the day, hour and place of each session of the board of supervisors shall be given upon the checklists first posted and shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session. The reconvening of any session which has been adjourned shall not require the publication of notice.

654:28 Procedure. The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. Any session which is held on the Saturday 10 days prior to election day shall be held as a minimum requirement between 11:00 a.m. and 12:00 p.m. and at the discretion of the supervisors for additional hours. No additions or corrections shall be made after the session which is held on the Saturday 10 days prior to election day, except as provided in RSA 659:12, or RSA 654:27, provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 9:00 p.m. The additions and corrections resulting from such sessions shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said

checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

654:29 Certification of List.

I. The supervisors shall subscribe and make oath to the following certificate on the checklist, as corrected by them: We, the supervisors of the checklist of the town (or ward) of \_\_\_\_\_ do solemnly swear that, according to our best knowledge, the within list contains \_\_\_\_\_ (number) names of those persons only who are, by actual domicile, legal voters in said town (or ward).

II. They shall file 2 true copies of the corrected list, attested by them, with the town clerk. The checklists so corrected shall be used at the election. Any person who swears falsely in making such certificate shall be guilty of perjury.

654:30 Correcting Data Files. After each state election, the supervisors shall use the checklist from such election to correct the standard data files to conform to any changes which are evident from the checklist. The standard data file so maintained and corrected shall be a public record open to inspection at reasonable times and as otherwise required by law.

654:31 Availability of Checklist. The checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. The supervisors shall furnish one or more copies of the most recent checklist to any person requesting such copies. If the supervisors maintain or have access to the checklist or information from which the checklist was derived in more than one form, the person requesting copies shall be furnished copies in any of those forms according to his preference. The supervisors may charge a reasonable fee for copies that is based on the actual costs incurred when reproducing an existing checklist, except that in no event shall the fee for paper copies of any single town or ward checklist be less than \$5 nor more than \$25 per

checklist. The fee charged for checklists on computer disk or tape, or in any form other than paper, shall be based solely on the additional costs incurred to provide such checklist to the individual requesting it. The fee shall be for the use of the town or city.

Checklists: Additional Provisions for Primary Elections

654:32 Hearings on Alterations to Party Registration. Before each state or presidential primary election, the supervisors of the checklist shall be in session before each primary for the change of registration of legal voters as provided in RSA 654:34 or 654:34-a or both. Before the presidential primary, the session shall be on the day preceding the first day of the filing period between 7 p.m. and 9 p.m. Before the state primary election, the session shall be on Tuesday before the first Wednesday in June between 7 p.m. and 9 p.m.

654:33 Posting Copies; Notice of Sessions. The supervisors shall post copies of the checklist, showing the persons in the town or ward entitled to vote, with their party registration, so far as such registration has been made, at the office of the town or city clerk or at the town hall at least 10 days prior to any session provided for in RSA 654:32; and notice of the date, hour and place of the session or sessions to revise such registration shall be given upon such checklist.

654:34 Change of Registration.

I. Change of registration of a voter whose party membership has been previously registered.

(a) Any legal voter whose party membership has been registered may change such registration by appearing in person before the supervisors of the checklist for his town or ward any time they meet, except as prohibited by paragraph IV, and stating to them under oath or affirmation, if required, that:

(1) He intends to affiliate with and generally supports the candidates of the party with which he offers to register, in which case he shall be registered as a member of such party; or

(2) He does not wish to be registered as a member of any party, in which case his party designation shall be removed from the checklist.

(b) He may also change such registration at any primary, upon making oath or affirmation to the same effect, but he shall not be permitted in such case to vote the ballot of any party at such primary.

II. Change of registration of a voter whose party membership has not been previously registered.

(a) Any legal voter who has not been registered as a member of any party may register as a member of the party of his choice by appearing before the supervisors of the checklist for his town or ward any time they meet, except as prohibited by paragraph IV, and stating to them, under oath or affirmation, if required, that he intends to affiliate with and generally supports the candidates of the party with which he offers to register, in which case he shall be registered as a member of such party.

(b) He may also register as a member of a party at any primary by requesting that he be registered as a member and voting the ballot of the party of his choice.

III. Notwithstanding any provision of paragraphs I and II to the contrary, no person who has voted in a primary may thereafter on the day of said primary change his party registration or change his registration so that he is registered as a member of no party.

IV. No person, who is already registered to vote, whether his party membership has been previously registered or not, shall affiliate with a party or disaffiliate from a party between the first Wednesday in June and the day before the state primary election.



654:34-a Application to Town or City Clerk; Changes to Be Forwarded.

I. A town or city may permit changes in party affiliation to be registered with a town or city clerk.

II. In addition to the methods of changing party affiliation provided in RSA 654:34, any person whose name appears on the checklist of a town or ward may apply to the town or city clerk for the purpose of having his party affiliation changed. A person desiring to change his party affiliation shall state to the town or city clerk under oath or affirmation that:

(a) He intends to affiliate with and generally supports the party with which he offers to register; or

(b) He does not wish to be registered as a member of any party.

III. No application for a change of party affiliation shall be accepted on the day of a primary election.

IV. Any application made under the provisions of this section shall be made during the regular office hours of the town or city clerk.

V. Town and city clerks shall have the power to administer oaths to the applicants that appear before them for the purposes of this section.

VI. Any application made under the provisions of this section shall be signed and dated by the applicant.

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 for a change of party affiliation and the name of the party with which he desires to be affiliated or that he 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 retained by the supervisors; and the change shall be made as soon as permitted by law.

654:34-b Procedure for Adoption.

I. A town desiring to adopt the provisions of RSA 654:34-a may have the question placed on the warrant for a town meeting at which town officers are elected in the manner provided in RSA 39:3. Such question shall be presented for voter approval in the following manner:

(a) For a town which has an official ballot for the election of town officers, the officer who prepares the ballot shall place the question on such official ballot as it appears in subparagraph (c).

(b) For a town which does not have an official ballot for the election of town officers, the clerk shall prepare a ballot in the form as provided in subparagraph (c).

(c) The wording on the ballot of any referendum for the adoption of RSA 654:34-a shall be as follows: "Shall we adopt the provisions of RSA 654:34-a permitting applications for changes in party affiliation to be made with the town clerk?"

(d) Upon the ballot containing the question shall be printed the word "Yes" with a square near it at the right hand of the question; and immediately below the word "Yes" shall be printed the word "No" with a square near it at the right hand of the question. The voter desiring to vote upon the question shall make a cross in the square of his choice. If no cross is made in a square beside the question, the ballot shall not be counted on the question.

II. A city desiring to adopt the provisions of RSA 654:34-a may have the question placed on the official ballot for any regular municipal election for the election of city officers upon a vote of the city council or upon submission of a petition signed by 5 percent of the registered voters of the city to the city council. The question shall be placed on the

official ballot by the city clerk with the wording and in the form provided for in paragraph I (c) except that the word "city" shall be substituted for the word "town".

III. Upon approval of the question by a majority of those voting on the question, the provisions of RSA 654:34-a shall be deemed to have been adopted and shall take effect on January 1 next following the referendum.

IV. If after adoption of the provisions of RSA 654:34-a, any town or city desires to rescind its adoption, it may do so by referendum pursuant to paragraphs I or II, by changing in paragraph I (c) the word "adopt" to read "rescind" in the question on the referendum; and provided, further, that after the adoption of the provisions of RSA 654:34-a, any action to rescind shall not become effective until January 1 next following the action taken to rescind.

654:35 Corrected List. After a pre-primary session, the supervisors shall prepare a corrected checklist showing the registration of party members as corrected by them; and such checklist with the corrections that shall have been made in the sessions provided for in RSA 654:27 through 654:32 shall be used at the primary.

#### Periodic Maintenance and Verification of Checklists

654:36 Reports of Transfer. If the supervisors of the checklist have received a notice of transfer from another board of supervisors of the checklist in the state of New Hampshire 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 as proof of their reasoning in striking the name from the checklist.

654:37 Reports of Death. Whenever there is filed in his office an official notice of the death of any person or persons of the age of 18 years or over, the town or city clerk shall notify the supervisors of the

checklist of said deaths by submitting a notice of same to the supervisors at their next regular meeting. Upon receipt of such notice, the supervisors shall examine the checklist; and, if the name of said deceased person appears thereon, it shall be removed prior to the next election. Any supervisor who shall neglect or refuse to erase the name of such deceased voter from the checklist after receiving such notice from the town or city clerk shall be guilty of a violation.

654:38 Verification of Checklists. On petition of 50 registered voters or 5 percent of the registered voters in any town or ward, whichever is less, or on petition of a majority of the board of supervisors of the checklist filed with the secretary of state within 30 days after a state election, the ballot law commission shall conduct an investigation to determine whether or not there should be a revision and verification of the checklist of said town or ward. At least one public hearing duly advertised in a newspaper of general circulation in said town or city shall be held by the commission at such time and place it may determine. In the event of an affirmative decision, the commission shall direct the supervisors to revise and verify such checklist. Thereupon the supervisors shall revise and verify such checklist in the following manner:

I. Between April 1 and August 1 in the next even-numbered year, the supervisors shall advertise notice of their sessions at least twice in a newspaper of general circulation in the town or city and hold sufficient sessions for verification of the checklist as in their opinion will enable all eligible voters in said town or ward to appear before them and register or reregister as the case may be. Whenever a person is reregistered, his party designation, if any, on the checklist undergoing revision shall not be changed except as provided in RSA 654:34.

II. Beginning June 1, and not later than 60 days thereafter, the supervisors shall review the checklist and shall strike therefrom the names of all persons who have not registered or reregistered under paragraph I of this section; provided that there shall not be

stricken from said checklist the name of any person duly qualified to vote unless such person shall, not less than 30 days prior to such action, have been sent notice by the supervisors at his last known address of his failure to reregister stating the procedure to be followed in order to reregister and have his name retained on said checklist nor unless such person shall have been given a reasonable opportunity to follow said procedure.

III. Upon completion of verification of the checklist, but, in no event later than September 1, the supervisors shall file with the secretary of state the following certificate: We, the supervisors of the checklist of the town (or ward \_\_\_\_\_) of \_\_\_\_\_, do hereby certify that we have verified the checklist of registered voters in the town (or ward \_\_\_\_\_ of the city) of \_\_\_\_\_ as directed by the ballot law commission.

IV. In verifying the checklist in accordance with the provisions hereof, the supervisors shall not register or reregister any person unless he is a duly qualified voter as required by the provision of RSA 654:1 - 654:6.

V. The supervisors may appoint such temporary assistant supervisors as may be necessary, but who shall have none of the powers and duties of supervisors. As compensation for services performed hereunder, the supervisors and assistant supervisors shall receive such sums as may be voted by the city government or town meeting of the city or town in which they serve.

654:39 Verification Every Ten Years.

I. In addition to any verification carried out under the provisions of RSA 654:38, the supervisors shall verify the checklist in 1981 and once every 10 years thereafter.

II. Between April 1 and August 1 of 1981 and thereafter in each year ending with a one, the supervisors shall advertise and post notice of their

sessions at least twice in a newspaper of general circulation and at the office of the town or city clerk or at the town hall and hold sufficient sessions for verification of the checklist as in their opinion will enable all eligible voters in said town or ward to appear before them and register or reregister as the case may be. Whenever a person is reregistered, his party designation, if any, on the checklist undergoing revision shall not be changed except as provided in RSA 654:34.

III. Beginning June 1 of such year, the supervisors shall review the checklist and shall strike therefrom the names of all persons who have not registered or reregistered under paragraphs I and IV; provided, that there shall not be stricken from said checklist the name of any person duly qualified to vote unless such person, not less than 30 days prior to such action, shall have been sent notice by the supervisors at his last known address of his failure to reregister stating the procedure to be followed in order to reregister and have his name retained on said checklist nor unless such person shall have been given a reasonable opportunity to follow said procedure.

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 either of the 2 previous state general elections immediately preceding a 10-year verification; or

(b) The person voted in the annual town election in the year of a 10-year verification or, if in a city, the most recent regular city election held prior to the verification.

V. Upon completion of verification of the checklist, but in no event later than September 1, the supervisors shall file with the secretary of state the following certificate: We, the supervisors of the checklist (or registrars of voters) of the town (or ward \_\_\_\_\_) of \_\_\_\_\_, do hereby certify that we have verified the checklist of registered voters in the town (or ward \_\_\_\_\_ of the city) of \_\_\_\_\_, pursuant to the provisions of RSA 654:39.

VI. In verifying the checklist in accordance with this section, the provisions of RSA 654:38, IV and V shall apply.

Checklists: Special Provisions

654:40 Checklist for Additional Polling Place. In towns which have established an additional polling place as provided in RSA 658:10, a separate checklist shall be prepared as provided in RSA 658:12.

654:41 Checklists for Unincorporated Places. Checklists for voters in unincorporated places shall be prepared and corrected as provided in RSA 668.

654:42 Complaint to Superior Court. Any citizen of the state may, in term time or vacation, file a complaint with the superior court stating that his name is illegally kept from or his name or that of some other citizen is illegally placed upon the checklist of a town or ward and the facts upon which the complaint is based. Said complaint shall be deemed sufficient if it sets forth the basis of the complaint and may be filed by the complainant with the clerk of court or any justice thereof. The complainant may appear with or without counsel. Thereupon, the presiding justice in term time, or any justice of the superior court in vacation, shall order that a copy of the complaint be served on the supervisors of the checklist of the town and on the citizens other than the complainant named in the petition and shall set a time and place for an immediate hearing. The justice hearing the case may order the name of the voter concerning whom the complaint is made to be added or removed from the checklist as justice requires, and his decision shall be final on questions of fact as in equity cases.

654:43 Penalty for Failure to Keep Correct List. The supervisors of the checklist shall be guilty of violations if the supervisors at any session held for the correction of the checklist, on receiving satisfactory evidence:

I. Shall neglect or refuse to strike from the list the name of any person who is not a legal voter; or

II. Shall neglect or refuse to insert on the list the name of any person who is a legal voter; or

III. Shall neglect or refuse to hear or examine any evidence offered for such purpose in either of these cases under paragraph I and II; or

IV. Shall at any time knowingly insert on the list the name of any person not a legal voter; or

V. Shall knowingly strike out therefrom or omit to insert the name of any legal voter.

654:44 Removing Names from Checklist; Notice Required.

I. The supervisors shall remove no person's name from the checklist of their town or ward unless they shall send notice by mail to the last known address of the person whose name they wish to remove from the checklist stating the reason they are considering removing such person's name from the checklist. Such notice shall also state the time and the place at which the supervisors shall meet to consider the removal of that person's name and shall give the date of such meeting which shall be at least 30 days after they send such notice. At such meeting, the person whose name the supervisors wish to remove shall have a chance as he wishes to state in person or to present in writing personally, or by mail or other messenger, or by any such combination of these as he chooses, the reasons why his name should be left on the checklist. The supervisors shall not remove a person's name from the checklist until after the completion of the written or oral statement, if any, of the person whose name they wish to remove from the checklist at the meeting held at least 30 days after they sent the notice this section requires. The supervisors shall keep records as proof of compliance with this paragraph.

II. The provisions of this section do not apply to the removal of the names of persons for whom the supervisors have received a report of transfer or death as provided in RSA 654:36 or 654:37, nor to the removal of names during the period for verification of the checklist as provided in RSA 654:38 or 654:39, nor to



the removal of names of persons for whom they have received a notice from a duly authorized board of registration from a community outside New Hampshire stating that a person whose name is on the checklist of the town or ward in New Hampshire has registered to vote outside New Hampshire.

## CHAPTER 655

### NOMINATIONS

#### General Qualifications

655:1 Citizenship. To hold any elective office in the state, a person must be a citizen of the United States, either by birth or by naturalization.

655:2 Domicile. To hold any elective office in the state, a person must have a domicile in the state.

#### Qualifications by Office

655:3 United States Senator. To hold the office of United States senator, a person must be qualified as provided in Article 1, section 3 of the federal constitution.

655:4 United States Representative. To hold the office of United States representative, a person must be qualified as required by Article 1, section 2 of the federal constitution.

655:5 Governor. To hold the office of governor, a person must be qualified as provided in Part 2, Article 42 of the state constitution.

655:6 Councilor. To hold the office of councilor, a person must be qualified as provided in Part 2, Article 61 of the state constitution.

655:7 State Senator. To hold the office of state senator, a person must be qualified as provided in Part 2, Article 29 of the state constitution.

655:8 State Representative. To hold the office of state representative, a person must be at least 18 years of age and must be qualified as provided in Part 2, Article 14 of the state constitution.

655:9 County Officers. To hold the office of county commissioner, sheriff, county attorney, county treasurer, register of deeds, or register of probate, a person must have a domicile in the county for which he is chosen. In addition, to hold the office of county commissioner in the counties of Rockingham, Belknap, Grafton, Merrimack, Hillsborough, Cheshire, Sullivan, Coos, and Carroll, a person must have a domicile in the district from which he is elected at the time of his election.

655:10 Incompatible Offices. No person shall file declaration of candidacy or primary petitions for nomination at the primary for incompatible offices. For the purposes of this section incompatible offices shall include the offices of governor, representative to the general court, state senator and councilor. If any person shall file for such incompatible offices, the secretary of state shall advise the person of the provisions hereof and said person shall then advise the secretary of state which of said offices he wishes to retain in order to seek said nomination. If a filing fee has been paid for a declaration of candidacy which he declines the fee shall be returned to him. No person shall seek or hold the position as a member of the general court and county commissioner at the same time. No person shall hold 2 of the offices mentioned in RSA 655:9 at the same time, and the acceptance of one of them shall be a resignation of the others.

655:10-a One Representative District Only. A person whose residence qualifies him for more than one representative district shall choose one representative district at any election from which to be a candidate and, for that election, shall be qualified to be a candidate for that one district only.

#### Nominations by Primary

655:11 Notice to Town and City Clerks. At least 100 days before the time of holding any primary, the secretary of state shall prepare and distribute to each town and city clerk in the state a notice in writing designating the offices for which candidates are to be nominated and that delegates to the state convention are to be elected.

655:12 Posting Notice of Primary. Each city clerk shall distribute such notices to the ward clerks in his city. Each town and ward clerk shall, within 10 days after the receipt of such notice, cause notice of such primary to be posted in 2 public places in his town or ward. Such notice shall prescribe the hour the polls are to open and the hour before which they may not close as provided in RSA 659. It shall state the offices for which candidates are to be nominated, the delegates to be elected, and any questions to be voted on, as well as the location of the central polling place and of any additional polling places. It shall also state the date before which declarations of candidacy must be filed to place names upon the ballots to be used at such primary, the officers with whom they must be filed, the fees to be paid at the time of filing such papers and the number of primary petitions which may be submitted in lieu of the filing fees.

655:13 Forms and Directions. It shall be the duty of the secretary of state to prepare all forms necessary to carry out the provisions of this chapter and to furnish the same in reasonable quantities to the proper officials. It shall also be his duty to furnish full directions to the clerks of towns and wards when he sends them the notice provided for in RSA 655:11 as to the posting of notices, holding of primaries and making return thereof.

655:14 Filing: General Provisions. The name of any person shall not be printed upon the ballot of any party for a primary unless he is a registered member of that party, he shall have met the age and domicile qualifications for the office he seeks at the time of the general election, he meets all the other qualifications at the time of filing, and he shall file with the appropriate official between the first Wednesday in June and the Friday of the following week a declaration of candidacy as provided in RSA 655:17, and

I. The appropriate filing fee as provided in RSA 655:19; or

II. The appropriate number of primary petitions as provided in RSA 655:20 and 655:22 and an assent to candidacy as provided in RSA 655:25.

655:14-a Filing by Other Candidates. Every candidate for state or federal office who intends to have his name placed on the ballot for the state general election by means other than nomination by party primary shall file a declaration of intent with the secretary of state as provided in RSA 655:17-a or RSA 655:17-b during the same time period in which party candidates file a declaration under RSA 655:14.

655:14-b Form of Candidate's Name on Ballot.

I. Every candidate for state or federal office who intends to have his name printed upon the ballot of any party for a primary shall designate in his declaration of candidacy, or on his primary petitions and assents to candidacy, the form in which his name shall be printed on the ballot. The candidate may designate his given, first, and middle name, the initials of his given, first, and middle name, a nickname, or any combination thereof as the form in which his name shall be printed on the ballot, but he shall not designate a deceptive name. If the candidate designates a nickname in place of or in combination with his given name or the initials thereof, the nickname shall be set off with quotation marks and shall be placed immediately before his surname. If the candidate designates a nickname, the nickname shall be customarily related to the candidate's given name. A candidate shall include his surname in his designation of the form in which his name shall be printed on the ballot.

II. Every candidate for state or federal office who intends to have his name placed on the ballot for the state general election by means other than nomination by party primary shall designate in his declaration of intent the form in which his name shall be printed on the ballot. The candidate may designate his given, first, and middle name, the initials of his given, first, and middle name, a nickname, or any combination thereof as the form in which his name shall be printed on the ballot, but he shall not designate a deceptive name.

If the candidate designates a nickname in place of or in combination with his given name or the initials thereof, the nickname shall be set off with quotation marks and shall be placed immediately before his surname. If the candidate designates a nickname, the nickname shall be customarily related to the candidate's given name. A candidate shall include his surname in his designation of the form in which his name shall be printed on the ballot.

III. A candidate who files more than one declaration of candidacy or declaration of intent shall designate the same form of his name to appear on each such declaration. The same form of a candidate's name shall also appear on every primary petition and assent to candidacy.

IV. If the appropriate official with whom the declaration of candidacy, declaration of intent, primary petition, or assents to candidacy are filed does not accept them and returns them to the candidate because in the opinion of the official they do not conform to the provisions of this section, the candidate may appeal to the ballot law commission as provided in RSA 665:6-b.

655:15 Official With Whom to File. For the purposes of this chapter, the term "appropriate official" shall be defined as follows:

I. For the offices of governor, United States senator, representative in Congress, councilor, state senator and county office, the secretary of state.

II. For state representative in a representative district containing one town or ward and for delegate to a state party convention, the clerk of the town or city in which the officer is to be chosen.

III. For state representative in a representative district containing more than one town or ward, the clerk of the city or town in which the person who is filing is domiciled; or, if the person is domiciled in an unincorporated place, the town clerk of the town designated by the secretary of state for such filing as provided in RSA 668.

655:16 Personal Filing. Except for those who must file with a town or city clerk, any person who files for a primary on the last day of the filing period must do so in person before the secretary of state; provided, however, that this requirement shall not apply to the filling of vacancies by party committees.

655:17 Declaration of Candidacy. Declarations of candidacy shall be in the following form and signed by the candidate:

I, \_\_\_\_\_, declare that I am domiciled in Ward \_\_\_\_\_, in the city (or town or unincorporated place) of \_\_\_\_\_, county of \_\_\_\_\_, state of New Hampshire, and am a qualified voter herein; that I am a registered member of the \_\_\_\_\_ party; that I am a candidate for nomination for the office of \_\_\_\_\_ (or for delegate to the state convention) 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 or election. I declare that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee which makes me ineligible to file as a candidate for this office. I further declare that, if nominated as a candidate for said office or if elected as such delegate, I will not withdraw; and that, if elected, I will be qualified for and will assume the duties of said office.

655:17-a Declaration of Intent; Other Candidates. Declarations of intent for nonparty or other candidates shall be in the following form and signed by the candidate:

I, \_\_\_\_\_, declare that I am domiciled in Ward \_\_\_\_\_, in the city (or town or unincorporated place) of \_\_\_\_\_, County of \_\_\_\_\_, state of New Hampshire, and am a qualified voter herein; that I intend to be a candidate for the office of \_\_\_\_\_ 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.

655:17-b Declaration of Intent; Presidential and Vice-Presidential Candidates Who File Nomination Papers.

I. Declarations of intent for each candidate for president and vice-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, \_\_\_\_\_, 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 \_\_\_\_\_ 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.

655:18 Forwarding Declarations of Candidacy. Each city or town clerk shall forward each declaration of candidacy filed with him to the secretary of state on the day of filing of the same, provided the requisite fee shall have been deposited, or the requisite number of primary petitions shall have been filed therewith. The secretary of state shall retain them together with all declarations of candidacy filed with him until January 1 following the holding of the primary at which time they may be destroyed.

655:19 Filing Fees. I. At the time of filing declarations of candidacy, each candidate for the following offices shall pay to the official with whom the declarations are filed the following filing fees, and shall file with the appropriate official the requisite number of primary petitions as provided in RSA 655:20 and 655:22, unless the candidate agrees to limit his expenditures in accordance with RSA 664:5-a.

At the time of filing declarations of intent, each candidate for the following offices shall pay to the secretary of state the following fees, and the following filing fees shall be paid in addition to the requisite number of nomination papers which must be submitted and filed. The filing fee paid under this section shall be in addition to the administrative assessment paid under RSA 655:19-c. The filing fees shall be as follows:

- (a) For governor, United States senator, and representative to Congress, \$5,000.
- (b) For executive councilor, \$500.
- (c) For county officer, \$100.
- (d) For state senator, \$100.
- (e) For state representative, \$25.

II. The fees paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The fees paid to the secretary of state shall be deposited by him in the general fund.

655:19-a Filing Fee for Presidential Candidates Who File Nomination Papers. At the time of filing declarations of intent, each candidate for president who seeks nomination by nomination papers shall pay to the secretary of state a single fee of \$250 for himself and his vice-presidential candidate.

655:19-b Waiver of Filing Fee and Primary Petitions.

I. A candidate for any of the offices enumerated in RSA 655:19 who, pursuant to RSA 664:5-a, voluntarily accepts the expenditure limitation set forth in RSA 664:5-b shall have the filing fee under RSA 655:19 either waived or refunded, and shall have the requirement for filing petitions under RSA 655:20 waived, as provided in paragraph II.

II. If a candidate files the affidavit as specified in RSA 664:5-a at the time he files the declaration of candidacy or declaration of intent, the filing fee required under RSA 655:19 and the petitions required to be filed under RSA 655:20 shall be waived.



If such affidavit is filed within 3 days following the filing of the declaration of candidacy, the appropriate officer shall refund the filing fee paid by the candidate as soon as practicable.

655:19-c Administrative Assessment; Primary Petitions; Nomination Papers. I. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of candidacy shall pay the administrative assessment in paragraph I or file primary petitions as provided in paragraph III in addition to the filing fee and primary petition requirements of RSA 655:19 and 655:20. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of intent shall pay the administrative assessment in paragraph I in addition to the filing fee required by RSA 655:19 and shall meet the requirements of RSA 655:40-45 for nomination by nomination papers. Neither the administrative assessment which is paid nor the primary petitions which are filed under this section, nor the nomination papers which must be submitted under RSA 655:41 and filed under RSA 655:43, shall be waived or refunded for a candidate for any of the offices listed in this section who, pursuant to RSA 664:5-a, voluntarily accepts the expenditure limitation set forth in RSA 664:5-b. At the time of filing declarations of candidacy or declarations of intent, the administrative assessment shall be as follows:

- (a) For governor and United States senator, \$100.
- (b) For representative to Congress, \$50.
- (c) For executive councilor, \$25.
- (d) For state senator, \$10.
- (e) For county officer, \$10.
- (f) For state representative, \$2.

II. The administrative assessment paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The administrative assessment paid to the secretary of state shall be deposited by him into the general fund.

III. Any person otherwise qualified to run for office who chooses not to pay the administrative assessment as prescribed in paragraph I may have his name printed on the primary ballot of any party by filing with the appropriate official the requisite number of primary petitions made by members of the party, together with one written assent to candidacy. The number of primary petitions to be filed for each office shall be as follows: for governor and United States senator, 200; for representative in Congress, 100; for executive councilor and county officer, 50; for state senator, 20; for state representative, 5. Candidates for delegate to the state convention shall not be required to submit any primary petitions.

655:20 Primary Petitions. Primary petitions shall be filed as follows:

I. Any person otherwise qualified to run for office who is unable to pay the filing fee as prescribed in RSA 655:19 by reason of indigency may have his name printed on the primary ballot of any party by filing with the appropriate official the requisite number of primary petitions made by members of the party, together with one written assent to candidacy.

II. Any person qualified to run for office who does not, pursuant to RSA 664:5-a, voluntarily accept the expenditure limitations set forth in RSA 664:5-b shall, in order to have his name printed on the primary ballot of any party, in addition to the filing fees prescribed in RSA 655:19, file with the appropriate official the requisite number of primary petitions required under RSA 655:22 made by members of the party, together with one written assent to candidacy. If a person is required to file primary petitions under the provisions of this paragraph, the primary petitions which he files shall contain the following language in bold print at the top of each petition in addition to the language required in RSA 655:21: "This candidate has reserved his or her rights under the federal constitution and New Hampshire laws and may choose not to agree to limit campaign spending according to amounts set by state law and as a result may be required to submit these petitions." Primary petitions filed under this section shall be filed in addition to the requirement for filing petitions under RSA 655:19-c.

655:21 Form. Primary petitions shall be made in the following form:

State of New Hampshire

County of \_\_\_\_\_, ss.

City (Town) of \_\_\_\_\_.

I do hereby join in a petition for the printing on the primary ballot of the name of \_\_\_\_\_ whose domicile is in the city (town) of \_\_\_\_\_ (ward, street and number, if in a city), in the county of \_\_\_\_\_, for the office of \_\_\_\_\_ to be voted for on Tuesday, the \_\_\_\_\_ day of September, 19\_\_\_\_, and certify that I am qualified to vote for a candidate for said office, that I am a registered member of the \_\_\_\_\_ party, and am not at this time a signer of any other similar petition for any other candidate for the above office; that my domicile is in the city (town) of \_\_\_\_\_ (ward, street and number, if in a city), in the county of \_\_\_\_\_. I certify that to my knowledge the above-named candidate is not a candidate for incompatible offices as defined in RSA 655:10, and that he is not a federal employee which makes him ineligible to file as a candidate for this office. I further certify that I believe the above-named person is especially qualified to fill said office.

\_\_\_\_\_  
Print Voter's Name

\_\_\_\_\_  
Voter's Signature

State of New Hampshire

County of \_\_\_\_\_, ss.

City (Town) of \_\_\_\_\_ . 19\_\_\_\_.

The above-named, \_\_\_\_\_, personally known to me, appeared and made oath that the above petition, by him subscribed, is true.

Before me,

\_\_\_\_\_  
Justice of the Peace or Notary Public

655:22 Number of Petitions. The number of primary petitions to be filed for each office under RSA 655:20 shall be as follows: for governor and United States senator, 2,000; for representative in Congress, 1,000; for executive councilor, 500; for county officer, 100; for state senator, 100; for state representative, 10. Candidates for delegate to the state convention shall not be required to submit any primary petitions. The provisions of this section shall apply to candidates who do not, pursuant to RSA 664:5-a, voluntarily accept the expenditure limitations set forth in RSA 664:5-b. Primary petitions filed under this section shall be in addition to the number of petitions filed under RSA 655:19-c.

655:23 Conflicting Petitions. Each primary petition shall be a separate paper and shall contain the name of one signer and one candidate only. No voter shall sign primary petitions for more than one party, nor shall he sign more than one primary petition for the same office unless more than one nomination is to be made; in which case, he may sign as many primary petitions as there are nominations to be made for the same office. In case a voter has signed 2 or more such conflicting primary petitions, all such petitions shall be rejected.

655:24 Oath on Petition Prima Facie Evidence of Party Membership. The oath of a voter upon such petition shall be prima facie evidence that he is a member of the party stated therein.

655:25 Assent to Candidacy. No primary petitions as provided in RSA 655:21 shall be accepted by the official with whom they are to be filed unless there is attached thereto an assent to candidacy in the following form subscribed to by the person who seeks to have his name printed upon the primary ballot:

State of New Hampshire

I, \_\_\_\_\_, of \_\_\_\_\_  
in the county of \_\_\_\_\_ do hereby assent  
to the printing of my name on the primary ballot as  
requested in the attached petition. I further declare

that I am a registered member of the \_\_\_\_\_  
party. (Signed) \_\_\_\_\_

State of New Hampshire  
County of \_\_\_\_\_

The above-named, \_\_\_\_\_,  
personally known to me, appeared and made oath that the  
above declaration by him subscribed is true.

Before me,

\_\_\_\_\_  
Justice of the Peace or Notary Public

655:26 Examination and Rejection. The officer with whom primary petitions are filed shall immediately upon receipt thereof examine the same and ascertain whether they conform to the law. If found not to conform thereto or to be conflicting as provided in RSA 655:23, he shall then endorse thereon the reason why such petition cannot be accepted and shall, within 24 hours, return the same to the candidate in whose behalf it was filed. In such case, the candidate may file supplementary petitions with the official but not later than the third Wednesday in June.

655:27 Forwarding of Petitions and Assents. The clerks of cities and towns shall forward all primary petitions and assents to candidacy filed with them on the day of filing of the same to the secretary of state who shall retain them together with all primary petitions and assents to candidacy filed with him until January 1 following the holding of the primary at which time they may be destroyed.

655:28 Affidavit of Qualifications. A candidate for nomination for the office of governor, councilor, state senator or state representative shall swear an affidavit covering his qualifications as to age, that the candidate is a registered voter, that his domicile is in the district he desires to represent, that he is not a candidate for incompatible offices as defined in RSA 655:10, and that he is not a federal employee which he understands would make him ineligible to file his

candidacy. The secretary of state shall not print upon the primary ballot of any party the name of any person unless there is filed with him such an affidavit at the time his candidacy is filed.

655:29 Qualifications of Candidates. The form of the affidavit provided for in RSA 655:28 shall be the following:

I. (For use by candidate for governor):

I, \_\_\_\_\_, candidate for the office of governor, hereby swear (or affirm) that I have been an inhabitant of the state of New Hampshire for at least 7 years immediately preceding the election for which I am a candidate, that I am a registered voter, that I will be at least 30 years of age on the day of said election, that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee.

II. (For use by candidate for councilor):

I, \_\_\_\_\_, candidate for the office of councilor from the \_\_\_\_\_ district, hereby swear (or affirm) that I have been an inhabitant of the state of New Hampshire for at least 7 years immediately preceding the election for which I am a candidate, that I am now domiciled in councilor district no. \_\_\_\_\_ at the present time, that I will be at least 30 years of age on the day of said election, that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee.

III. (For use by candidate for state senate):

I, \_\_\_\_\_, candidate for the office of senator from the \_\_\_\_\_ district, hereby swear (or affirm) that I have been an inhabitant of the state of New Hampshire for at least 7 years immediately preceding the election for which I am a candidate, that my domicile is in senatorial district no. \_\_\_\_\_ at the present time, that I will be at least 30 years of age on the day of said election, and that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee.

IV. (For use by candidate for state representative):

I, \_\_\_\_\_, candidate for the office of representative from district no. \_\_\_\_\_ of \_\_\_\_\_ county, hereby swear (or affirm) that I have been an inhabitant of the state of New Hampshire for at least 2 years immediately preceding the election for which I am a candidate, that I am now domiciled in district no. \_\_\_\_\_ of \_\_\_\_\_ county, the district I seek to represent, that I will be at least 18 years of age on the day of said election, that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee.

#### Removal of Candidates

655:30 Withdrawal. When a party candidate has duly filed according to law for nomination at a primary election, or other candidate has submitted nomination papers, no withdrawal or declination of the candidate shall be accepted by the secretary of state subsequent to the last dates for filing a declaration of candidacy or the filing of nomination papers except as provided in RSA 655:31 and 655:34.

655:31 Straw Candidates. No person shall be a candidate for nomination at any primary unless his candidacy is bona fide and is filed for the actual purpose of personally seeking the nomination. Any candidate for nomination whose name is to be voted upon at primary election may, within 3 days after the last day for filing declarations of candidacy and primary petitions, file a petition with the ballot law commission alleging that one or more candidates for the same nomination is not a bona fide candidate. Upon receipt of such a petition, the commission shall notify in writing all candidates of that party for the same nomination of the time and place for its hearing. After such hearing, the ballot law commission shall have the power and duty to order stricken forthwith from the primary ballot the name or names of any candidate or candidates for said nomination if the commission finds that such candidate or candidates is obviously not a bona fide candidate, obviously having filed not primarily for the purpose of seeking the

nomination but primarily for the purpose of drawing votes which might otherwise be cast for some other candidate for the same nomination. The decision of the commission shall be final as to questions both of law and fact, and no court shall have jurisdiction to review such decision.

#### Vacancies Among Primary Candidates

##### 655:32 No Declaration Filed.

I. In case no declaration shall be filed by a candidate for any nomination to be voted for at a primary, the nomination may be made by the appropriate party committee as provided in this section. The appropriate party committee shall notify the secretary of state in writing of a person they designate to fill the vacancy. The person so designated shall on or before the Wednesday following the expiration of the period for filing declarations of candidacy as provided in RSA 655:14 file with the secretary of state a declaration of candidacy as provided in RSA 655:17. If the candidate is designated for the office of governor, councilor, state senator or state representative, he shall also file on or before the Wednesday following the period for filing declarations of candidacy the appropriate affidavit as provided in RSA 655:29. Any candidate so designated by a party committee who has not filed all the forms required by this section within the required period of time shall not have his name printed on the state primary election ballot for that office.

II. For the purposes of this section, the term "appropriate party committee" shall be as defined in RSA 655:36.

655:33 Disqualification of Candidates. The disqualification of a candidate to be voted for at a primary between the date of his filing and the day of the primary shall be dealt with as in the general election, as provided in RSA 655:38.



655:34 Death of Candidate. The death of a candidate to be voted for at a primary between the date of his filing and the day of the primary shall be dealt with as in the general election, as provided in RSA 655:39.

#### Conduct of Primary

655:35 Same as General Election. The procedures for conducting the primary shall be the same as those for the general election as provided in RSA 656, 657, 658 and 659 unless otherwise provided therein.

655:36 Definition. For the purposes of this chapter, the "appropriate party committee" shall be defined as:

I. The state committee of that party or, if previously authorized by the same, the executive committee thereof for the offices of United States senator, United States representative, governor, councilor and state senator.

II. The county committee of that party for county offices and state representative if from a representative district containing more than one town, ward, or unincorporated place.

III. the town or ward committee of that party for state representative if the representative district contains only the town or ward.

655:37 Vacancy for Office on Party Ticket. If, after the holding of a state primary election, a vacancy exists for any office on a party ticket, such vacancy may be filled as provided in this section. The appropriate party committee shall notify the secretary of state in writing of a person they designate to fill the vacancy. The person so designated shall, no later than 10 days 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, councilor, state senator or state representative, he shall also

file, before the expiration of 10 days following the primary, the appropriate affidavit as provided in RSA 655:29. Any candidate who has not filed all the forms required by this section within the required period of time shall not have his name printed on the state general election ballot for that office.

655:38 Disqualification of Candidate. If a candidate to be voted for at the general election shall make oath between the date of his nomination and the day of the election that he does not qualify for the public office which he seeks because of age, domicile, or incapacitating physical disability acquired subsequent to the primary, the secretary of state may remove said person's name from the ballot. A new candidate may be substituted by the appropriate party committee by notifying the secretary of state. The name of the substitute candidate shall be placed on the ballots as provided in RSA 656:21.

655:39 Death of Candidate. If any candidate to be voted for at the general election shall die between the date of nomination and the day of election, a new candidate may be substituted by the appropriate party committee by notifying the secretary of state. The name of the substitute candidate shall be placed on the ballots as provided in RSA 656:21.

#### Nomination by Nomination Papers

655:40 General Provisions. As an alternative to nomination by party primary, a candidate may have his name placed on the ballot for the state general election by submitting the requisite number of nomination papers. Such papers shall contain the name and domicile of the candidate, the office for which he is nominated and the political party or principles he represents and shall be signed by such persons only as are qualified to vote at the state general election. No voter shall sign more than one nomination paper for each office to be voted for, and no nomination paper shall contain the names of more candidates than there are offices to be filled. Each voter shall sign an individual petition.

655:41 Certification. Each nomination paper shall be submitted to the supervisors of the checklist of the town or ward in which the signer is domiciled or is registered, and a majority of the supervisors shall certify whether or not the signer is a legal voter in said town or ward. Each nomination paper shall be submitted to the supervisors of the checklist no later than 5:00 p.m. on the Wednesday 5 weeks before the primary.

655:42 Number.

I. It shall require the names of 3,000 legal voters, 1,500 from each United States congressional district in the state, to nominate by nomination papers a candidate for president, vice-president, United States senator or governor.

II. It shall require the names of 1,500 legal voters to nominate by nomination papers a candidate for United States representative; 750 to nominate a candidate for councilor or state senator; and 150 to nominate a candidate for state representative or county officer.

655:43 Filing Deadline.

I. Nomination papers shall be filed with the secretary of state no later than 5:00 p.m. on the Wednesday 3 weeks before the primary. No nomination papers shall be accepted by the secretary of state unless the candidate shall have met the age and domicile qualifications for the office he seeks at the time of the general election and meets all the other qualifications at the time of filing; and, if a candidate for the office of governor, councilor, state senator, or state representative, unless he shall file with the nomination papers an affidavit of qualifications as provided for in RSA 655:28 and 655:29; and if a candidate for United States senator or United States representative, unless he shall meet the qualifications for office under RSA 655:3 and 655:4.

II. No candidate who intends to run for any state or federal office in the state general election by means of nomination papers shall have his name placed on the ballot unless he files a declaration of intent, as provided in RSA 655:17-a or 655:17-b, within the filing deadline required by RSA 655:14-a.

III. No person who filed as a candidate in the state primary election shall be eligible to have his name placed on the ballot for the state general election by submitting nomination papers as provided in this subdivision.

655:44 Objections. Nomination papers made in accordance with the provisions of this chapter shall be regarded as valid and shall be received by the secretary of state unless objection thereto is made in writing within 3 days of the last day for the filing of such papers.

655:45 Nomination Papers Protected. No person shall falsely make or file or knowingly deface or destroy any nomination paper, or any part thereof, or sign any nomination paper contrary to the provisions of law knowing the same, or any part thereof, to be falsely made or suppress any nomination paper, or any part thereof, which has been duly filed. Whoever knowingly violates any of the provisions of this section shall be guilty of a misdemeanor if a natural person or be guilty of a felony if any other person.

#### Withdrawal

655:46 Withdrawal. Where a nomination has been made according to this chapter, no withdrawal or declination of a candidate shall be accepted by the secretary of state except as provided in RSA 655:38.

#### Presidential Nominations

##### 655:47 Declaration of Candidacy.

I. The names of any persons to be voted upon as candidates for president and vice-president at the presidential primary shall be printed on the ballots upon the filing of declarations of candidacy with the secretary of state in the following form and signed by the candidate:

I, \_\_\_\_\_, declare that I am domiciled in \_\_\_\_\_, in the city (or town or unincorporated place) of \_\_\_\_\_, county of \_\_\_\_\_, state of \_\_\_\_\_, and meet the qualifications for the office for which I am a candidate; that I am a registered member of the \_\_\_\_\_ party; that I am a candidate for nomination for the office of \_\_\_\_\_ to be made at the primary election to be held on the \_\_\_\_\_ day of \_\_\_\_\_; and I hereby request that my name be printed on the official primary ballot of said \_\_\_\_\_ party as a candidate for such nomination.

II. The declaration of candidacy shall be filed by each candidate not more than 74 nor less than 60 days before the presidential primary.

III. The decision of the secretary of state as to the regularity of declarations of candidacy filed under this section shall be final.

655:48 Fees. Notwithstanding any other provision of law, no candidate for the office of president or vice-president shall have his name placed on the ballot for the presidential primary unless he shall pay to the secretary of state at the time of filing his declaration of candidacy a fee of \$1,000.

655:49 Notification of Candidate. Repealed by Chapter 298, Laws of 1983.

655:50 Selection of Delegates. Each presidential candidate who has filed pursuant to RSA 655:47 shall file with the secretary of state not more than 74 nor less than 44 days before the presidential primary the names and addresses in alphabetical order of the delegates and their alternates, one alternate per delegate, who shall represent him as his delegation to the national convention.

655:51 Certification of Delegates Selected. All delegates and their alternates selected by each candidate in the presidential primary shall file with the secretary of state the following certification:

I, \_\_\_\_\_, certify that my domicile is in ward \_\_\_\_\_ in the city (or town) of \_\_\_\_\_, county of \_\_\_\_\_, state of New Hampshire, and am a qualified voter therein; that I am a registered member of the \_\_\_\_\_ party; that, if selected, I shall serve as delegate or alternate to the national convention of the \_\_\_\_\_ party next to be held for the nomination of candidates of said party for president and vice-president of the United States. I further certify that, if selected as delegate or alternate delegate, I will attend such convention unless I shall be prevented by sickness or other occurrence over which I have no control. I pledge myself, if selected as delegate or alternate delegate to said convention, whenever I shall vote, to vote for the nomination of (inserting the name of any person) as the candidate for said party for president so long as he shall be a candidate before said convention.

655:52 Vacancies. If there is a vacancy in the slate of delegates and alternate delegates of a presidential candidate, such vacancies may be filled after the expiration of the time allowed for filing and at least 41 days before the primary by the presidential candidate.

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

655:54 Nomination of Presidential Electors. Presidential electors shall be nominated by state party conventions as provided in RSA 667:21.

#### Nominations for Special State Elections

655:55 through RSA 655:80 repealed, 1981 chapter 512.

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

I. The special election shall be held on the Tuesday not less than 80 nor more than 87 days following the day that the governor and council declare that there shall be a special election; and

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

III. Under RSA 655:15, the official with whom state representative candidates shall file shall be the secretary of state; and

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

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

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

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

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

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

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

XI. The deadline for any candidate to request a recount pursuant to RSA 660:7 shall be 2 days from the day of the primary.

655:82 Waiver of Primary. In the event that not more than one candidate's name will be printed on a party's special primary ballot, the secretary of state shall declare that candidate, or no candidate if there is no one, to be the nominee, and the primary for that party shall be waived. In the event that all party primaries are waived pursuant to this section, the primary election shall not be conducted. In such a case, the special election shall be held on the day previously fixed as the day for the holding of the special primary election. The deadline for candidates to file nomination papers pursuant to RSA 655:40-45 shall be 32 days prior to the rescheduled special election date.

## CHAPTER 656

### PREPARATION OF VOTING MATERIALS

#### General Provisions

656:1 General Responsibility. Ballots for use in all state elections shall be prepared and delivered by the secretary of state at the expense of the state.

656:2 Prohibitions. No person engaged in preparing or printing a state election ballot shall purloin, give away, or allow to be removed any such ballot. Whoever knowingly violates this provision shall be guilty of a misdemeanor if a natural person or shall be guilty of a felony if any other person.



## State General Election

656:3 Preparation. At least 6 days before any state general election is to be held, the official state general election ballot shall be sent by the secretary of state to the city and town clerks.

656:4 Name and Domicile. Every state general election ballot shall contain the name of each candidate who has been nominated in accordance with the election laws, except as hereinafter provided, and shall contain no other name except party appellations. The names and addresses of the presidential electors shall not be printed on the ballot; but, in lieu thereof, the names of a party's candidates for president and vice-president shall be printed thereon under the designation for "President and Vice-President of the United States". If a nomination has been made by nomination papers, the words "Nom. Papers" shall be added to the name of the political party.

656:5 Party Columns. 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 first column shall contain the names of the candidates of the party which received the largest number of votes at the last preceding state general election.

656:6 Designation of Office. Immediately above the offices column shall be printed the instructions to voters as provided in RSA 659:18. The offices column shall be immediately to the left of the set of party columns. The offices column shall list the offices, each preceded by the word "For", for which the candidates whose names are listed in the party columns have been nominated, as in "For Governor". Below each such phrase shall be printed in small but easily legible letters "Vote for any (here insert a number designating how many persons are to be voted for)".

656:7 Order of Offices. The order in which the officers to be voted for shall be placed in the party columns and shall be listed as follows: President and Vice-president of the United States, governor, United States senator, representative in congress, executive councilor, state senator, state representative and county officers.

656:7-a Order of Representative Districts. In places which are electing representatives to the general court from more than one district, the order of officers on the ballot for that place shall list the candidates for representative to the general court in the numerical order of the districts from which they are running with the lower numbered district being listed first.

656:8 Squares. Directly at the right of the name of each candidate there shall be a square; except that, in the case of president and vice-president of the United States, one square shall suffice which shall be placed opposite the designation "President and Vice-President of the United States".

656:9 Party Designation. Above each party column shall be printed in large, plain letters the name of the political party by which the candidates in such column were nominated.

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

656:11 Party Emblem. Above each circle shall be placed an emblem designating or distinguishing the political party assigned to that column. The emblem or device shall be selected by the secretary of state for each political party represented upon the ballot and shall be different for each of such parties and may be any appropriate symbol; but neither the coat of arms nor the seal of any state, nor of the United States, nor the national flag, nor any religious emblem or symbol, nor the portrait of any person, nor the

representation of a coin nor of the currency of the United States shall be chosen as a distinguishing emblem.

656:12 Write-In Blanks. In the right-hand column of each state general election ballot, there shall be no circle or emblem but there shall be left as many blank lines without squares at the end thereof as there are persons to be elected to each office.

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

656:14 Constitutional Amendments. The question of whether to approve a proposed constitutional amendment may be submitted to the vote of the people at a state general election but may be on a special and separate ballot as provided in RSA 663:2.

656:15 Paper. The state general election ballot shall be printed on plain white paper in weight not less than that of ordinary printing paper. A constitutional question submitted on a separate ballot shall be printed on colored paper.

656:16 Uniformity; Folding. There shall be no impression or mark to distinguish one general election ballot from another. The names of all candidates shall be printed in uniform type, and the ballots for each town and city shall be such that their width and length when folded shall be uniform.

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

656:18 Sample Ballots. The secretary of state shall cause to be printed for each town 10 sample ballots. Such ballots shall be printed on tinted paper without facsimile endorsement but shall otherwise be identical to the state general election ballot. The sample ballots shall be forwarded as soon as printed to each town or ward clerk who shall post one copy in 2 public places in the town or ward within one day of their receipt and save the remainder to be posted on the day of the election as provided in RSA 658:26.

656:19 Number. At each state general election, the secretary of state shall furnish each town or city a number of ballots at least equal to the number of registered voters in that town or city at the last state general election.

656:20 Delivery of Ballots; Inspection.

I. The secretary of state shall send the state general election ballots in a sealed package to the town and city clerks so they shall receive them at least 6 days prior to the day of the state general election. The package shall be marked on the outside to clearly designate the town or city for which it is intended and the number of ballots enclosed. The secretary of state shall keep a record of the time when and the manner in which the packages were sent to the clerks and a record of the number of ballots so forwarded. A town or city clerk shall sign a receipt for the ballots received.

II. Each town or city clerk, prior to election day, shall open the package in which the ballots are enclosed, in the presence of at least one other legal voter, to verify that the ballots in the package are all the proper ballots for that town or city. The clerk and one other legal voter shall then reseal the package with the sealing label provided by the secretary of state.

656:21 Pasters. In the event that a candidate dies or is disqualified as provided in RSA 655:38 or 655:39, the name of the substitute candidate shall be printed on the state general election ballot. If the state general election ballots have already been prepared and time will permit, the secretary of state may authorize

adhesive slips or pasters with the name of the substitute candidate thereon to be printed and sent to the town or city clerks representing the territory wherein the deceased or disqualified candidate was to be voted for. Such paster shall be affixed to the ballots as provided in RSA 658:34. The name of the substitute candidate shall be received by the secretary of state no later than the Tuesday prior to the election in order for a substitute name to be placed on the ballot.

#### State Primary Election

656:22 Preparation. The official state primary election ballots shall be prepared by the secretary of state and shall be delivered by him to town and city clerks so that the ballots shall be received not later than 6 days before the state primary election. Each town and city clerk, in the presence of at least one other legal voter, shall verify the contents of the ballot package as provided under RSA 656:20 and reseal the ballots for use on election day.

656:23 General Form. The state primary election ballot shall be as nearly as practicable in the same form as the state general election ballot except that below the name of each office shall be printed in small but easily legible letters the words "Vote for not more than," instead of "Vote for any" and that blank lines for write-ins shall be placed below, not to the right of, the names printed on the ballot.

656:24 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.

656:25 Color; Party Designation. The state primary election ballots of all parties shall be printed upon colored paper, but no ballots of any political party shall be printed upon paper of the same or a closely similar color as the ballots of another political party. On the back of each ballot shall be printed in prominent type the name of the party.

656:26 Number.

I. Except as provided in paragraph II, the secretary of state shall furnish to each town or ward clerk the state primary election ballots of each political party in a number at least equal to the number of voters of each respective party on the checklist as used at the last preceding state primary election.

II. The secretary of state shall furnish, to each town or ward clerk in cities and towns which use devices for computerized casting and counting of ballots, the state primary election ballots of each political party in a number which he shall deem sufficient for voting in the state primary.

656:27 Number for New Party. For the first state primary election at which a political party has candidates for nomination, the secretary of state shall print for said party a sufficient number of state primary election ballots which in his discretion shall most closely approximate the figures provided in RSA 656:26.

656:28 Sample Ballots. The secretary of state shall furnish 10 sample state primary election ballots of each political party printed on white paper to each town or ward clerk and, upon request, a reasonable number of such sample ballots to each person whose name appears upon the ballot as a candidate. Each town or ward clerk shall post one sample ballot of each political party in each of 2 public places in his town or ward within one day of receiving such sample ballots and save the remainder to be posted on the day of the primary as provided in RSA 658:26.

## Presidential Primary Election

656:29 Preparation. At least 6 days before any presidential primary election is to be held, the official presidential primary election ballot for each political party shall be sent by the secretary of state to the city and town clerks. Each town and city clerk, in the presence of at least one other legal voter, shall verify the contents of the ballot package as provided under RSA 656:20 and reseal the ballots for use on election day.

656:30 General Form. The presidential primary election ballot shall be as nearly as practicable in the same form as the state primary election ballot.

656:31 Form. On the presidential primary election ballot of each political party, there shall be one column for the office of president and one for the office of vice-president. The columns shall be headed "Candidate of the (insert name of party) Party for President (or Vice-President) of the United States". Underneath this heading there shall appear the words: "I hereby declare my preference for candidate for the office of President (or Vice-President) of the United States to be as follows". Below these words, there shall be printed the name, town or city, and state of each candidate with boxes directly to the right. There shall always be one blank space on the ballot below the candidates' names to allow for writing in the name of a candidate.

656:32 Other Provisions. The provisions of RSA 656:24 - 656:28 relating to state primary election ballots shall apply to presidential primary ballots.

### Absentee Voters

656:33 Official Absence, Religious Observance, and Disability Absentee Ballots. Prior to any state election, the secretary of state shall prepare, in such quantity as he may deem necessary, absence, religious observance, and disability absentee ballots in the same form as nearly as practicable as the official ballot to be used at said election. Said absentee ballots shall have the words "absentee ballot" printed on them and shall be similarly endorsed and printed on paper of the same color as that used for official ballots.

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

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

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

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

656:38 Forwarding Absentee Ballots. The secretary of state shall forward absentee ballots to the town and city clerks as provided in RSA 657:10.



## Voters in Unincorporated Places

656:39 Preparation of Special Ballots. The secretary of state shall prepare special state election ballots for inhabitants of unincorporated places as provided in RSA 668.

## Voting Machines

656:40 Adoption. The mayor and aldermen of any city or the selectmen of any town, subject to the approval of the ballot law commission, may authorize the use of one or more voting machines or devices for computerized casting and counting of ballots in such city or town on a trial basis for any regular or special election and pay the expense of such trial from any available funds. The use of such machines or devices so authorized shall be valid for all purposes. Any town, or the mayor and aldermen of any city, may vote to lease or purchase voting machines or devices for the elections held in said town or city. Any town, or the mayor and aldermen of any city, so acting shall notify the secretary of state of the action taken in regard to voting machines or devices; and, after said action, voting machines or devices shall be used in said town or city in accordance with said vote or authorization. Notwithstanding any vote of adoption of voting machines, the mayor and aldermen of any city or the selectmen of any town may petition the ballot law commission to allow the use of paper ballots in any one or more elections.

656:41 Approval by Ballot Law Commission. The ballot law commission shall act as a board to examine voting machines and devices for computerized casting and counting of ballots. Said board shall, whenever requested, examine any voting machine or device which may be capable of meeting the requirements for elections held in this state. Said board shall approve such voting machine or device in its discretion, and no voting machine or device shall be used in any election in this state except of a type so approved by the ballot law commission.

656:42 Rules and Regulations. The ballot law commission shall make such rules and regulations as may be necessary in order that voting machines or devices for computerized casting and counting of ballots may be used in this state in such a manner that the election laws may be complied with as far as possible. Said commission shall have the power and authority in making regulations to declare certain laws relative to distribution and marking of ballots and other requirements inconsistent with the use of voting machines or devices ineffective in towns and cities adopting such a method of voting. The presiding officer at each polling place shall enforce the rules and regulations of the ballot law commission made under the authority of this section.

656:43 Lease or Purchase. Any town or city authorizing the use of a voting machine or a device for computerized casting and counting of ballots shall pay the cost of lease or purchase. When such a machine or device is purchased by a town or city, the person from whom such machine is purchased shall give to the secretary of state a suitable bond with sufficient sureties to keep such machine in good working order for not less than 2 years at the seller's own expense.

656:44 Listing Names; Voting Machines. The names of all candidates for any office on any primary ballot used in any city or town which has voting machines shall all be listed in the same row. No name of a candidate of any party for any office shall be placed beneath the name of another candidate of the same party for the same office unless the listing of all names of all candidates for all offices on that ballot is vertical and not horizontal.

## CHAPTER 657

### ABSENTEE VOTING

#### Eligibility

657:1 Absence, Religious Observance, and Disability Absentee Voting. Any person who is absent on the day of any state election from the city, town or unincorporated place in which he is registered to vote

or who cannot appear in public on any election day because of his observance of a religious commitment or who is unable to vote there in person by reason of physical disability may vote at such elections as provided in this chapter.

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

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

#### Application

657:4 Forms. Prior to any state election, the secretary of state shall prepare the appropriate application forms for absentee ballots worded as follows in such quantity as he deems necessary:

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

To the city or town clerk of \_\_\_\_\_.

I, \_\_\_\_\_, hereby apply for an official absentee ballot for the \_\_\_\_\_ party at the state primary election. I am a duly qualified voter, am registered as a member of the \_\_\_\_\_ party, (or I am now applying for a \_\_\_\_\_ ballot), and am entitled to vote in ward \_\_\_\_\_, city or town of \_\_\_\_\_.  
Mail absentee ballot to \_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Street and Number

\_\_\_\_\_  
City or Town, State and Country

II. For the state general election: Absence (Excluding Absence Due to Residence Outside the Continental United States), Religious Observance, and Disability:

To the city or town clerk of \_\_\_\_\_.  
I, \_\_\_\_\_, hereby apply for an official absentee ballot. I am a duly qualified voter and entitled to vote in ward \_\_\_\_\_, city or town of \_\_\_\_\_.  
Mail absentee ballot to \_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Street and Number

\_\_\_\_\_  
City or Town, State and Country

III. For the state primary and state general election:

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

To the city or town clerk of \_\_\_\_\_.  
I, \_\_\_\_\_, hereby apply for an official absentee ballot. I am a duly qualified voter and entitled to vote in ward \_\_\_\_\_, city or town of \_\_\_\_\_.  
Mail absentee ballot to \_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Street and Number

\_\_\_\_\_  
City or Town, State and Country

(b) Overseas Voting:

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Street and Number

\_\_\_\_\_  
City or Town, Province, Country

(c) Armed Services Voting

To the city or town clerk of \_\_\_\_\_.

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

a. A member of the armed forces of the  
United States. ( )

Service Organization \_\_\_\_\_

b. A member of the merchant marine of the  
United States. ( )

c. A civilian employee of the United  
States government serving outside the United  
States. ( )

d. A member of a religious group or  
welfare agency assisting members of the armed  
forces. ( )

e. A spouse or dependent of a person  
listed in a, b, c, or d above. ( )

My complete service address is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

My (non-military) domicile in New Hampshire immediately prior to such service was:

street and number \_\_\_\_\_

city or town \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

657:5 Forwarding Forms. The secretary of state shall retain for his own use so many application forms for absentee ballots as he may deem necessary and shall supply each town and city clerk in the state with so many of them as he may deem sufficient.

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

#### Absentee Ballots and Related Materials

657:7 Absence, Religious Observance, and Disability. Prior to any state election, the secretary of state shall prepare the following forms in such quantity as he deems necessary:

I. Absence, religious observance, and disability absentee ballots as provided in RSA 656:33.

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

(a) Absence from City or Town. A person voting by absentee ballot because of absence from the city or town in which he is entitled to vote shall fill out and sign the following certificate:

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

(Signature) \_\_\_\_\_

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

I do hereby certify under the penalties of perjury that I am a duly qualified voter in the city or town of \_\_\_\_\_, New Hampshire in ward \_\_\_\_\_; that I will be observing a religious commitment which prevents me from voting in person or that on account of physical disability I am unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).

(Signature) \_\_\_\_\_

III. Return envelopes of size sufficient to contain the preceding envelope addressed to the town and city clerks of the state in which absentee voters shall return their ballots. On the envelopes shall be printed "Enclosed is the ballot of an absentee voter" and, at the top thereof, 4 blank spaces with the words "Name, Voting Address, Ward, Town or City" appropriately printed thereon.

IV. Such explanatory matter and instructions for voters as the secretary of state with the approval of the attorney general shall deem appropriate to carry into effect the purposes hereof.

V. Mailing envelopes large enough to contain all the above materials in which the town and city clerks shall mail or deliver them to absentee voters.

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

I. Overseas citizens federal election absentee ballots as provided in RSA 656:34 for citizens who are domiciled in Canada or Mexico or in any country outside the continental United States.

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

(a) For Voters Who Are Registered.

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

I do hereby certify under the penalties of perjury that I am a duly qualified overseas citizen voter registered as such in the city or town of \_\_\_\_\_, New Hampshire; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the overseas citizens federal election ballot herein enclosed and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).

(Signature) \_\_\_\_\_

(b) For Voters Not Registered. A person desiring to vote by overseas citizens federal election absentee



ballot who is not registered as such in the town or city in which he desires to vote shall fill out and sign the following certificate:

I do hereby certify under penalty of perjury that I am a qualified federal overseas voter, that I am at least 18 years of age and a citizen of the United States; and that my last domicile within the United States was in New Hampshire at the following address: street and number \_\_\_\_\_/city or town \_\_\_\_\_. I am not registered to vote in any state and am not voting in any other manner in this election.

\_\_\_\_\_  
Signature of Voter

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

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

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

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

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

I do hereby certify under the penalties of perjury that I am a duly qualified voter in the city or town of \_\_\_\_\_, New Hampshire, in ward \_\_\_\_\_; that I will be absent on election day from said city or town and will be unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed and that I personally marked the ballot within and sealed it in this envelope (or had assistance in

marking the ballot and sealing it in this envelope because I am blind).

(Signature) \_\_\_\_\_

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

I do hereby certify under penalty of perjury that I am a qualified armed services voter under the laws of the state of New Hampshire, that I am at least 18 years of age and a citizen of the United States; and that, immediately prior to my service, my domicile was in New Hampshire at the following address: street and number \_\_\_\_\_/city or town \_\_\_\_\_. I am not registered to vote in any state and am not voting in any other manner in this election.

\_\_\_\_\_  
Signature of Voter

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

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

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

#### Disqualification of Clerk

657:11 repealed, 1981 chapter 169.

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

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

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

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

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

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 13 has been made, the clerk shall retain the application and, without delay, personally deliver or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:9 or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerks office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absent voting ballots have been sent, and shall identify those official absent voting ballots which have been returned to the clerk. Copies of said lists shall be open to inspection and shall be posted at the polling places on the day of election as provided in RSA 658:27.

657:16 Refusal to Certify; Procedure. If he refuses to certify the application, the town or city clerk shall notify the applicant in writing within 7 days to that effect. The clerk shall preserve the application until the time is set by law for the destruction of the ballots after the election at which time the application shall be destroyed. Any justice of the superior court has jurisdiction in equity upon such notice as he may order to require that the name of the person making application for an absentee ballot be placed upon the checklist or registered as a member of any party and be sent an absentee ballot.

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

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

Procedure for Armed Services and  
Federal Overseas Citizen Voting

657:19 Sending Ballots. Upon receipt of a properly executed application for an official armed services absentee ballot or an overseas citizens federal election absentee ballot, whether the form supplied by the secretary of state, the federal post card application, or a written statement containing the information required by RSA 657:4, a town or city clerk shall send the materials provided for in RSA 657:8 or 657:9, as applicable, regardless of whether the applicant appears on the checklist. Whenever an armed

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

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

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

657:21 Registration of Voters. Upon receipt of a return envelope containing an armed services or overseas citizen federal election absentee ballot, the clerk of the city or town shall open and retain said envelope and deliver the affidavit envelope to the

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

#### Election Day

657:22 Cutoff. In any state election, a town or city clerk shall not accept any completed armed services or federal overseas citizens absentee ballots delivered to him by any means after 5:00 p.m. on election day. All other absentee ballots shall not be accepted after 5:00 p.m. on the day immediately prior to election day. Ballots received after such times 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.

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

657:24 Misusing Absentee Ballot. Whoever, prior to the closing of the polls or the time of processing absentee ballots on election day, shall show or exhibit an unsealed absentee ballot to any person or shall use an absentee ballot for any purpose except to vote the same shall be guilty of a misdemeanor; provided that

this provision shall not apply to any person engaged in printing or distributing or otherwise dealing with said ballots according to law, to any person who because of blindness is unable to mark his ballot, or to any person who assists a blind person in marking his ballot. Anyone who votes or attempts to vote under the provisions of this chapter who is not entitled to vote by absentee ballot or anyone who knowingly votes or attempts to vote in violation of this chapter shall be guilty of a misdemeanor.

657:25 Conformity with Federal Legislation. The secretary of state and all other appropriate officials or boards are hereby authorized to perform all acts which he or they may be authorized to perform by any federal statute affecting voting by those to whom the statute is applicable and to accept any federal funds which may be made available to defray any expense in connection therewith, in so far as the same may not be repugnant to the constitution of this state.

## CHAPTER 658

### PRE-ELECTION PROCEDURE

#### Warrant

658:1 General Election. At least 14 days before any state general election, the selectmen shall post a warrant at all the polling places and at the office of the town or city clerk or at the town hall. Said warrant shall prescribe the hour the polls are to open and the hour before which they may not close as provided in RSA 659:1. It shall also state all offices and questions which are to be voted on and the location of the central polling place and of any additional polling places. If the selectmen neglect to issue a warrant for the state general election, or if they neglect to cause copies of such warrant to be posted agreeably to any vote of the town, they shall for each offense be guilty of a violation and any fines collected shall be remitted to the town.



## Inspectors of Election

658:2 Appointment. Each town and ward political committee of the 2 political parties which cast the largest number of votes for governor in the state at the last previous general election is authorized to appoint between September 15 and October 15 of each general election year 2 inspectors of election to act at each polling place. If the number of voters qualified to vote at a polling place shall exceed 2000, said political committees may each appoint for such polling place one additional inspector for each 1500 qualified voters or fraction thereof in excess of 2000. The town and ward political committees may also appoint such additional inspectors, equally divided between said 2 political parties, as the moderator considers necessary for the efficient conduct of the election. On or before October 15, the chairman of said political committees shall notify the appointees and the town or ward clerk and city clerk concerned as to appointments made under this authority. If any such appointments are not made by said political committees and proper notification thereof given on or before October 15, then the appointments shall be made by the selectmen of the town or ward in equal numbers from said 2 political parties.

658:3 Qualifications. The inspectors of election shall be registered to vote at the polling place where they serve.

658:4 Oath; Term. Each inspector of election shall be sworn to the faithful performance of his duties and shall hold office for 2 years from November 1 in the year in which he is appointed or until a successor is appointed and qualified.

658:5 Alternates. In making appointments of inspectors of elections as provided in RSA 658:2, town and ward political committees or town and ward selectmen may designate a list of alternates, who shall meet the same qualifications as inspectors of elections, to be called in numerical order to serve in case one or more of the principal appointees fails to

accept the appointment or is otherwise unavailable to perform his duties.

658:6 Appointment by Court. In case any appointment shall not be made as herein provided or vacancies are not filled as provided in RSA 658:22, then, on application of 6 qualified voters of the town or ward, a justice of the municipal or district court shall appoint the inspectors.

#### Assistant Election Officials

658:7 Appointment. For all state elections, the moderator is authorized to appoint an assistant moderator who shall take the oath of office in the same manner as the moderator. The moderator may also appoint such other election officials as he deems necessary and request the town clerk to appoint an assistant town clerk. The assistant moderator, assistant town clerk and said other election officials shall take the oath of office and perform such duties and have such powers as the moderator may delegate to them, except that the power of making the declaration of the vote cast shall not be delegated to them. The provisions of this section shall apply only to the appointment of assistant election officials to serve at the central polling place. Appointment of officers to act at additional polling places shall be accomplished as provided in RSA 658:14.

658:8 Term. The term of office of each of the assistant election officials appointed as provided in RSA 658:7 shall expire at the termination of the proceedings at the election for which he was appointed.

#### Preparation of Polling Place

658:9 Arrangement. I. The selectmen of each town and ward shall provide for a suitable place in which to hold state elections and shall see that the same is warmed, lighted and furnished with proper supplies and conveniences. Such supplies and conveniences shall include a ballot box and a sufficient number of soft black lead pencils and booths with shelves to enable the voter to mark his ballot screened from all

observation as to the manner in which he does so. Each place in which state elections are held shall be easily accessible as provided in RSA 658:9-a to all persons including physically disabled and elderly persons who are otherwise qualified to vote in the choice of any officer or officers to be elected or upon any question submitted at such election. The selectmen of each town and ward shall be charged with the responsibility to see that the flag of the United States is displayed inside and, weather conditions permitting, flown outside the polling place on election day. A guardrail shall be so constructed and placed so that only such persons as are inside such rail can approach within 6 feet of the ballot box and of the voting booths. The arrangements shall be such that the voting booths can be reached only by passing within the guardrail.

II. The voting booths shall be in plain view of the election officers, and both they and the ballot box shall be in plain view of those outside the guardrail. Each of said booths shall have 3 sides enclosed, one side in front to open and shut by a door swinging outward or to be enclosed with a curtain. Each side of the booths shall not be less than 6 feet high. The booth shall be between 28 and 36 inches wide, and between 28 and 36 inches deep. The door or curtain shall extend to within 2 feet of the floor and shall be closed while the voter is marking his ballot. Each booth shall be well lighted and shall contain a shelf between 12 and 15 inches wide running the width of the booth a convenient height for writing. The number of voting booths shall not be less than one for every 125 voters or fraction thereof qualified to vote at such polling places. There shall not, in any case, be fewer than 2 of the voting booths described in this paragraph and one of the voting booths described in paragraph III at any polling place.

III. In addition to the voting booths described in paragraph II, each polling place shall have one voting booth which is easily accessible to elderly persons and to persons with physical disabilities. Each booth shall have 3 sides enclosed, one side in front to open and shut by a door swinging outward or to be enclosed with a curtain. Each side of the booths shall be not less than 6 feet high. The booth shall be between 36 and 40 inches wide at its front door,

between 60 and 66 inches deep, and between 36 and 40 inches wide along the back wall. The door or curtain shall extend to within 2 feet of the floor and shall be closed while the voter is marking his ballot. Each booth shall be well lighted and shall contain a shelf between 12 and 15 inches wide running the width of the booth at a height of between 30 and 32 inches which shall be convenient for writing with at least 28 inches of unobstructed space from the floor to the bottom of the shelf.

658:9-a Accessibility. Every polling place in which state elections are held shall be easily accessible to all persons, including physically disabled and elderly persons who are otherwise qualified to vote in the choice of any officer or officers to be elected or upon any question submitted at such election. In order for a polling place to be considered accessible to elderly persons and to persons with physical disabilities, the following conditions shall be met; provided, however, that the provisions of paragraph I may be adopted by each municipality on an optional basis:

I. In parking lots adjacent to the polling place there shall be parking spaces designed for the disabled and marked with the international symbol of accessibility. The designated parking spaces shall be at least 12 feet wide and on a level surface suitable for wheeling a wheelchair. The designated parking spaces shall be as close as possible to the accessible entrance. In such parking lots, there shall be a clear path of travel without curbs or steps to the entrance of the polling place.

II. The walks to and from the polling place shall have a continuous common surface not interrupted by steps or abrupt changes in level greater than one inch. The slope of the walks to and from the polling place shall be less than 5 percent or one in 20. Such walks shall be at least 48 inches wide, and there shall be a clear path of travel without curbs or steps to the entrance of the polling place.

III. Curb cuts outside the polling place shall be at least 40 inches wide. The slope to curb cuts shall be 1:12. The lip at the roadway gutter outside the polling place shall be less than one inch. The ramp area for the curb cuts shall have a tactile warning surface.

IV. Where a ramp is provided:

(a) The slope of the ramp shall be 1:12 or less.

(b) The ramp shall be at least 48 inches wide.

(c) Handrails shall be present on both sides of the ramp set no higher than 32 inches.

(d) Handrails shall extend 12 inches beyond the top and bottom of the ramp.

(e) The ramp shall have a non-slip surface.

(f) There shall be level platforms 60 inches by 60 inches at the top and bottom of the ramp, wherever a ramp changes directions at 30 foot intervals or less, if the ramp is longer than 30 feet.

V. Entrances, doors, and doorways shall comply with the following requirements:

(a) There shall be at least one primary entrance to the polling place usable by elderly and physically disabled individuals and clearly marked with the international symbol of accessibility.

(b) The door width opening shall be at least 32 inches clear.

(c) The pressure required to open the outside door shall be 15 pounds or less. The pressure required to open the inside door shall be 8 pounds or less.

(d) The door hardware shall be operable with a closed fist and located between 36 inches and 42 inches above the floor.

(e) The thresholds to the polling place shall have changes in level of 1/2 inch or less.

(f) The floor inside and outside of each doorway of the polling place shall be level for a distance of 48 inches plus the width of any door swinging into the space. There shall be enough space on the "pull" side of the door to allow a wheelchair to pull to one side to open the door without backing.

(g) Automatic or power assisted doors shall operate in a manner and direction which is not hazardous.

IV. Floors in the polling place shall be level with no thick mats or carpets which could trip a person or block a wheelchair.

### Additional Polling Places

658:10 In Towns. If any town shall so vote, the selectmen shall provide one or more additional polling places in such town and shall, at least 30 days before the next following general election, determine the boundaries of the voting district to be served by each such additional polling place.

658:11 Central Polling Place. The polling place presided over by the moderator of the town or ward shall be known as the central polling place and all other polling places shall be known as additional polling places.

658:12 Checklist. Immediately after the establishment of an additional polling place and the creation of the voting district to be served thereby, the supervisors of the checklist shall prepare a separate checklist of the voters entitled to vote at such a polling place. Such separate checklist shall thereafter be posted and revised along with the checklist for the central polling place as provided in RSA 654. At least 14 days before any state election, the supervisors shall post at the town or city clerk's office or at the town hall a true and attested copy of such list and shall, before the election, lodge with the town clerk 2 copies of such list.

658:13 Central Polling Place Officers. Election officers who have their domicile in additional polling districts but are on duty at the central polling place may keep their names on the central polling place checklist by notifying the supervisor of the checklist before the polls are opened.

658:14 Officers. The moderator shall appoint an assistant moderator for each additional polling place and the town clerk shall appoint an assistant clerk for each additional polling place. Each assistant moderator and assistant clerk shall have their domicile in the voting district covered by the additional polling place where they will serve. The powers and duties of the assistant moderator and the assistant clerk shall be the same as those of the moderator and

the clerk at the central polling place except as otherwise provided in the election laws. The inspectors of elections appointed as provided in RSA 658:2 shall be sworn in by the assistant moderator before entering upon their duties.

658:15 Equipment. The selectmen shall equip each additional polling place in the same manner required for central polling places.

658:16 Conduct of Elections. Except as otherwise provided, the conduct of the election at the additional polling place shall be the same as at the central polling place.

658:17 Discontinuance. A voting district and polling place so established shall continue to be such for successive state elections until the town shall vote to discontinue the same, but the selectmen may from time to time increase or diminish the boundaries thereof in order to effectively accommodate the voters.

658:18 Special Provision for Cities. Cities may adopt the provisions of RSA 658:10 - 658:17. The city council shall create and discontinue the voting districts in city wards, establish the additional polling places therein, and select the election officers for the additional polling place.

#### Absences Among Election Officers

658:19 Moderator Pro Tem. If the moderator is absent from any state election or is unable to perform his duties, a moderator pro tempore shall be appointed by the moderator.

658:20 Clerk Pro Tem. If a town or ward clerk is absent from any state election or is unable to perform his duties and there is no deputy clerk as provided in RSA 41:18, a town or ward clerk pro tempore shall be appointed by the town clerk.

658:21 Supervisor Pro Tem. If more than one member of the board of supervisors is absent from any state election or is unable to perform his duties, a supervisor pro tempore shall be appointed by the moderator.

658:22 Inspectors Pro Tem. If any of the appointed inspectors of election shall be absent from any state election or unable to perform his duties, the selectmen shall appoint some person qualified as provided in RSA 658:3, using the list of alternate appointees provided under RSA 658:5 unless no person on said list is available.

658:23 Duties; Term. An election officer pro tempore as provided for in RSA 658:19 through 658:22 shall have all the powers and duties of the officer he replaces as provided in the election laws and shall take the oath of office in like manner. His term of office shall expire at the termination of the proceedings at the election for which he was appointed.

658:24 Disqualification of Certain Persons. Any person whose name appears on a ballot for an elective position, other than a position of an election official, shall be disqualified from performing duties as an election official in that election. A person so disqualified shall not be considered to have vacated any office but rather only to be absent therefrom. A temporary replacement shall be appointed as provided in RSA 658:19 - 658:22.

II. Repealed by Chapter 119, Laws of 1990.

#### Election Day Morning Procedures

658:25 Designation of Ballot Clerks. Two of the inspectors, one from each of the 2 political parties, shall be designated by the moderator at the opening of the polls to act as ballot clerks. They shall have charge of the ballots and shall furnish them to the voters. They shall be given a duplicate copy of the checklist by the town or ward clerk. The other inspectors shall be assigned such duties in the polling place as the moderator may determine including, but not limited to, the relief of the ballot clerks and the assistance of the illiterate and physically disabled in voting their ballots as provided in RSA 659:20.

658:26 Sample Ballots to be Posted. The town or city clerk shall cause the sample ballots provided for in RSA 656:18 and 656:28 to be posted outside the



guardrail in the polling place. For the general election, he shall cause 2 sample ballots to be posted. For the state and presidential primaries, he shall cause 2 sample ballots of each party to be posted. At least one sample ballot for the general election and one sample ballot of each party for each of the primaries shall be posted no higher than 48" so as to be convenient for those voters in wheelchairs.

658:27 Absentee List to be Posted. The town or city clerk shall cause a copy of the list of persons to whom absentee ballots have been sent and identified as having been returned, as provided for in RSA 657:15, to be posted outside the guardrail in the polling place and any additional polling places..

658:28 Voter Instruction Cards to be Posted. The secretary of state shall also prepare full instructions for the guidance of voters at such elections as to obtaining ballots, the manner of marking them, the method of gaining assistance and obtaining new ballots in place of those accidentally spoiled. He shall cause the same to be printed on separate cards to be called voter instruction cards and shall furnish a suitable number of the same to each town and ward clerk. Each town and ward clerk shall cause one voter instruction card to be posted in each voting booth and not less than 3 such cards to be posted immediately outside the guardrail in the polling place.

658:29 Statutes Posted. The secretary of state shall prepare and distribute copies of the following RSA sections which the selectmen shall post or cause to be posted outside the guardrail in the polling place: RSA 654:38, 39; RSA 658:29; RSA 659:27, 30, 31, 32, 103; RSA 665:15; RSA 666:4, 5, 8, 9, 10, 11, 12.

658:30 Delivery of Ballots to Election Officers. The city or town clerk shall deliver to the election officers before the opening of the polls on the day of the election the sealed packages of ballots in their possession together with filament tape or other similar tape with which to seal the ballots. Any city or town clerk who shall fail to deliver such material to the election officers as herein provided shall be guilty of a violation.

658:31 Counting Ballots. At the opening of the polls in each town or ward, the seal of the packages shall be publicly broken by the town or ward clerk; and the ballots shall be given to the ballot clerks and the ballots shall be examined and counted by the election officers.

658:32 Moderator's Certificate. The secretary of state shall prepare and distribute to each town or ward clerk 2 copies of the moderator's certificate. When the ballots are counted, the moderator shall certify thereon the total number of ballots received. One copy shall be retained by the moderator for his records; the other shall be certified by the clerk and forwarded to the secretary of state with the election returns.

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 him 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. This package shall be prepared and sealed in the presence of the moderator and selectmen and be delivered immediately to the assistant moderator of the additional polling place by 2 election officers designated by the moderator.

658:34 Pasters. If pasters are to be used at the election and have been delivered to the town or city clerk, the clerk shall deliver the pasters to the moderator who shall cause them to be pasted in the proper place on each ballot before it is handed to the voter.

658:35 Unofficial Ballots. If the official ballots have not been received at the polling place of any town or ward on the morning of election before the opening of the polls, it shall be the duty of the town or city clerk to cause unofficial ballots to be prepared, as far as possible, in form of the official ballots. Upon receipt of such unofficial ballots from a town or city clerk accompanied by a statement under oath that the same have been so prepared and that the official ballots have not been received, the moderator shall cause the unofficial ballots so substituted to be used in lieu of the official ballots.

658:36 Inspection of Ballot Box. At the opening of the polls, the ballot box shall be publicly opened and shown to be empty; and the election officers shall ascertain that fact by a personal examination of the box.

## CHAPTER 659

### ELECTION PROCEDURE

#### Hours of Polling

659:1, 2 Repealed by Chapter 10, Laws of 1988

659:3 Early Closing of Polls. Notwithstanding any provision of law to the contrary, the voters present at the polling place may vote to close the polls at any time that the number of those who have voted plus the number of absentee ballots received at the polls equals the number of names on the checklist.

659:4 Hours of Polling in Municipalities. At all state elections in towns and cities the polls shall open not later than 11 o'clock in the forenoon and shall close not earlier than 7 o'clock in the evening. In cities, the city council shall determine the polling hours at least 30 days prior to a state election.

659:5 Repealed by Chapter 10, Laws of 1988

659:6 Other Changes in Hours of Polling. Except as provided in RSA 659:3, in all state elections, the voters present at the polling place may vote to keep the polls open until a later hour but may not vote to close the polls at an earlier hour than that prescribed in the warrant.

659:7 Repealed by Chapter 10, Laws of 1988

659:8 At Additional Polling Places. The hours of polling at any additional polling place shall be the same as those at the central polling place as provided in RSA 658:16.

#### Conduct of Voting

659:9 Moderator to Oversee Voting. It shall be the duty of the moderator to secure the observance of the provisions of the following sections relating to the conduct of voting.

659:10 Supervisors Attendance Required Where Checklist is Used. The supervisors shall be present at the opening of each election at which a checklist is to be used and shall have with them the corrected checklist for that election and shall remain in attendance until the close of the election.

659:11 Conduct of Voting at Additional Polling Places. The voting at each additional polling place shall be conducted as at the central polling place as provided in RSA 658:16.

#### Voting Procedure

659:12 Who Can Vote. All persons whose names are entered upon the corrected checklist brought by the town or ward clerk to the polling place shall be entitled to vote unless successfully challenged. No person whose name is not upon the checklist shall be allowed to vote, unless, in the opinion of the supervisors of the checklist, it clearly appears that the name of a qualified voter has been omitted from the checklist by clerical error or mistake or that the

person is a serviceman on leave who is qualified to vote and who by reason of such service was not in the town or city of his legal domicile at the time of the last session of the supervisors of the checklist.

659:13 Obtaining a Ballot. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, he shall put a checkmark beside it and again repeat the name. The voter, unless challenged as provided for in RSA 659:27 - 33, shall then be allowed to enter the space enclosed by the guardrail. After he enters the enclosed space, the ballot clerk shall give him one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

659:14 Special Provisions for State and Presidential Primary Elections. I. A person desiring to vote at a state or presidential primary election shall, at the time of announcing his name, also announce the name of the party to which he belongs or whether he is not registered as a member of any party. If his party membership has been registered before, he shall be given only the ballot of the party with which he is registered, unless he desires to vote the ballot of a party not having official existence at the time his party membership was previously registered. If the rules of a party permit a person who is not registered as a member of any party to vote in the party's primary, any person desiring to vote in that party's primary shall also announce the name of that party at the time of announcing his name. No person shall be permitted to vote in any more than one party primary during any primary election.

II. The secretary of state shall include on the voter instruction cards required by RSA 658:28 whether a party rule has been adopted which permits a person who is not registered as a member of any party to vote in the party's primary. The party chairman shall notify the secretary of state in writing prior to the filing period for state offices whether the party has adopted such a rule. This rule shall not be changed or

rescinded by a party until the results of the primary have been announced, and any change or rescission shall be mailed to the secretary of state by the party chairman.

659:15 Voter Proceeds to Booth. On receipt of his ballot, the voter shall forthwith without leaving the space enclosed by the guardrail proceed to one of the voting booths and shall mark his ballot.

659:16 Number of Voters Allowed Within Guardrail. The number of voters within the guardrail at any one time shall not exceed the number of voting booths at the polling place, provided that the number of voters shall not include election officers or any voter who is engaged in the act of handing his ballot to the moderator.

659:17 Marking the Ballot. A voter may vote for a candidate by marking a cross (X) in the square beside the candidate's name or, if the person of his choice is not listed on the ballot, by writing in the name of such person in the blank for write-in votes in the right-hand column on the ballot directly to the right of the name of the office in the case of a general election or on the blank line beneath the printed names of candidates on a state or presidential primary.

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

I. In a state general election, the following instructions to voters for straight ticket voting shall be printed on the ballot: Make a cross (X) within the circle of the political party of your choice if you wish to vote for all candidates running in that party column. If you vote a straight ticket, but wish to vote for one or more individual candidates of a different party, you may do so, and your vote for an individual candidate will override the straight party vote for that office. However, if you vote for one candidate of a different party for an office where more than one candidate is to be elected, be sure to vote individually for all candidates of your choice for that office, because your straight ticket vote will not be counted for that office.

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

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

659:19 Voting on Questions. A voter shall vote on questions submitted to voters by marking a cross (X) in the square next to the answer he desires to give.

659:20 Assistance in Voting. Any voter who declares to the moderator under oath that he cannot read or that, because of legal blindness or other physical disability, he is unable to mark his ballot shall, upon his choice and request, receive the assistance of one or both of the inspectors of election detailed for that purpose by the moderator. Such inspectors of election shall thereafter give no information regarding the same. Provided that any voter unable to mark his ballot because of his legal blindness may be assisted in such marking by any person who is a qualified voter in the same town or ward whom he may designate. Such person so assisting shall be sworn, shall mark the ballot as directed by said voter and shall thereafter give no information regarding the same. He shall leave the space within the guardrail with the disabled voter.

659:21 Admittance Within Guardrail. No person other than the election officers, the voters admitted or those admitted to aid a voter pursuant to RSA 659:20 shall be permitted within the guardrail except by the authority of the election officers and, then, only for the purpose of keeping order and enforcing the law.

659:22 Spoiled Ballots. If any voter spoils a ballot, he may receive others, one at a time, not exceeding 3 in all, upon returning each spoiled one.

The ballots thus returned shall be immediately marked "cancelled" by the moderator over his signature and, at the close of the polls, shall be preserved as provided in RSA 659:95.

659:23 Folding and Depositing Ballot.

I. Before leaving the voting booth, the voter shall fold his ballot in the same way it was folded when received by him and shall keep it folded so that the marks on it cannot be seen. He shall then proceed to the checkout table and shall announce his name to the town clerk who shall repeat the name and place a mark beside it on his checklist. The voter shall then present his ballot with the official endorsement uppermost to the moderator who shall then deposit the ballot in the ballot box.

II. The provisions of paragraph I shall not apply to cities and towns which use one or more voting machines or devices for computerized casting and counting of ballots, as provided in RSA 656:40.

659:24 Unofficial Ballots. If the supply of ballots shall become exhausted before the closing of the polls, it shall be the duty of the town or city clerk to cause unofficial ballots to be prepared as provided in RSA 658:35. Except as provided in this section and in RSA 658:35, no ballot without the official endorsement shall be allowed to be deposited in the ballot box.

659:25 Time Allowed for Voting. The voter shall mark and deliver his ballot without undue delay and shall leave the enclosed space within the guardrail as soon as he has delivered his ballot to the moderator. No voter shall be allowed to occupy a voting booth already occupied by another voter nor be allowed to remain within the enclosed space more than 10 minutes nor, if other voters are waiting to mark their ballots and all of the voting booths are occupied, be allowed to occupy a voting booth for more than 5 minutes.

659:26 Voters Not Readmitted. No voter, other than an election officer, whose name has been checked on the list by ballot clerks shall be allowed to re-enter the enclosed space within the guardrail during the hours of polling except as provided in RSA 659:20.



## Challenges

659:27 Challenge of Voter; Affidavit. Any voter at any state election may challenge any other voter offering to vote at such election, and the moderator shall not receive the vote of the person so challenged until he shall sign and give to the moderator an affidavit in the following form:

I, \_\_\_\_\_, do solemnly swear (or affirm) that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or ward) and have a legal domicile therein.

659:28 Secretary of State to Prepare Affidavit Blanks. The secretary of state shall prepare and distribute to the town and ward clerks before every state election printed blanks for the affidavits required by RSA 659:27.

659:29 Special Provisions for State and Presidential Primary Elections. Any voter at any state or presidential primary election may challenge any other voter offering to declare himself as a member of a party or to vote the ballot of a party. Such challenged voter shall not be allowed to so declare or so vote until he makes an oath or affirmation that he affiliates with and generally supports the candidates of the party.

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

659:31 Receiving Vote. A moderator shall not receive the vote of any voter who is challenged and who refuses to make an affidavit as required by RSA 659:27 or 659:29. A moderator who does receive the vote of such voter shall be guilty of a violation.

659:32 Affidavits Recorded. The town clerk shall record the name and domicile of all voters making such affidavits, the name of the person challenging and the reason for the challenge.

659:33 Affidavits Preserved. The town clerk shall preserve all affidavits of challenged voters as provided in RSA 659:103.

Prohibited Acts

659:34 Wrongful Voting, Etc. A person shall be guilty of a misdemeanor if, at any election, he shall:

I. Vote more than once for any officer voted for at such election; or

II. Apply for a ballot in a name other than his own; or

III. Apply for a ballot in his own name after he has once voted in person; or

IV. Vote for any officer at such election and be

(a) not 18 years of age or older; or

(b) not a naturalized alien; or

(c) otherwise not a legal voter; or

V. Give any false name or answer if under examination as to his qualifications as a voter before the supervisors of the checklist.

659:35 Showing or Specially Marking Ballot.

I. No voter shall allow his ballot to be seen by any person with the intention of letting it be known how he is about to vote except as provided in RSA 659:20.

II. No voter shall place a distinguishing mark upon his ballot nor write in any name as the candidate of his choice with the intention of thereby placing a distinguishing mark upon his ballot.

III. No voter shall use or attempt to use any ballot not given him by the ballot clerk to accomplish any of the acts or purposes prohibited by paragraph I or II or both.

IV. Any person wilfully violating any of the provisions of this section shall be guilty of a misdemeanor.

659:36 Marking Ballot by Election Officers. No mark of any nature shall be placed on any ballot by an election officer except as provided in RSA 659:20, 659:22 and 659:51. Whoever knowingly violates this section shall be guilty of a misdemeanor.

659:37 Interfering with Voter, Etc. No person shall interfere or attempt to interfere with any voter when such voter is in the space within the guardrail or endeavor to induce any voter before voting to show how he marks or has marked his ballot. Whoever knowingly violates this section shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

659:38 Forgery; Removing Ballot. No person shall forge or falsely make the official endorsement on any official ballot or furnish to any voter a ballot with the intent that such voter shall use the same in voting instead of the ballot given him by the ballot clerk or take or remove any ballot outside the guardrail before the close of the polls or knowingly delay the delivery of any ballots. Whoever knowingly violates this provision shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

659:39 Giving Liquor. Any person who shall directly or indirectly give intoxicating liquor to a voter at any time with a view to influencing any election shall be guilty as provided in RSA 640:2.

659:40 Bribing; Intimidation. No person shall directly or indirectly bribe or intimidate any voter not to vote or to vote for or against any question submitted to voters or to vote for or against any ticket or candidate for office at any election. Whoever violates the provisions of this section shall be guilty as provided in RSA 640:2 or RSA 640:3.

659:41 Assault, Etc. Any person who shall assault a town, city, or ward officer as provided in RSA 631 in the discharge of any duty of his office at any election shall be guilty of a class A felony or a class B felony, but never less than a class B felony other provisions of the law to the contrary notwithstanding. Any person who shall take away, injure or destroy the ballot box or checklist when in use at any election shall be guilty of a class B felony.

659:42 Tampering with Voting Machines. Whoever shall tamper with or injure or attempt to injure any voting machine or device for the computerized casting and counting of ballots to be used or being used in an election or whoever shall prevent or attempt to prevent the correct operation of such machine or device or any unauthorized person who shall make or have in his possession a key to a voting machine to be used or being used in an election shall be guilty of a class B felony if a natural person or guilty of a felony if any other person.

659:43 Distributing Campaign Materials at Polling Place. I. No person who is a candidate for office or who is representing or working for a candidate shall distribute or post at a polling place any campaign material in the form of a poster, card, handbill, placard, picture, or circular which is intended to influence the action of the voter within the building where the election is being held.

II. No person who is a candidate for office or who is representing or working for a candidate shall distribute any campaign materials or perform any electioneering activities or any activity which affects the safety, welfare and rights of voters within a corridor 10 feet wide and extending a distance from the entrance door of the building as determined by the moderator where the election is being held.

III. Whoever violates any of the provisions of this section shall be guilty of a violation.

659:44 Electioneering at the Polling Place. No election officer shall electioneer while in the performance of his official duties. For the purposes of this section, "electioneer" shall mean to act in any way specifically designed to influence the vote of a voter on any question or office. Any person who violates this provision shall be guilty of a misdemeanor.

659:45 General Provisions. It shall be the responsibility of the moderator to report any violation occurring under RSA 659:34 through 659:44 to the attorney general. All fines imposed under these sections shall be paid to the county in which the offense was committed.

#### Processing Absentee Ballots

659:46 Delivery of Absentee Ballots to Moderator. Prior to the closing of the polls or the time set for processing absentee ballots as provided in RSA 659:49, the town or city clerk shall deliver all absentee ballots to the moderator as provided in RSA 657:23.

659:47 Absentee Ballots Received Late. No absentee ballot shall be cast or counted unless it is delivered to the moderator at the proper polling place prior to the closing of the polls or the time set for the processing of absentee ballots as provided in RSA 659:49.

659:48 Death of a Voter. If the officers charged with the duty of processing absentee ballots are cognizant of the fact that the voter has died prior to the opening of the polls, they shall not open the envelope containing the absentee ballot.

659:49 Option to Process Absentee Ballots Before Closing of Polls.

I. At the direction of the moderator, absentee ballots may be processed before or after the closing of the polls but, in all cases, must be processed before any votes are tabulated. The moderator may direct that

absentee ballots be processed before the closing of the polls provided that:

(a) The time for commencement of processing absentee ballots shall be posted by the moderator at each polling place with the warrant and shall be publicly announced by the moderator at the opening of the polls; and

(b) The time set for the commencement of processing absentee ballots shall be not earlier than 11:00 a.m. on election day; and

(c) Once processing of absentee ballots has commenced, it shall continue without interruption until completed.

II. The moderator shall designate one of the other election officials to receive ballots from voters while the absentee ballots are being processed.

659:49-a Option to Count Absentee Ballots Before Closing of Polls. At the direction of the moderator, absentee ballots may be counted prior to the closing of the polls in cities and towns which authorize the use of one or more voting machines for computerized casting and counting of ballots, as provided in RSA 656:40. The option provided under this section shall not be used by cities or towns which use devices for computerized casting and counting of absentee ballots. If the option to count absentee ballots is exercised by the moderator under this section, he shall exercise his option under RSA 659:49, and the absentee ballots shall be processed not earlier than 2 hours before the closing of the polls, and then counted immediately following their processing. The counting of absentee ballots shall be done by the election officials, except those disqualified under RSA 659:58, under the supervision of the moderator. The final count of absentee ballots shall not be announced before the polls close, and shall be announced as provided in RSA 659:70.

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

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

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

the folded ballot the corresponding challenge number as previously marked on the envelope. He shall then proceed to deposit the ballot as provided in RSA 659:52.

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

659:53 Forms Not in Order. If the moderator finds that the absentee voter is not entitled to vote, he 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. 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.

659:54 Immaterial Defects. No absentee ballot shall be rejected by the moderator for any immaterial addition, omission, or irregularity in the preparation or execution of any writing or affidavit required herein.

659:55 Absentee Voter Not to Vote in Person. Notwithstanding any other provision of law, if a red ink "A.V." is properly placed against the name of a voter who has voted by absentee ballot, that voter against whose name the red ink "A.V." has been properly placed and who has voted by absentee ballot shall not be permitted to vote in person.



### Certification of Checklist

659:56 Certification of Checklist. After the closing of the polls at a state election, the moderator and the town or ward clerk shall certify on the checklist used by them that such checklist is in fact the one used by them at said election and that it contains a correct and complete list of the legal voters in their town or ward.

659:57 Transfer of Checklist. The certified checklist shall be used to prepare the election return as provided in RSA 659:74 and shall then be delivered to the supervisors by the town or ward clerk.

### Counting of Votes

659:58 Disqualification of Officials. Any election official, other than the moderator, who is also a candidate for office shall not be allowed to remain within the guardrail during the counting of votes for an office for which he is a candidate. Such official shall disqualify himself from election duties relating to the tabulation of votes; and the moderator shall appoint an assistant who shall take the same oath as, serve in the same capacity as, and have all the powers of the election official who is disqualified until such official may properly return.

659:59 Optional Counting of Votes at Additional Polling Places. The moderator may order the assistant moderator in writing to process absentee ballots and to count the votes cast at the additional polling place in the presence of and with the assistance of the assistant town clerk and election officials in the manner prescribed by this chapter. After the processing of absentee ballots and the counting are complete, the assistant moderator shall place the counted ballots in the ballot box and shall seal it, and the assistant town clerk shall certify the same. The assistant moderator shall also seal in a package the duplicate checklists used at the additional polling place together with the absentee envelopes and the spoiled and unused ballots; and he, together with the assistant town clerk, shall immediately deliver the ballot box, checklists, absentee envelopes, unused and

spoiled ballots, and a written report of his count signed by him and the assistant town clerk to the moderator of the town at the central polling place. If the moderator does not order the counting as provided herein, the assistant moderator shall comply with the provisions of RSA 659:62.

659:60 Duties of Moderator. The moderator shall oversee the counting of votes by other election officers, including the selectmen and the town clerk, and may discharge any other duties relating to the counting of votes.

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.

659:62 Return of Materials from Additional Polling Place. Except as provided in RSA 659:59, upon the closing of the polls at each additional polling place, the ballot box at such polling place shall be sealed by the assistant moderator. Such sealing shall be done in the presence of the inspectors of election and shall be certified by the assistant clerk at such polling place. The assistant moderator shall also seal in a package the duplicate checklists used at the additional polling place together with the unused and spoiled ballots. The ballot box and the package shall be delivered to the moderator at the central polling place without unnecessary delay and with the seals unbroken by 2 election officials designated by the assistant moderator. Such 2 election officials shall be of different political parties.

659:63 Counting to be Public. The counting of votes shall be public and conducted within the guardrail and shall not be adjourned nor postponed until it shall have been completed. No ballot shall be placed within 4 feet of the guardrail during the counting of votes.

659:64 Determining Intention of Voter. If a ballot is marked for any office in a way which does not readily admit of counting or if a disagreement over how to count the ballot for any office occurs among the election officers present and counting votes, then the ballot shall be counted for that office in accordance with the majority vote of the election officials present and counting votes; provided that, if no alternative count receives a majority vote, the ballot shall be regarded as defective for that office as provided in RSA 659:65.

659:65 Defective Ballots. A ballot shall be regarded as defective in whole or in part and shall not be counted in whole or in part as follows:

I. A ballot shall be regarded as defective in whole and shall not be counted in whole if either or both of the following conditions exist:

(a) The ballot does not have printed upon it the official endorsement in accordance with RSA 656:17; unless it has been prepared in accordance with RSA 658:35.

(b) No count of the ballot for any office received a majority vote of the election officials as provided in RSA 659:64.

II. A ballot shall be regarded as defective in part and that part shall not be tabulated if either or both of the following conditions exist:

(a) No count of the ballot for one or more (but less than all) offices received a majority vote of the election officials as provided in RSA 659:64, but the count of the ballot for the other offices results in no disagreement or can be agreed on by majority vote as provided in RSA 659:64.

(b) The ballot has attached to it an adhesive slip, sticker, or paster not prepared in accordance with RSA 656:21 in the space for any office, but the rest of the ballot admits to counting as provided in paragraph II(a).

Special Provisions for Counting Votes on  
State General Election Ballots

659:66 Counting Straight Party Vote. If, in accordance with RSA 659:18, a ballot is marked to indicate a straight party vote, but the name of a candidate for an office in the party column is erased or cancelled and a cross is in the square beside the name of another candidate for that office in another party column, or the name of a person is written in in the write-in blank in the right-hand column corresponding to the office, then the vote so marked in the square or so written in in the write-in blank shall be counted and a vote shall not be counted for the candidate whose name is erased or cancelled.

659:67 Write-in Votes. In the case of a write-in vote for a candidate whose name appears on the ballot as the nominee of a party for the same office, said write-in vote shall be counted as an additional vote for said candidate; but the said individual ballot shall be counted as only one vote for the same person for the same office.

659:68 Counting Vote When a Candidate is Nominated by More Than One Party.

I. If a candidate is nominated by more than one party and his name appears on the state general election ballot in more than one party column and if the number of candidates for an office voted for on an individual ballot in question does not exceed the number of officers elected, then the ballot shall be counted as follows:

(a) If the candidate has votes under more than one party label for the same office, then one vote shall be counted for the candidate and credited to the party of which the candidate is a member.

(b) If the candidate has a write-in vote and a vote under the party label of the party of which he is a member, then one vote shall be counted for the candidate and credited to the party of which he is a member.

(c) If the candidate has a write-in vote and a vote under the party label of which he is not a member, then one vote shall be counted for the candidate and credited to the party under the party label of which the vote was cast.

II. For the purposes of this section, in determining if the number of candidates for an office voted for on an individual ballot exceeds the number of offices to be elected, the name of any particular candidate, no matter how many times voted for on the ballot for the same office, shall be counted only once.

Special Provisions for Counting Vote on  
State and Presidential Primary Election Ballots

659:69 Counting Votes on Different Party Ballots. Votes cast for the same person for the same office on the ballots of different parties at any primary election shall not be added together but shall be credited to the party on whose ballot his name appears and the vote is cast.

Completing the Count and Announcing the Results

659:70 Final Counting; Result. The final count of all votes on all ballots cast at the central and additional polling places, if any, shall be combined and the moderator shall announce the final count for each office.

Election Returns

659:71 When to Prepare Return. After the tabulation of votes has been completed and the result has been announced by the moderator as provided in RSA 659:70, the town or ward clerk shall prepare the election return in the presence of the other election officials.

659:72 Secretary of State to Prepare Return Blanks. Prior to any state election, the secretary of state shall prepare and distribute to each town, city, or ward clerk election return forms together with such instructions as the secretary of state shall deem necessary.

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

659:74 Preparing Return. The town or ward clerk shall prepare the election return in duplicate on the forms supplied by the secretary of state and shall sign and shall certify such returns.

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 within 5 days after a state election unless the secretary of state orders them sooner. The other shall be kept by the town or city clerk and shall be open to public inspection at reasonable times.

659:76 Return From Unincorporated Place. As provided in RSA 668:7, the town clerk shall prepare and forward a return of the votes cast in his town by voters of unincorporated places, if any, in the same manner as provided in RSA 659:71 - 75.

#### Defective Returns; Penalties

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

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

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

659:80 False Return. If a town or ward clerk shall knowingly make a false election return, he shall be guilty of a class B felony.

Canvass and Declaration: State General Election

659:81 Canvass and Declaration Generally. Except as provided in RSA 659:82, when the secretary of state has received the returns for an office from all towns or wards comprising the elective district for that office, he shall examine, record and total such returns and shall declare elected to the office the same number of persons as the number of officers to which the district is entitled; provided that those persons declared officers-elect shall be those persons who received the highest number of votes cast for said office.

659:82 Declaration of State Representatives-Elect From Representative District Containing Only One Town or Ward. In a state representative district containing only one town or ward, the moderator of such town or ward shall declare state representatives-elect from such district.

659:83 Certificate of Election Blanks. The secretary of state shall prepare certificate of election blanks before any state general election and shall retain the appropriate blanks for his own use and shall forward the appropriate blanks to the clerks of towns or wards which are also state representative districts.

659:84 Certificates of Election. When the time for any recount or appeal to the ballot law commission or superior court has expired or when all candidates for an office whose names were placed on the official state general election ballot have waived in writing a recount and an appeal, whichever is first:

I. The governor shall issue certificates of election to the following officers-elect:

(a) Electors of the president and vice-president of the United States;

- (b) United States senator;
- (c) United States representatives.

II. The secretary of state shall issue certificates of election to the following officers-elect:

- (a) State senators;
- (b) State representatives;
- (c) County officers.

III. Repealed by Chapter 254, Laws of 1991.

659:85 Election to Incompatible Offices. If, upon, the conclusion of the canvass of votes in any state general election, any person shall have received the largest number of votes for 2 or more incompatible offices, the secretary of state shall notify the candidate of that fact. Thereupon, the candidate shall, within 10 days, notify the secretary of state of which office he intends to accept. The secretary of state shall then declare that person elected to that office and declare vacant the other offices for which the person received a sufficient number of votes to win. Such a vacancy shall be filled as provided by RSA 661.

Canvass and Declaration: State Primary Election

659:86 Canvass and Declaration Generally. Except as provided in RSA 659:87, when, for each political party having an official state primary election ballot, the secretary of state has received the returns for a nomination from all towns or wards comprising the elective district for that office, he shall examine, record and total such returns and, for each political party, shall declare nominated for the office the same number of persons as the number of officers to which the district is entitled; provided that those persons declared nominated for the office shall be those persons who, on each party ballot, received the highest number of votes cast for the office, except as provided in RSA 659:91.



659:87 Declaration of Nominees For Office of State Representative From District Containing Only One Town Or Ward. In a state representative district containing only one town or ward, the moderator of such town or ward shall, for each political party having an official state primary election ballot, declare nominees for the office of state representative from such district.

659:88 Write-In Votes and Nomination. A person whose name was not printed on the official state primary election ballot of a political party shall not be entitled to the nomination of that party for any office unless he received 10 write-in votes or write-in votes equaling 10 percent or more of the total votes cast for that party on such state primary election ballot, whichever is the smaller. If a person is disqualified from a nomination in accordance with this provision, then the nomination shall be awarded to the person whose name was printed upon the state primary election ballot of the party and who received the highest number of votes.

659:89 Notice of Result. After the declarations required by RSA 659:86 and 659:87 have been made, the secretary of state shall:

I. Send a certified list of all elected state convention delegates to each state party committee.

II. Notify in writing of his nomination each person nominated by write-in vote at the primary.

659:90 Rejection of Nomination by Write-In Vote. Persons nominated by write-in vote who wish to reject the nomination shall reject their nominations as follows. A person notified in writing of his nomination by the secretary of state as required by RSA 659:89 shall advise the secretary of state in writing if he wishes to reject the nomination. If such rejection of nomination is not received by the secretary of state within 10 days from the date of the primary, the person shall be deemed to have accepted the nomination; and his name shall appear on the official ballot as a candidate for the office. If for any reason the person cannot be contacted by the deadline for the printing of the ballots, the candidate's name shall be printed on the official state general election ballot.

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 within 5 days from the date of the primary of which nomination he will accept. Thereupon the secretary of state shall declare a vacancy to exist in the nomination which such person declined. The vacancy shall be filled as provided in RSA 655:37 except that all the necessary declarations of candidacy and affidavits shall be filed no later than 10 days from the date of the primary.

659:91-a Candidate of One Party.

I. Any person who is a candidate on any party's state primary election ballot shall not run as the nominee of a different party in the state general election unless he is successful in securing the nomination of his own party in the primary. Any person who runs as a candidate on any party's state primary election ballot and who is not chosen as the candidate for that party for the elective office for which he was a candidate shall not under any circumstances run as the nominee of a different party in the state general election.

II. Notwithstanding the provisions of RSA 655:37, if any candidate is disqualified from accepting the nomination of another party by means of write-in votes because he is disqualified under the provisions of paragraph I, then the nomination shall be given to the candidate who received the highest number of write-in votes and who was not disqualified under the provisions of paragraph I, so long as he receives 10 write-in votes, or write-in votes equaling 10 percent or more of the total votes cast for that party on the state primary election ballot, whichever is the smaller.

Canvass and Declaration: Presidential Primary Election

659:92 Canvass; Publication. When, for each political party having an official presidential primary election ballot, the secretary of state has received the returns for the office of president from all towns and wards in the state, he shall examine, record and total such returns, which shall be a matter of public record.

659:93 Apportionment of Delegates; Notice.

I. The secretary of state shall apportion delegates to the national party conventions among the candidates voted for at the presidential primary by determining the proportion of the number of votes cast for each presidential candidate to the total votes cast for all presidential candidates of the same political party, rounded to the nearest whole number.

II. A presidential candidate must receive at least 10 percent, before any rounding to the nearest whole number, of the total vote cast for all presidential candidates of his political party to be eligible for a share of the apportioned delegates.

III. In the event the apportionment of delegates according to paragraphs I and II leaves one or more delegates unassigned by the process of mathematical distribution, said delegates shall be apportioned to the presidential candidate of that party with the highest number of votes.

IV. Only one alternate for each delegate shall be authorized.

V. After determining the apportionment of delegates according to this section, the secretary of state shall send by mail notice to each candidate the number of delegates to which he is entitled pursuant to this section. The candidate shall within 10 days after notice is sent to him notify the secretary of state of which delegates and alternates on the list filed pursuant to RSA 655:50 that he chooses to be his delegation at the national convention. The secretary of state shall then notify by mail each delegate and alternate chosen by the candidate to support his candidacy at the national convention.

VI. If a presidential candidate has received a share of the delegates as a result of the presidential primary but withdraws as a presidential candidate at any time prior to the convention, his pledged delegates shall be released by the candidate and each delegate is free to support any candidate of his political party who may be his choice as a candidate for president.

659:94 Write-In Vote. If a presidential candidate receives as write-in votes 10 percent or more, before any rounding to the nearest whole number, of the total votes cast for all such candidates of a political party, the secretary of state shall so notify in writing the person; and the person shall then select the number of delegates and alternates to which he is entitled according to RSA 659:93 and such delegates and alternates shall file the certification provided for in RSA 655:51.

#### Preservation of Ballots and Other Election Materials

659:95 Sealing and Certifying Ballots. Immediately after the ballots cast at a state election have been tabulated and the result has been announced and the return has been made, the moderator or his designee, in the presence of the selectmen or their designee, shall place the cast, cancelled and uncast ballots, including such ballots from any additional polling places, and further including the successfully challenged absentee ballots still contained in their envelopes, in the containers provided by the secretary of state as required by RSA 659:97 and shall seal such container with the sealer provided by the secretary of state as required by RSA 659:97. The moderator or his designee shall then enter in the appropriate blanks on such sealer on each container the number of cast, cancelled and uncast ballots in such container and shall endorse in the appropriate place on such sealer a certificate in substance as follows: Enclosed are the ballots from the state election in the town of \_\_\_\_\_ (or in ward \_\_\_\_\_ in the city of \_\_\_\_\_) held on \_\_\_\_\_, 19\_\_\_\_ required by law to be preserved. The moderator and the selectmen or their designees shall sign their names in the appropriate blanks on the sealer.

659:96 Ballots for Constitutional Amendments. If a question to voters is submitted to the vote of the people on a special and separate ballot as provided in RSA 663:1, then those ballots shall be sealed and certified in a separate container as provided in RSA 659:95 except as provided in RSA 659:97.

659:97 Secretary of State to Prepare Containers, Sealers. The secretary of state shall, before any state election, prepare and distribute to each town and ward clerk containers to be used for preserving ballots and sealers to seal each such container. He shall prepare special containers and sealers to be used for preserving any special and separate ballots for questions to voters. The secretary of state shall prescribe the size and form of such containers and sealers and shall prescribe the form of any endorsement blank printed upon the sealers provided that the blank is in substance consistent with the provisions of RSA 659:95.

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

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

659:100 Destruction of Ballots. All state election ballots remaining in the possession of the town or city clerk may be destroyed at the expiration of 60 days after a state election.

659:101 Preservation of Absentee Voting Materials. The affidavit envelopes and application forms processed by the moderator as provided in RSA 659:50 shall be preserved in the same manner as provided in RSA 659:95 - 100 for the preservation of official state election ballots.

659:102 Preservation of Checklists. Within 10 days of the closing of the polls for each regular state general election, and for each presidential primary election, the supervisors of the checklist in the towns, and the corresponding officers in the cities, shall send one of the marked checklists which were used in that election, certified by the officers, to the state archives. In addition, they shall send one of the unmarked checklists which were used in the state general election at which a president was elected to the clerk of the federal district court for the district of New Hampshire. One marked copy of every checklist used in any election shall be turned over to the town or city clerk by the supervisors. The clerk shall preserve such checklists in his custody for a public record for a period of no less than 5 years.

659:103 Preservation of Challenge Affidavits. The affidavits made by challenged voters as provided in RSA 659:27 shall be preserved by the town clerk for at least 1 year following the date of a state election. In contested elections, all affidavits shall be retained by the town clerk until the contest is settled and all appeals periods have expired or for at least 1 year, whichever is longer.

## CHAPTER 660

### POST-ELECTION PROCEDURE

#### State General Election Recounts

660:1 Application. Any candidate for whom a vote was cast for any office at a state general election may apply for a recount. The application shall be made in writing to the secretary of state and shall be submitted before the expiration of 5 days after the election. Each candidate requesting a recount shall pay the secretary of state fees as provided in RSA 660:2. If the difference between the vote cast for the applying candidate and a candidate declared elected shall be greater than one percent of the total vote cast for that office, the applying candidate shall agree in writing with the secretary of state to pay the full expense of the recount. In such case, the applying candidate shall deposit with the secretary of state an amount of money reasonably estimated to cover such expenses.

660:2 Fees. The fee for a recount shall be as follows: For a candidate for president, United States senator or governor, \$500; for United States representative, \$250; for councilor, \$150; for a county officer or state senator, \$50; for state representative, \$20.

660:3 Number of Recounts. Any candidate for whom a vote was cast for any office at a state general election shall be entitled to apply for only one recount under this chapter, and the declaration made by the secretary of state under 660:6 shall be final, subject to a change in the result following an appeal to the ballot law commission, as provided in RSA 665:6, II.

660:4 Time and Notice. Upon satisfactory application for a recount as provided in RSA 660:1, the secretary of state shall appoint a time for the recount not later than 21 days after receipt of the application. A recount shall take place at any suitable state facility in the city of Concord as may be designated by the secretary of state. The secretary of state shall give a minimum of 3 days notice thereof to the applicant and to each of the opposing candidates. The secretary of state shall also prepare and distribute to the applicant and to each of the opposing candidates the rules and procedures governing the recount at the same time notice of the time and place for holding the recount is given to the applicant and to each opposing candidate.

660:5 Conduct of Recount. If directed by the secretary of state, the state police shall collect all ballots requested from the town or city clerks having custody of them and shall deliver them to the public facility designated by the secretary of state. At the time and place so appointed, the ballots cast for such office shall be counted by the secretary of state and such assistants as he may require. The candidates, their counsel and assistants shall have the right to inspect the ballots and participate in the recount under such suitable rules as the secretary of state may adopt. Each candidate or his counsel shall have the right to protest the counting of or failure to count any ballot. The secretary of state shall thereupon

rule on said ballot and shall attach thereto a memorandum stating such ruling and the name of the candidate making the protest. If, at any time during the counting of the ballots, a discrepancy appears in any ballot for any reason, the secretary of state shall suspend the recount until the discrepancy is resolved, at which time he shall continue the recount. In no event shall a discrepancy result in a second recount for the same candidate, as provided in RSA 660:3.

660:6 Declaration; Certificate.

I. If the recount shall show that some candidate other than the one declared elected upon the original canvass of votes has the greatest number of votes cast for the office, the secretary of state shall declare said candidate to be elected; and, unless the result is changed upon an appeal taken to the ballot law commission, as provided in RSA 665:6, II, such candidate shall be entitled to a certificate of election.

II. If any person who has applied for a recount is declared elected by reason of said recount, the secretary of state shall return to him within 10 days of the recount all fees paid at the time of filing.

State or Presidential Primary Recounts

660:7 Application. Any person for whom a vote was cast for any nomination of any party at a state or presidential primary may apply for a recount. The application shall be made in writing to the secretary of state and shall be submitted not later than 5 days 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. If the difference between the vote cast for the applying candidate and another candidate who was declared nominated or who qualified for at least one delegate under RSA 659:93 or who qualified for federal election funding shall be greater than one percent of the total vote cast for that office, the applying candidate shall agree in writing with the secretary of state to pay the full expense of the recount. In such case, the applying candidate shall deposit with the secretary of state an amount of money reasonably estimated to cover such expenses.



660:8 Notice of Conduct. Notice shall be given and the recount shall be conducted as provided for in RSA 660:4 and 660:5.

660:9 Declaration of Result, State Primary. If the recount after a state primary election shall show that some candidate other than the one declared nominated upon the original canvass of votes has the greatest number of votes cast for the nomination, such candidate shall be declared nominated and shall be placed upon the official ballot at the following election unless appeal is taken to the ballot law commission in accordance with RSA 665:4, I. If the person who applied for the recount was thereby shown to be the one chosen as the candidate of his party, he shall also have any fee paid returned.

660:9-a Declaration of Result, Presidential Primary. If the recount after a presidential primary election shall show that the applying candidate qualified under RSA 659:93 for at least one more delegate than the original count indicated or that such candidate did qualify for federal election funding, such candidate shall receive such funding or shall be apportioned delegates to the national party convention in accordance with RSA 659:93 unless appeal is taken to the ballot law commission in accordance with RSA 665:4, I. If the person who applied for the recount was thereby shown to be entitled to federal funding or at least one more delegate under RSA 659:93, he shall also have any fee paid returned.

#### Constitutional Amendments Recount

660:10 Application. Upon receipt of petitions of 100 voters made within 25 days of the date of the election, the secretary of state shall recount the ballots cast on any question to amend the constitution if the proposal was adopted or failed by no more than one percent of the vote cast. The recount shall take place at any suitable state facility in the city of Concord as may be designated by the secretary of state and under such rules of procedure as he shall determine and at such time as he may appoint. The secretary of state shall publish a notice of the time and place of the recount twice in a newspaper of general circulation throughout the state.

660:11 Conduct. The secretary of state shall request that all town and city clerks forward ballots containing such proposed amendment to him forthwith, and the clerks shall immediately forward them. At the time and place so appointed, the ballots shall be counted by the secretary of state and such assistants as he may require. The ballots shall be open to the inspection of the petitioners and other interested persons under such suitable rules as the secretary of state may prescribe. If, after the recount, it shall appear that the result of the voting on said question is other than that declared upon the original canvass of votes, the secretary of state shall declare the result found upon recount which shall be final unless the result is changed as a result of an appeal taken to the superior court.

#### County Referendum

660:12 County Referendum. The secretary of state shall recount the ballots cast on any question which may be submitted to the voters of a county at a state general election under the provisions hereinafter set forth. Application for such recount shall be by written petition signed by at least 50 legal voters of said county presented to the secretary of state within 10 days after the state general election. The recount shall take place at any suitable state facility in the city of Concord as may be designated by the secretary of state at such time as the secretary of state may appoint and under such rules of procedure as he shall determine. The secretary of state shall publish notice of the time and place of the recount once in a paper of general circulation throughout the county. The fee for such a recount on a question voted on throughout a county shall be \$25 which shall be paid to the secretary of state by the person submitting the application. If, after the recount, it shall appear that the result of the voting on said question is other than that declared upon the original canvass of votes, the secretary of state shall declare the result found upon recount which shall be final unless the result is changed as a result of an appeal taken to the superior court.

### Local Questions Recounts

660:13 Application. Five legal voters of any city or town which has voted on any question other than constitutional amendments printed on the ballot at any state election as provided in RSA 663 may, within 10 days thereafter, petition the secretary of state for a recount of the votes cast upon said questions. Such application shall be accompanied by a fee of \$10 for each 1000 ballots or fraction thereof cast at the election in said town; however, in no event, shall the fee exceed \$50. The secretary of state shall fix a time for recount and shall notify the petitioners and the selectmen, clerk and moderator of the town or the mayor and clerk of the city of the time and place so fixed. He shall request the clerk having custody of the ballots to forward them forthwith to the secretary of state, and the clerk shall immediately forward them.

660:14 Conduct. At the time and place so appointed, the ballots shall be counted by the secretary of state and such assistants as he may require. The ballots shall be open to the inspection of the petitioners, the officials of the city or town, counsel, if any, of the same, and other interested persons under such suitable rules as the secretary of state shall prescribe.

660:15 Declaration of Result. If after the recount it shall appear that the result of the voting on said question is other than that announced by the moderator at the election, the secretary of state shall declare said result which shall be final unless the result is changed because of an appeal taken within 10 days to the ballot law commission.

### General Provisions for Recounts

660:16 Disposal of Ballots. Upon the conclusion of every recount, the secretary of state shall replace the unprotested ballots and absentee voter envelopes in a suitable container for storage. The secretary of state shall retain the ballots and the absentee envelopes for at least 60 days following the recount. Upon an order of the ballot law commission, the secretary of state shall produce the ballots for the inspection of the commission. Following the commission's inspection, the

secretary of state shall replace the ballots and envelopes, seal them, and certify the contents and the date when they were examined by the commission. The envelopes and ballots shall be subject to the order of the body to which such person claims to be elected or of the officers required by law to examine the records and to issue certificates of election to such office or of any court having jurisdiction over them.

660:17 Penalty for Violating Requirements. Whosoever shall knowingly violate any of the provisions of RSA 660:1 - 660:16 shall be guilty of a violation.

#### Contested Elections to General Court

660:18 Notice. Whenever any person intends to contest the election of a state senator or representative, he shall send to him a notice in writing of such contest with the reasons therefor, citing the acts constituting the violation and, if known, the specific sections of the law or of the constitution being violated. The notice shall be sent by certified mail and postmarked on or before the December 15 immediately following the election. At the same time the notice is sent to the senator or representative, a copy thereof shall be sent to the secretary of state.

660:19 Petition. In a contested election case, neither party shall be entitled to a hearing before the general court unless their remonstrance or petition shall be presented to the clerk of the senate or house before the second Wednesday of the first session thereof.

660:20 Depositions. In any case of contested elections, depositions may be taken as in civil causes. The magistrate taking depositions shall prepare captions therefor, shall seal up the depositions and shall transmit the package to the clerk of the senate or house, as the case may be, with a notation stating the session at which and the case in which the depositions are to be used.

660:21 Evidence. But for good cause shown, neither party shall be entitled to have any evidence considered before the committee conducting the hearing which is not in readiness to be submitted before the third Wednesday of the first session of the general court.

660:22 Compensation. The party failing to sustain his right to a seat shall not be entitled to any compensation for his services or for any expenses he may have incurred in the contest therefor. However, any person who has received a certificate of election as representative or senator and who has taken his seat but who is unsuccessful in retaining it shall be paid for his mileage for the period during which he has served.

#### Resolution of Ties

660:23 Primaries; County Offices in a General Election. If the candidates having the highest number of votes for any nomination made at a state or presidential primary or for election to county office made at a state general election shall have an equal number, the secretary of state shall determine the nomination by lot in the presence of the candidates who are tied if, after notice from him, they elect to be present.

660:24 State Offices in State General Elections. If the candidates having the highest number of votes for the office of governor, councilor, state senator, or state representative shall have an equal number, the choice shall be made as provided in the state constitution. Such candidate chosen shall then be declared duly elected.

660:25 United States Senator or Representative. If 2 or more candidates for United States representative in any district or United States senator shall receive the largest and equal number of votes in any state general election so that no choice is made, the governor, with advice of the council, shall cause precepts to be issued to the selectmen of the several towns within such district for another election, requiring them to warn meetings to be held at the time specified in such precepts for the choice of a representative or senator. The votes given at any such

meeting shall be received, sorted, counted, declared, recorded and certified, and the returns thereof made out, signed, certified, sealed, directed and forwarded in the manner prescribed by RSA 659.

660:26 Canvass. The secretary of state, as soon as may be, shall lay all returns received pursuant to RSA 660:25 before the governor and council, and the votes shall be examined and counted and the election of the person having the largest number of votes declared and certified, and the certificate thereof shall be made out and transmitted in the manner described in RSA 659:84. If upon second balloting 2 or more persons shall have the largest and equal number of votes in any district, so that no choice is made therein, the same proceedings shall be again had as are provided in RSA 660:25; and so from time to time, so long as may be necessary, until some one shall have the largest number of votes.

#### Meetings of Presidential Electors

660:27 Time. The electors of the president and vice-president shall meet in the state house in Concord on the day fixed by law and, by 12 o'clock at midday, shall give notice to the governor and council of the number of electors present who accept the office.

660:28 Vacancies. If the requisite number of electors are not present or do not accept, or if the requisite number of electors shall not be chosen by reason of 2 or more persons having an equal number of votes, the electors present who do accept, in the presence of the governor and council, shall forthwith choose by ballot the number needed.

660:29 Conduct. The electors shall give their votes for president and vice-president of the United States in Concord on said day and shall proceed according to law.

660:30 Compensation. Each elector shall be paid \$3; and each shall receive \$.10 a mile for their travel to and from Concord. Also, the electors shall be allowed a reasonable sum, not to exceed \$25, to pay for the services of a secretary.

CHAPTER 661

VACANCIES AMONG PUBLIC OFFICERS  
ELECTED AT STATE ELECTIONS

General Provisions

661:1 Vacancies Generally. Any vacancy as defined in RSA 652:12 in a public office voted for at any state election shall be filled according to the provisions of this chapter.

661:2 Determination of Vacancy. The officer having the authority to make an appointment or arrange for an election to fill a vacancy in a public office shall determine whether a vacancy exists in that office; provided that the secretary of state shall determine whether a vacancy exists under the election laws among officers-elect.

661:3 Duties; Privileges. A person appointed or elected to fill a vacancy in a public office shall, during the unexpired term, perform the same duties as did his predecessor, be subject to the same requirements as was his predecessor and be entitled to the same privileges and emoluments as was his predecessor.

661:4 Qualifications. A person appointed or elected to fill a vacancy in a public office shall meet the qualifications of the office as provided in RSA 655:3-10 at the time of his election or appointment.

By Office

661:5 United States Senator. If a vacancy occurs in the office of United States senator, the governor shall fill the vacancy by temporary appointment until the next state general election, when a senator shall be elected for the unexpired term.

661:6 United States Representative. If a vacancy occurs in the office of United States representative, the governor with advice of council shall, as soon as practicable, have precepts issued to the selectmen of the towns and cities in the district where the vacancy exists directing them to call a special state general election on the day he designates to fill the vacancy.

Such election shall be conducted as provided in RSA 661:11 and shall fill the vacancy for the unexpired term.

661:7 Governor. If a vacancy occurs in the office of governor, the vacancy shall be filled as provided in part II, article 49 of the state constitution.

661:8 Executive Councilor; State Senator; State Representative. If a vacancy occurs in the office of executive councilor or state senator, it shall be filled as provided in Part II, Articles 34 and 62 of the state constitution. If a vacancy occurs in the office of state representative from a single town or ward district, the vacancy may be filled following the provisions of RSA 655:81 and 82 in the same manner as a state general election is held. In a multi-town or multi-ward district, a vacancy in the office of state representative shall be filled following the provisions of RSA 655:81 and 82 by a special election if the selectmen of any town or ward in said district so request of the governor or council. Within 21 days after proof of a vacancy or a request that a vacancy be filled, the governor, in the case of an executive council vacancy, or the governor and council, in the case of any other vacancy, shall declare that there shall be a special election which shall be held as provided in RSA 655:81 and 82.

661:9 County Officers. If a vacancy occurs in the office of county commissioner, sheriff, county attorney, register of deeds, register of probate, or county treasurer, the superior court shall appoint a commissioner to fill the vacancy for the unexpired term. If any person holding a county office becomes temporarily absent or incapacitated, the superior court may, upon application of the county attorney or county commissioners, declare a temporary absence and fill the same for a limited period of time expressed in the appointment. Any officer of a county may be removed by the superior court for official misconduct.

661:10 Delegate to State Party Convention. If a vacancy occurs in the office of delegate to a state party convention, the vacancy shall not be filled.



Conduct Of Special State General  
Elections To Fill Vacancies

661:11 Nomination and Conduct. Where a vacancy as described in this chapter is to be filled by a special state general election, nominations shall be made in accordance with RSA 655:81 and 655:82. The general election shall be conducted in as nearly as practicable the same manner as are regular state general elections except that the deadline for requesting a recount pursuant to RSA 660:1 shall be 2 days following the day of the election.

CHAPTER 662

ELECTIVE DISTRICTS

Available as a separate publication.

CHAPTER 663

QUESTIONS TO VOTERS

General Provisions

663:1 Form on Ballot; Tabulation; Results; Etc. The questions to voters provided for in this chapter may be submitted on the ballot at any state election. Except as provided in RSA 663:2, questions submitted on the state general election ballot shall be printed on the ballot beneath the office and party columns in the form provided for in RSA 656:13. Except as otherwise provided in this chapter, the vote on questions to voters shall be counted and returns made in as nearly as practicable the same manner as that provided in RSA 659.

Constitutional Amendments

663:2 Form of Submission of Question. The question of whether to approve a proposed constitutional amendment shall be submitted to the vote of the people by ballot. A constitutional question may, at the direction of the constitutional convention, be printed on the ballot at any state election or may be printed on a separate ballot to be used at a state election or at another election as directed by the constitutional convention.

663:3 Form of Ballot. The following words shall be printed above the constitutional amendment questions on all ballots containing such questions: "Questions Relating to Constitutional Amendments Proposed by the Convention to Revise the Constitution". A constitutional question shall include in the text of the question the results of the vote taken on ordering the proposed amendment to third reading in both the senate and the house of representatives or at the constitutional convention, whichever is appropriate.

663:4 Result; Publication; Effective Date. A constitutional convention shall provide for notice of the result of the vote on a proposed constitutional amendment by proclamation by the governor; and, if the result is affirmative, the proclamation shall mark the time the amendment goes into effect, unless otherwise provided by the convention.

#### Liquor Sales

663:5 Question; Vote; Results.

1. Upon petition of not less than 5 percent of the legal voters of any city or town filed with the secretary of state not more than 90 days and not less than 60 days before a state general election, the following questions shall be submitted to the voters of such city or town on the usual ballot at such state election:

(a) "Shall state stores be operated by permission of the state liquor commission in this city or town?"

(b) "Shall malt beverages (beer) be sold by permission of the state liquor commission in this city or town?"

(c) "Shall wines containing not less than 6 percent nor more than 14 percent of alcoholic content by volume at 60 degrees Fahrenheit (table wine) be sold by permission of the state liquor commission in this city or town?"

(d) "Shall liquor be sold for consumption on the premises where sold by permission of the state liquor commission in this city or town?"

II. If a majority of the qualified voters present and voting in a city or town signifies the disapproval of question (a) above, the commission shall not operate state liquor stores in that city or town.

III. If a majority of the qualified voters present and voting in a city or town signifies the disapproval of question (b) above, then the commission shall not issue licenses or permits for the sale of malt beverages in that city or town.

IV. If a majority of the qualified voters present and voting in a city or town signifies the disapproval of question (c) above, then the commission shall not issue licenses or permits for the sale of wine in that city or town.

V. If a majority of the qualified voters present and voting in a city or town signifies the disapproval of question (d) above, the commission shall not issue licenses or permits for the sale of liquor for consumption on the premises where sold in that city or town.

VI. If a majority of the qualified voters present and voting in a city or town signifies the approval of question (a) above, the commission may at its discretion operate state liquor stores in that city or town.

VII. If a majority of the qualified voters present and voting in a city or town signifies approval of question (b) above, then the commission may at its discretion issue licenses or permits for the sale of malt beverages in that city or town.

VIII. If a majority of the qualified voters present and voting in a city or town signifies the approval of question (c) above, the commission may at its discretion issue licenses or permits for the sale of wine in that city or town.

IX. If a majority of the qualified voters present and voting in a city or town signifies approval of question (d) above, then the commission may at its discretion issue licenses or permits for the sale of liquor for consumption on the premises where sold in that city or town.

663:6 Application. Unless and until changed pursuant to RSA 663:5, the operation of state stores and the issuance of licenses and permits in cities and in towns shall be in accordance with the approval or disapproval of such operation as signified by the vote regarding the sale of liquor and beverages taken at the state general election in November, 1964.

#### Sales of Sweepstakes

663:7 Question; Vote; Results. Upon the petition of 5 percent of the voters of any city or town filed with the secretary of state not more than 90 days nor less than 60 days before a state general election, the appropriate version of the following question shall be submitted to the voters of such city or town at said election: "Shall sweepstakes tickets (continue to) be sold in this city or town?" If a majority of those voting vote "yes" on the question, tickets may be sold or continued to be sold by the commission in that city or town. If a majority of those voting vote "no" on the question, the commission shall not sell tickets in that city or town. No petition that the question prescribed in this section be printed on the ballot at a state general election shall be made within 2 years of a vote on such a question at a previous state general election.

663:8 Application. Unless and until changed pursuant to RSA 663:7, the sales of sweepstakes tickets by the sweepstakes commission under RSA 284 in cities and towns shall be in accordance with the approval or disapproval of such operation as signified by the vote taken at the state general election held in November, 1970.

CHAPTER 664

POLITICAL EXPENDITURES AND CONTRIBUTIONS

664:1 Applicability of Chapter. The provisions of this chapter shall apply to all state primary, general and special elections, but shall not apply to presidential preference primaries. The provisions relating to political advertising, RSA 664:14 through 17-a, shall additionally apply to city, town, school district and village district elections. The provisions relating to voluntary expenditure limitations, RSA 664:5-a and 664:5-b, shall additionally apply to elections for United States senator and representative to Congress.

664:2 Definitions. As used in this chapter:

I. "Election" means any general biennial or special election and political party primary except presidential preference delegate primaries.

II. "Candidate" means any person publicly declared as such and for whom votes are sought in an election.

III. "Political committee" means any organization of 2 or more persons to influence elections or measures, including the political committee of a political party as hereinafter defined.

IV. "Political party" or "party" means any political organization or number of persons which can nominate candidates in any manner prescribed by law and has done so for the current election. The definition of the word "party" contained in RSA 652:11 shall not apply to this chapter.

V. "Political committee of a political party" means the state, county, city, ward or town committee of a political party.

VI. "Political advertising" means any communication, including buttons or printed material attached to motor vehicles, which expressly or implicitly advocates the success or defeat of any party, measure or person at any election.

VII. "Communication" shall include, but not be limited to, publication in any newspaper or other periodical, broadcasting on radio, television or over any public address system, placement on any billboards, outdoor facilities, window displays, posters, cards, pamphlets, leaflets, flyers, or other circulars, or in any direct mailing.

VIII. "Contribution" shall mean a payment, gift, subscription, assessment, contract, payment for services, dues advance, forbearance or loan to a candidate or political committee made for the purpose of influencing the nomination or election of any candidate. "Contributions" shall include the use of any thing of value but shall not include the services of volunteers who receive no pay therefor or the use of personal resources by a candidate on behalf of his candidacy.

IX. "Expenditure" shall mean the disbursement of money or thing of value or the making of a legally binding commitment to make such a disbursement in the future for the purpose of influencing the nomination for election or election of any candidate. It does not include the candidates filing fee or his expenses for personal travel and subsistence.

X. "Measure" shall mean any constitutional amendment or question which is submitted or intended to be submitted to a popular vote at an election.

XI. "Independent expenditures" means expenditures by a person, political committee, or other entity expressly advocating the election or defeat of a clearly identified candidate which are made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which are not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

664:3 Registration of Political Committees.

I. Any political committee, except the political committee of a political party, shall register with the secretary of state as provided in this section. The committee shall register with the secretary of state before receiving any contribution or making any expenditure, and in no event shall any political committee register with the secretary of state later than the second Wednesday following any primary election. The registration shall be accompanied by a fee of \$50, which shall be deposited by the secretary of state into the general fund; provided, however, that the political committee of a candidate which registers under this section shall not be required to pay the \$50 fee. The political committee shall file with the secretary of state a statement of the purpose of the committee and shall indicate whether the committee will be making independent expenditures in support of or in opposition to any candidate including the full name of each candidate, a statement of the name, address, occupation, and principal place of business of its chairman, treasurer, and other officers, and a declaration signed by its chairman and treasurer that the political committee will not exceed the expenditure limitations allowed under RSA 664:5, V.

II. No member of a political committee, except members of political committees of political parties, shall do any act directly or indirectly on behalf of the committee to promote the success or defeat of a political party, a measure or a candidate, until the statements required by paragraph I are filed. Only those political committees that have filed a declaration with respect to independent expenditures as provided in paragraph I may make such expenditures.

III. Any political committee which is organized to support a candidate in any election shall secure the written consent of the candidate or his fiscal agent before it receives contributions or makes expenditures. Such written consent shall be filed with the secretary of state when the statements required by paragraph I are filed.

IV. All political committees' registrations under this chapter shall be valid from the date of registration until 10 days after the primary or general election, whichever is appropriate, unless terminated sooner, in writing, by the chairman and the treasurer of the committee. However, any committee which has a continuing obligation to report as required under RSA 664:6 shall continue to exist for the purpose of making such reports.

664:4 Prohibited Political Contributions. No contribution, whether tangible or intangible, shall be made to a candidate, a political committee, or political party, or in behalf of a candidate or political committee or political party, directly or indirectly, for the purpose of promoting the success or defeat of any candidate or political party at any state primary or general election:

I. By any corporation, or by any officer, director, executive, agent or employee acting in behalf of such corporation, or by any organization representing or affiliated with one or more corporations or by any officer, director, executive, agent or employee acting in behalf of such organization.

II. By any partnership as such or by any partner acting in behalf of such partnership.

III. By any labor union or group of labor unions, or by any officer, director, executive, agent or employee acting in behalf of such union or group of unions; or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent or employee acting in behalf of such organization.

IV. Repealed by Chapter 415 Laws of 1983.

V. By any person (1) if in excess of \$5,000 in value, except for contributions made by a candidate in behalf of his own candidacy, or if in excess of \$1,000 in value by any person or by any political committee to a candidate or a political committee working on behalf of a candidate who does not voluntarily agree to limit his campaign expenditures and those expenditures made



on his behalf as provided in RSA 664:5-a, (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4) if in any other manner concealed, (5) if made without the knowledge and written consent of the candidate or his fiscal agent, a political committee or its treasurer, or not to any one of the same.

664:4-a Prohibited Coercion of Political Contributions. No persons shall knowingly coerce, or attempt to coerce, any classified state employee to make a contribution to any political campaign or political committee, or to any candidate, party or cause, for the purpose of promoting the success or defeat of any candidate or political party.

664:4-b Excess Campaign Contributions.

I. Campaign contributions received in excess of the candidate's expenditure limit shall not be used for personal expenses or transferred to any other candidate.

II. Such excess contributions may be used after a general or special election for fund raising activities and any other politically related activity sponsored by the candidate.

664:5 Prohibited Political Expenditures. No expenditure or use of a contribution, tangible or intangible, shall be made for the purpose of promoting the success or defeat of any political party, measure or candidate:

I. By a political committee, except the political committee of a political party, unless the political committee files with the secretary of state pursuant to RSA 664:3, I.

II. By a political committee to support a candidate in any election, or to such candidate or his fiscal agent unless the committee secures and files the written consent of the candidate or his fiscal agent with the secretary of state in accordance with RSA 664:3, III.

III. By any person, candidate or political committee, for political advertising in a newspaper, periodical, or on a radio or television broadcast, or on a billboard, if at a rate more or less than the applicable rates required to be filed with the secretary of state.

IV. By or on behalf of any candidate, political committee or party for advertising space in the printed programs for meetings or conventions of business organizations, labor organizations, agricultural organizations, veteran organizations, religious organizations, fraternal organizations, lodges, secret societies, clubs, schools, fairs, or similar groups; provided, however, that this paragraph shall not apply to expenditures for the purpose of promoting the success or defeat of a measure.

V. No political committee shall make independent expenditures in excess of \$1,000 for any or against any candidate running for a particular office in a state primary election, and a like amount in a state general election, in support of or to oppose any candidate.

664:5-a Limitations on Political Expenditures.

I. Any candidate may voluntarily agree to limit his campaign expenditures and those of his committee or committees, his party, and his immediate family on his behalf by filing an affidavit with the secretary of state.

II. The affidavit shall state that the candidate knows the voluntary expenditure limitations as set out in RSA 664:5-b and that he is voluntarily agreeing to limit his expenditures and those made on his behalf by his committee or committees, his party, and his immediate family to the amount set by law. The affidavit shall further state that the candidate does not condone and shall not solicit any independent expenditures made on behalf of his candidacy. The affidavit shall be sworn and subscribed to by the candidate and notarized.

III. Affidavits in compliance with this section shall be filed within 3 days after the date on which a candidate files his declaration of candidacy or his declaration of intent, or is declared a write-in winner of a primary election.

664:5-b Political Expenditure Limitation Amounts.

Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a shall be as follows:

- (I) For governor and United States senator:
  - (a) \$400,000 in a state primary election.
  - (b) \$400,000 in a state general election.
  
- (II) For representative in Congress:
  - (a) \$200,000 in a state primary election.
  - (b) \$200,000 in a state general election.
  
- (III) For executive council:
  - (a) \$35,000 in a state primary election.
  - (b) \$35,000 in a state general election.
  
- (IV) For state senate:
  - (a) \$15,000 in a state primary election.
  - (b) \$15,000 in a state general election.
  
- (V) For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:
  - (a) \$.25 per registered voter in the district or the county in a state primary election.
  - (b) \$.25 per registered voter in the district or the county in a state general election.
  
- (VI) For the purposes of this section, RSA 664:5-a and the enforcement provisions of this chapter, "total expenditures" shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on his behalf by his committee or committees, his party, and his immediate family. Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

664:5-c Advisory Committee.

I. There is established a legislative advisory committee to monitor the application of federal and New Hampshire campaign financing statutes. The committee shall study inflationary, market, and other trends which may necessitate changes in state campaign financing law. The committee shall submit a report to the governor and to the general court in November of each odd-numbered year preceding a state general election.

II. The committee shall consist of the secretary of state and 4 other members: one person appointed by the house majority leader; one person appointed by the house minority leader; one person appointed by the senate majority leader; one person appointed by the senate minority leader; and one person appointed by the governor.

664:6 Reporting by Political Committee.

I. Any political committee whose receipts or expenditures in support of a candidate, measure or political party exceed \$500 except, for the purposes of this paragraph only, the political committee of a political party or the political committee of a candidate, shall file with the secretary of state an itemized statement, signed by its chairman and treasurer showing each of its receipts exceeding \$25 with the full name and post office address of the contributor in alphabetical order and the amount of the contribution and the date it was received. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period beginning on the day of the committee registration and ending on the Monday before the statement is due. All receipts of \$25 or under shall appear on the statements as unitemized receipts. Any listing exceeding \$100 shall be accompanied by the contributor's occupation and principal place of business, if any. The statement shall also show each committee expenditure with the full name and address of persons, corporations, committees or to whomever paid or to be paid and the date paid, with the specific nature and amount of each expenditure since the date of the registration.

II. An itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday 3 weeks immediately preceding a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the period under paragraph I if a statement is filed and shall itemize all receipts and expenditures since the cutoff of that statement up until the Monday preceding the filing of the statement under this paragraph.

II-a. A statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the statements under paragraphs I and II if such statements are filed and itemize all receipts and expenditures since the cutoff of the statement under paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution exceeding \$500 which is received after the statement under this paragraph is filed and prior to the day of election.

III. An itemized statement in the same form as in paragraph I summarizing the previous statements if such statements are filed and itemizing all receipts and expenditures since the cutoff of the previous report and ending on the day of the primary or the general election shall be filed with the secretary of state not later than the second Wednesday after the election, before 5 o'clock in the afternoon.

IV. Any political committee whose receipts or expenditures do not exceed \$500 for a reporting period need not file. However, when a committee's accumulated receipts or expenditures for an election exceed \$500 the committee shall file a statement at the next reporting deadline.

IV-a. Any political committee whose independent expenditures exceed \$500 shall file an itemized statement with the secretary of state not later than 24 hours after such expenditures are made, and thereafter each time a further \$500 is expended. Such itemized statements shall cover the period during which independent expenditures totalling \$500 were made. Each statement shall contain the date of the independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each expenditure was made; the amount of each expenditure; the purpose of each expenditure and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or to oppose more than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement which reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

V. Any political committee which has any outstanding debt, obligation, or surplus following the election shall file reports at least once every 6 months thereafter in the same form as in paragraph I until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed.

VI. Copies of the statements required by paragraphs I through V of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

VII. Any national political party committee of a party as defined in RSA 652:11 may make contributions or expenditures on behalf of state candidates without complying with the requirements of paragraphs I through

V, provided that the total contribution or expenditure made in behalf of a candidate or political committee in this state whether directly or indirectly does not exceed the limit for personal contributions in RSA 664:4.

VIII. The provisions of this paragraph shall apply only to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee which is required by federal law to file with the federal government reports relative to receipts and expenditures in support of such one candidate may choose, at the time of registering under RSA 664:3, I, to file with the secretary of state copies of reports made to the federal government in accordance with the timetable established by federal laws for such reports in lieu of complying with the other reporting requirements of this section.

664:7 Reporting by Candidates. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who has expenditures exceeding \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, II, II-a, III, IV, and V, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries.

664:8 Duplicate Reporting of Contributions Not Required. Repealed, 1981, Chapter 21.

664:9 Prohibition. No candidate shall be entitled to the nomination or election until the sworn itemized statements required to be filed by him or in his behalf have been filed as required by RSA 664:6 and 664:7.

664:10 Social Activities. Outings, dinners and social affairs conducted by political committees, clubs and others at which each person attending pays a sum approximating closely the cost of his own food, sustenance or entertainment shall not, as to such payments and disbursements therefrom, be deemed reportable or limited receipts or expenditures under this chapter.

664:11 Public Inspection. All statements, assents and registrations filed by state committees, candidates, and political committees shall be open to public inspection.

#### Duties

664:12 Fiscal Agent. As part of the declaration of candidacies filed by candidates for governor, councilor, state senator and county officer and other primary candidacies, every such candidate shall designate some person, who may be the candidate himself, as his financial agent for the purpose of the primary and general election campaign. If his candidacy for such office is established by a primary petition or nomination petitions, there shall be filed together with such petitions the name of the fiscal agent for such candidate. A candidate who is nominated by write-in vote at the primary shall, prior to making any campaign expenditures, file with the secretary of state the name of his fiscal agent. All sums expended or contracted for payment in the primary or general election campaign in behalf of such candidate shall be reported by the candidate or his political committee or both to his fiscal agent, and the candidate or his fiscal agent shall make or approve all disbursements in behalf of his candidate subsequent to his designation as fiscal agent and join with the candidate in making and filing the statements required by this chapter.

664:13 Committee Treasurer. Each political committee shall have a treasurer, who shall be a citizen of this state, and shall receive and pay out all money handled by the committee. If there be no treasurer, or if he fails to make a report, it shall be the duty of each member of said committee who received or pays out any money in behalf of said committee to make such a report or to cause the same to be made. No member of such committee shall make or permit any unlawful expenditure or act by said committee, in whole or in part, or consent thereto, or aid, abet or conspire to make or permit the same.



## Political Advertising

### 664:14 Signature.

I. All political advertising shall be signed at the end with the names and addresses of the candidate, his fiscal agent, or the name and address of the chairman or the treasurer of a political committee, or the name and address of a natural person, according to whether a candidate, political committee, or natural person is responsible for it. Said signature shall clearly designate the name of the candidate, party or political committee by or on whose behalf the same is published or broadcast.

II. Political advertising to promote the success or defeat of a measure by a partnership, corporation, labor union, or other organization shall be signed. The name of such organization shall be indicated and the chairman or treasurer of such organization shall sign his name and address. Nothing in this section shall be construed to permit contributions which are prohibited under RSA 664:4.

III. In the case of printed or written matter, the signature and address of signer shall be printed or written in a size of type or lettering large enough to be clearly legible.

IV. In the case of political advertising broadcast on radio, television or any public address system, the name and address of the signer shall be clearly identified.

V. Notwithstanding any other provision of this section, buttons or any printed or written political advertising which is attached to or displayed on any motor vehicle need not be signed at the end.

VI. Notwithstanding any other provision of this section, any advertising in support of or in opposition to a candidate by a political committee not authorized by the candidate or candidate committee shall so state.

664:15 Approval of Candidate or Fiscal Agent. A person or corporation publishing a newspaper or periodical or selling billboard space or operating a radio or television station or public address system shall not publish, print or broadcast any political advertising by or in behalf of a candidate in an election unless the same shall be signed by or authorized in writing by the candidate or his fiscal agent.

664:16 Identification of Political Advertising. Political advertising printed in newspapers, periodicals or billboards shall be marked at the beginning thereof "Political Advertising." Persons or corporations operating a radio or television station or public address system shall broadcast political advertising only after announcing it as such. Rates for advertising shall be filed, no later than 30 days prior to the deadline for filing for office for an election, with the secretary of state by each person or corporation publishing a newspaper or periodical, operating a radio or television station, or selling billboard space. Such schedule shall be open to public inspection, and such schedules may be amended. However, rates in such amendments shall not take effect until 5 days after they are filed with the secretary of state. No person or corporation publishing a newspaper or periodical, operating a radio or television station, or selling billboard space shall charge an advertising rate to any candidate, political committee, party or cause that is different from that charged to any other candidate, political committee, party or cause.

664:17 Placement and Removal of Political Advertising. No political advertising shall be placed on or affixed to any public property including highway rights-of-way or private property without the owner's consent. Political advertising may not be so placed or affixed more than 45 days prior to a state primary. All political advertising shall be removed by the candidate no later than 10 days after the election unless the election is a primary and the advertising concerns a candidate who is a winner in the primary. No person shall remove, deface or knowingly destroy any political advertising which is placed on or affixed to any private property except the owner of the property or a law enforcement officer removing improper

advertising; provided, however, that, before a law enforcement officer removes any advertisement, he shall notify the candidate that it is improper, and allow the candidate 24 hours to remove the advertisement himself.

664:17-a Advertising on Government and Law Enforcement Vehicles. No printed or written political advertising shall be attached to or displayed on any motor vehicle:

I. Which is used by a police officer authorized to make arrests or serve process; or

II. Which displays government license plates and is registered in the name of the state or of a political subdivision of the state.

#### Enforcement

664:18 Complaints. Any candidate or voter may make complaint in writing to the attorney general of any violation of any of the provisions of this chapter.

I. Upon receipt of such complaint, the attorney general or his designee shall review the complaint, and where sufficient evidence of a violation is presented, conduct investigations to determine whether a violation of this chapter has occurred.

II. Following investigation, the attorney general is empowered, if he determines that a provision of this chapter has been violated, to:

(a) Issue an order requiring the violator to cease and desist from his violation. If the attorney general's order is not obeyed and no petition for review has been filed with the ballot law commission pursuant to RSA 665:7 within 3 days, the attorney general or his designee may petition the superior court of the county in which the violation occurred for an order of enforcement.

(b) Prosecute to final judgment through his designee if sufficient cause for such prosecution is found.

III. If, in the opinion of any person making complaint, the family, business or political connection of the attorney general's designee is such as to make it unlikely that he will act diligently and earnestly in any proceeding therefor, the person complaining may state such facts to the attorney general.

IV. If the attorney general believes that his designee will be hampered by any existing facts or circumstances and in any manner prevented from vigorously proceeding against any respondent complained against for such violation, or that the service of more than one attorney in any proceeding would be in the interest of the state, he shall have authority to employ and assign additional attorneys, to conduct or assist in conducting such proceeding. Such attorneys shall be allowed reasonable compensation, to be approved by the governor and council and paid by the state out of funds not otherwise appropriated.

664:19 Examination of Statements of Receipts and Expenditures. It shall be the duty of the attorney general to examine the returns of election receipts and expenditures which are made to the secretary of state and to compel such returns be made to comply with the law.

664:20 Subpoena Power. In the exercise of his powers and duties under this chapter, the attorney general is authorized to require the appearance of individuals and to secure testimony and evidence by use of a subpoena duces tecum.

664:21 Penalty.

I. Any candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a, and who exceeds the total political expenditure limitations as provided in RSA 664:5-a and 5-b in running for any office in either a state primary or state general election, or both, shall be subject to a fine schedule which is based on the percentage by which the candidate exceeds permitted campaign expenditures, so that the candidate shall pay a percentage of the excess campaign expenditures as follows:

(a) Candidates for United States Senate and Governor:

under \$1,000 - one percent  
\$1,000-\$5,000 - 10 percent  
\$5,000-\$10,000 - 25 percent  
over \$10,000 - 50 percent

(b) Candidates for representative to Congress:

under \$1,000 - one percent  
\$1,000-\$5,000 - 10 percent  
\$5,000-\$10,000 - 25 percent  
over \$10,000 - 50 percent

(c) Candidates for executive council and county officers:

under \$500 - one percent  
\$500-\$1,000 - 10 percent  
\$1,000-\$5,000 - 25 percent  
over \$5,000 - 50 percent

(d) Candidates for state senate:

under \$100 - one percent  
\$100-\$500 - 5 percent  
\$500-\$1,000 - 10 percent  
over \$1,000 - 50 percent

(e) Candidates for the general court;

under \$100 - one percent  
\$100-\$250 - one percent  
over \$250 - one percent

II. Any fine assessed under the provisions of this section shall be paid to the secretary of state for deposit into the general fund.

III. Nothing in this section shall be construed to limit the enforcement powers of the attorney general under RSA 664:18.

IV. In addition to the fines levied under paragraph I, any person who fails to file any report or statement on the date on which the report or statement is due under this chapter shall be subject to a daily fine of \$25 for every day for which the report or statement is late and until the report or statement is actually filed.

V. The provisions of this paragraph shall apply to violations of this chapter other than the violation of RSA 664:5-a and 5-b, and a person liable under the provisions of this paragraph shall not also be subject to the penalties imposed under paragraphs I, II and IV. Any person who otherwise violates any provision of this chapter shall be guilty of a misdemeanor if a natural person or shall be guilty of a felony if any other person.

664:22 Notice to Candidates. The secretary of state shall give or send by mail a copy of this chapter to each person whose name will be printed on a state primary or general election ballot. Such notification shall be given or sent within 5 days of the close of the filing period.

664:23 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect any other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

## CHAPTER 665

### BALLOT LAW COMMISSION

#### General Provisions

665:1 Organization. I. There shall be a ballot law commission consisting of 3 members, one of whom shall be an attorney in good standing and licensed to practice in the state of New Hampshire. This member of the commission shall be appointed by the New Hampshire supreme court. The other 2 members shall be appointed by the governor with the advice and consent of the council, one from each of the 2 major political parties in the state based on votes cast for governor in the most recent state general election. The terms of all commissioners shall be for 4 years, or until their successors are appointed and qualified, except that the first appointments shall be for terms of 2, 3 and 4 years, respectively. The supreme court nominee, who shall always be the chairman, shall be appointed in the first instance for a term of 2 years with the remaining

2 nominees appointed by the governor with the advice and consent of the council to be appointed initially for the terms of 3 and 4 years, respectively. Thereafter, one member shall be appointed at the expiration of each term to take office July first. Vacancies shall be filled in the same manner for the unexpired term. The 2 commissioners appointed by the governor with the advice and consent of the council shall not be of the same political party. The secretary of state shall be the recording officer and clerk of the commission, but shall have no vote in its decisions.

II. There shall be 3 alternate members for the ballot law commission. One alternate member shall be appointed by the New Hampshire supreme court. The alternate member appointed by the supreme court shall be an attorney in good standing and licensed to practice in the state of New Hampshire. The alternate member appointed by the supreme court shall perform the duties of the chairman and shall always be the alternate to temporarily fill the chairman's place. Two alternate members shall be appointed by the governor with the advice and consent of the council, and shall not be of the same political party. The terms of all alternate members shall be for 4 years, and the term of each new alternate member shall begin on July 1.

665:2 Alternate Member. In case any member of the commission is absent from any meeting or unable to perform his duties or disqualifies himself as commissioner, an alternate member who shall have the same qualifications as those of the commissioner whose place he is temporarily filling shall perform the duties of the commissioner.

665:3 Compensation. The commissioners shall receive such compensation for their services as shall be approved by the governor and council. All bills for supplies required by the commission, necessary expenses of the commissioners and fees of witnesses summoned by the commission shall be paid by the state upon the approval of the governor and council.

## Jurisdiction

665:4 General Duties. The ballot law commission shall have jurisdiction in the following cases:

I. When the nomination at the primary, as declared pursuant to RSA 659:86-89, are in apparent conformity with law, they shall be valid unless changed upon recount as provided by law or unless written objection thereto shall be filed with the secretary of state within 3 days of the date of publication of the results of the primary by the secretary of state under RSA 659:89; or, if there is a recount for the office in question, within 3 days after the declaration of the secretary of state upon such recount. If written objections are filed, the secretary of state shall forthwith notify the ballot law commission of such filing. The ballot law commission shall then meet as provided in RSA 665:6-a in order to hear and decide all the objections. The decision of the ballot law commission in such cases shall be final as to the questions both of law and fact, and no court shall have jurisdiction to review such decision.

II. When nomination papers as provided in RSA 655:40-43 or the filling of vacancies in nominations occurring after the primary as provided in RSA 655:37-39 are in apparent conformity with law, they shall be valid unless written objection thereto shall be filed with the secretary of state within the time limit provided in RSA 655:44 in the case of nominations by nomination papers or within 3 days of the date on which the appointment to fill a vacancy is filed with the secretary of state in the case of filling vacancies in nominations. If written objections are filed, the secretary of state shall forthwith notify the ballot law commission of the filing. The ballot law commission shall then meet as provided in RSA 665:6-a in order to hear and decide all the objections. The decision of the ballot law commission in such case shall be final as to questions both of law and fact, and no court shall have jurisdiction to review such decision.

III. The jurisdiction vested in the ballot law commission under paragraphs I and II of this section shall be exclusive of all other remedies.



665:5 Filing Disputes. The ballot law commission shall hear and determine all disputes arising over the filing of nomination papers or declarations of candidacy with the secretary of state. The decision of the ballot law commission in such cases shall be final as to questions both of law and fact, and no court shall have jurisdiction to review such decision.

665:6 Appeals from Recounts. The ballot law commission shall hear and determine appeals from recounts in the following cases:

I. In case of a primary recount as provided in RSA 660:7-9-a, any person voted for upon the ballot of any party who, by declaration of the secretary of state upon recount, was not chosen as the candidate of such party may, within 3 days after said declaration, appeal therefrom to the ballot law commission by filing his written appeal with the secretary of state. The secretary of state shall forthwith notify the ballot law commission of the filing. The ballot law commission shall then meet as provided in RSA 665:6-a in order to hear and decide the appeal and shall, on the appeal, consider and review all the rulings of the secretary of state on ballots protested during the recount. If, after the review, it shall appear that the appellant was nominated, the commission shall change the declaration of the secretary of state and issue a certificate of nomination to the appellant. The decision of the ballot law commission in such cases shall be final as to questions both of law and fact, and no court shall have jurisdiction to review such decision. The jurisdiction vested in the commission under this paragraph shall be exclusive of all other remedies.

II. In case of an election recount as provided in RSA 660:1-6, any candidate who, by declaration of the secretary of state upon recount, did not have the greatest number of votes may, within 3 days after said declaration, appeal therefrom to the ballot law commission by filing his written appeal with the secretary of state. The ballot law commission shall forthwith meet, hear and decide such appeal and shall, on such appeal, consider and review all the rulings of the secretary of state on ballots protested during the recount. If, after such review, it shall appear that

the appellant had the greatest number of votes, the commission shall change the declaration of the secretary of state and issue a certificate of such changed declaration to the appellant. The decision of the ballot law commission under this paragraph shall be subject to appeal as provided in RSA 665:14. The jurisdiction vested in the commission under this paragraph shall be exclusive of all other remedies. Nothing contained in this paragraph shall be construed to bar any person from recourse to the superior court on other questions, within the jurisdiction of such court, relating to the legality or regularity of general elections or the results thereof.

665:6-a I. The ballot law commission shall meet on the fourth Friday of September in each general election year in order to hear and decide:

(a) Written objections filed pursuant to RSA 665:4, I and II; and

(b) Written appeals filed pursuant to RSA 665:6, I.

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

II. The ballot law commission shall also meet at such other times as may be necessary as provided in RSA 655:31, RSA 665:6, II, RSA 665:6-b, and RSA 665:7.

665:6-b Name on Ballot Disputes. The ballot law commission shall hear and determine all disputes arising over the form of his name which a candidate designates to be printed on the state primary and state general election ballot, as provided in RSA 655:14-b. The decision of the ballot law commission shall be final as to questions of both law and fact, and no court shall have jurisdiction to review the decision.

665:7 Additional Jurisdiction. In addition to the jurisdiction of Issues conveyed to the ballot law commission by other sections of this chapter, the commission shall hear and determine all disputes involving alleged violations of New Hampshire election

laws of a non-criminal nature for which no specific statutory appeal procedure has already been provided. The commission shall also hear and determine petitions for review of cease and desist orders issued by the attorney general under RSA 664:18, II, if such petitions are filed within 3 days of the order.

#### Procedures

665:8 Rules. The commission shall have power to adopt and publish rules to govern its proceedings and to regulate the mode and manner of all hearings or proceedings before it. Said rules shall be published and made available at the office of the secretary of state. All hearings shall be open to the public.

665:9 Evidence. In any hearing, the commission shall not be bound by the technical rules of evidence; but its findings must be supported by reliable, probative and substantial evidence. A stenographic transcript shall be made of all oral testimony submitted to the commission; and such transcript together with the exhibits, ballots and papers filed in the proceedings shall be the exclusive record for its decision. Decisions of the commission shall be made in writing and filed with the secretary of state. Reasonable notice of all hearings before the commission shall be given by the secretary of state by registered mail. In cases of recount appeals under RSA 665:6, notice shall be given to all candidates for the particular nomination or office in question. In cases arising under RSA 665:4, notice shall be given to the person or persons filing objections and to the candidate or candidates to whose nomination objections have been filed. At all hearings, interested parties may appear, present relevant evidence, be represented by counsel and cross examine opposing witnesses. The records of the commission in any proceeding before it shall be preserved for at least 6 months after the election in question.

665:10 Subpoenas; Oaths. The commission shall have power to subpoena witnesses and administer oaths in any proceeding before it and to compel by subpoena duces tecum the production of any checklist, tally sheet or other document or thing of any kind whatever.

665:11 Witness Fees. Witnesses summoned before the commission shall be paid the same fees as witnesses summoned to appear before the superior court, and such summons issued by any justice of the peace shall have the same effect as though issued for appearance before such court.

665:12 Testimonial Privilege. No witness in any proceeding before the commission shall be excused from giving his testimony or producing documentary evidence upon the ground that such testimony or documentary evidence could tend to incriminate him; but, if the witness claims immunity hereunder, no such testimony or documentary evidence shall be used against him in any criminal prosecution; nor shall he be liable to criminal prosecution for any matter disclosed thereby.

665:13 Perjury. No person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

#### Appeal

665:14 Appeal From Decisions. There may be an appeal to the supreme court from the decisions of the ballot law commission made under RSA 665:6, II, or 665:7 as provided in this section and not otherwise. Such appeal shall be filed with the clerk of the supreme court within 5 days after the decision of the commission is filed with the secretary of state. Such appeal shall be limited to questions of law. Findings of fact made by the commission shall be final if supported by the requisite evidence. The supreme court may hold a special session to consider such appeal if it considers such action necessary. Appeals under this section shall be limited to contested elections for the offices of presidential elector, governor, councilor and town and city or city ward offices voted for at general elections. No appeal may be made under this section in the cases of contested elections for the offices of United States senator, representative in congress, state senator or representative to the general court in view of the constitutional provisions vesting in both houses of congress and both houses of the general court exclusive jurisdiction over the elections and qualifications of their respective members.

Enforcement

665:15 Enforcement of Orders of Ballot Law Commission. The superior court shall have jurisdiction in equity to enforce any order of the ballot law commission issued hereunder.

CHAPTER 666

PROVISIONS FOR PURITY OF ELECTIONS

General

666:1 General Penalty. Any person guilty of an offense against any provision of the laws relating to elections for which no penalty is specified shall be guilty of a violation if a natural person or guilty of a misdemeanor if any other person.

666:2 Official Malfeasance. A moderator, supervisor of the checklist, selectman or town clerk shall be guilty of a misdemeanor if at any election:

(a) He shall knowingly receive and count any illegal vote; or

(b) He shall knowingly omit to receive and count any legal vote; or

(c) He shall knowingly remove any vote from the number of legal votes cast; or

(d) He shall knowingly add any illegal vote to the number of legal votes cast; or

(e) He shall receive or count any vote given at such election by proxy, that is, without the personal delivery of such vote by the person entitled to give the same; or

(f) He shall fraudulently declare the state of the vote in the election of any officer.

666:3 Official Misconduct. Any public officer upon whom a duty relating to elections is imposed who shall knowingly fail to perform such duty or who shall knowingly perform it in such a way as to hinder the

objects thereof shall be guilty of a misdemeanor if no other penalty is provided by law.

### Challengers

666:4 Challengers Appointed by Party Committee. The state committee of a political party may appoint a person to act as challenger of voters at any polling place in the state at a state election. A city or town committee of such a party may appoint a person to act as such challenger at any polling place in such city or town at a town election, business meeting, or city election. A statement signed by the chairman of the committee appointing him shall be sufficient evidence of the authority of any such challenger. He may be reasonably compensated for his services by the political party whose committee appointed him. He shall be assigned by the moderator or other election officer presiding at the polling place to such position within the polling place as will enable him to see and hear each voter as he offers to vote. Nothing herein contained shall deprive any other person of the right to challenge a voter as provided by law.

666:5 Challengers Appointed by Attorney General. The attorney general may appoint a person to act as challenger of voters at any polling place in the state at a state election. A statement signed by the attorney general appointing him shall be sufficient evidence of the authority of any such challenger. He shall be assigned by the moderator or other election officer presiding at the polling place to such position or positions within the polling place as will enable him to see and hear each voter as he offers to vote. Nothing herein contained shall deprive any other person of the right to challenge a voter as provided by law.

### Illegal Influence

666:6 False Documents, Names or Endorsement. Any person who shall, without authority, sign the name of any other person to any letter or other document, or falsely represent that any other has written such letter or document, knowing such representation to be false, for the purpose of influencing votes, or who shall by false representation, use, employ or assign the name of any other person, or a fictitious name on a radio or television broadcast or other means of

communication, to signify endorsement of a political party, candidates or programs, or, for the purpose of influencing votes, shall be guilty of a misdemeanor.

666:7 Publication of Forged Document. Whoever publishes any such forged letter or document, knowing the same to be forged, with like intent, shall be guilty of a misdemeanor if a natural person and shall be guilty of a felony if any other person.

#### Enforcement of the Election Laws

666:8 Attorney General. The attorney general shall be responsible for the enforcement of the election laws as provided in RSA 7:6-c.

666:9 Examination on Complaint. On the day of any election, or within 10 days thereafter, any 5 voters may make written complaint to any judge of the district or municipal court, stating only that in their belief the law against bribery in elections has been violated in connection therewith, and asking for an inquiry concerning such violation and naming the witnesses whom they desire to have examined, and thereupon such judge shall immediately proceed to make such inquiry; and for that purpose he may issue his subpoena, or compulsory process, if necessary, to the witnesses named and to any others, and may examine them in the same manner as he might upon a complaint in a criminal proceeding before him; and the powers, duties and liabilities of the judge and witnesses shall be the same as in such case.

666:10 Procedure. Such justice or judge may allow the complainants, or either of them, or any person who may seem to be accused, to appear before him, personally or by counsel, and to interrogate the witnesses; and he shall take brief notes of the testimony and may also, if he shall deem it necessary, reduce the testimony of any witness to writing and cause him to sign the same, and shall close the inquiry within 30 days from the date of the complaint and make a record of the proceedings, and shall transmit such record, and the testimony so taken by him, at once to the attorney of the county.

666:11 Prosecution. If such inquiry shall disclose any violation of RSA 659:40 it shall be the duty of the attorney to cause due complaint to be made and the person offending to be apprehended and committed to jail, or bound over, with sufficient sureties, to the next term of the superior court.

666:12 Testimonial Privilege. No witness in any proceeding for the violation of election laws shall be excused from giving his testimony upon the ground that such testimony would incriminate him; but no such testimony shall be used against him at any time or in any prosecution. And any person who voluntarily discloses the facts to the proper authorities and procures a conviction in any such proceeding shall not be prosecuted for his connection with the bribery or attempted bribery.

666:13 Impounding Ballots. If directed by the attorney general as part of his enforcement of the election laws, the state police which he designates shall collect all ballots requested from the town and city clerks who have custody of the ballots. The state police shall deliver the ballots to the public facility which is designated by the attorney general.

## CHAPTER 667

### CONSTITUTIONAL CONVENTIONS AND STATE PARTY CONVENTIONS

#### General Provisions: Constitutional Conventions

667:1 Election of Delegates. Whenever the qualified voters of the state under the provisions of the constitution shall determine that there is necessity for the calling of a convention to revise the constitution, the general court shall, as is required by the constitution, call such convention and shall set the day for the election of delegates and the day and time for the assembly of said delegates in the capitol at Concord.

667:2 Number. Representation in the convention is on the basis of representative districts of the state. Representative districts are entitled to the same number of delegates to the convention as they are entitled to representatives to the general court.



667:3 Organization. The delegates shall assemble in convention in Concord on the day and time specified in the call by the general court and shall proceed to organize by choosing one of their number by ballot to serve as president. They shall also choose such other officers as they deem necessary. They shall be the judges of election and returns of their own members. The delegates may establish rules of proceedings and proceed to recommend constitutional amendments.

667:4 Books and Papers Furnished. The secretary of state shall furnish to the convention such books, papers, stationery, and printing as the convention shall require or order.

667:5 Compensation. Each delegate shall receive \$3.00 per day for his attendance at the convention and the same allowance for mileage as is provided for members of the general court.

667:6 Amendments. The amendments to the constitution as are agreed to by such convention shall be submitted so that they can be voted on by the qualified voters either separately or by groups as the convention may determine. The convention shall provide for ascertaining the voters' decisions and the publication of the same by executive proclamation which shall be the effective date unless otherwise determined by the convention, and may do any and all other things necessary to carry out the purposes of the convention.

#### Filing: Constitutional Conventions

667:7 Eligibility. Any person who by the laws of this state is a qualified voter in the town, ward, or unincorporated place from which he may be elected is eligible to be a delegate to the constitutional convention.

667:8 Date for Filing. A declaration of candidacy shall be filed with the town or city clerk on or before a date 36 days before the date of the election. All declarations shall be forwarded by the town or city clerk to the secretary of state for preparation of the ballots at least 35 days before the date of the election.

667:9 Fee. At the time of filing a declaration of candidacy, each candidate shall pay to the town or city clerk a filing fee of \$2 for the use of the town or city.

667:10 Declaration of Candidacy. On or before the closing date for filing declarations of candidacy with the town or city clerk as provided by RSA 667:8, any candidate for delegate shall file with the town or city clerk a declaration of candidacy in substantially the following form, which shall be prepared and furnished by the secretary of state:

I \_\_\_\_\_, candidate for office of delegate to the constitutional convention from District No. \_\_\_\_\_ of \_\_\_\_\_ county hereby certify that I am at least 18 years of age; that I am domiciled in ward \_\_\_\_\_ of the city of \_\_\_\_\_ or town or unincorporated place) of \_\_\_\_\_ county of \_\_\_\_\_ State of New Hampshire; that I am a qualified voter therein and at the present time am an inhabitant of District No. \_\_\_\_\_ of \_\_\_\_\_ county.

**Ballots: Constitutional Conventions**

667:11 Printing. The secretary of state shall prepare and cause to be printed ballots for all elections under this chapter. He shall also prepare all necessary forms for declarations of candidacy and furnish the same in reasonable quantities to the town clerks. Said ballots and forms shall be printed and delivered at the expense of the state.

667:12 Form. Every ballot for the election shall contain the name and domicile of each candidate who has filed a declaration of candidacy for delegate. The names of candidates upon the ballot shall be arranged in perpendicular columns under the title "For Delegate to the Constitutional Convention". Below the title shall be printed in easily legible type the words "Vote for" followed by a spelled number designating the number of persons to be elected to such office. At the right of the name of each candidate and on the same line, there shall be a square. Following the names there shall be as many blank lines as there are persons

to be elected. Whenever there are 2 or more candidates, the names shall be printed upon the ballot in alphabetical order of their surnames.

667:13 Paper. The ballots shall be printed on plain paper in weight not less than that of ordinary printing paper. The secretary of state shall determine the color of the paper.

667:14 Uniformity. There shall be no impression or mark to distinguish one ballot from another.

667:15 Endorsement. Upon the back of each ballot shall be printed the words "Official Ballot for Dist. No \_\_\_\_\_ County of \_\_\_\_\_". For Delegate to the Constitutional Convention", the date of the election and a facsimile of the signature of the secretary of state.

667:16 Other Materials. The secretary of state shall prepare and furnish to the districts the necessary material, including certificates of election, for a record of the choice of all delegates.

#### Election Procedure: Constitutional Conventions

667:17 Plurality; Ties. In all elections hereunder, a plurality shall elect; and, in case of a tie vote, the tie shall be determined by lot by the secretary of state in the presence of the candidates who are tied if, upon notice from him, they elect to be present.

#### Vacancies: Constitutional Conventions

667:18 Resignation, Death or Removal. A delegate to a constitutional convention may resign his office as such by filing his intention of resignation in writing with the secretary of state. The resignation shall become effective when approved in writing by the president of the constitutional convention. Whenever a delegate to a constitutional convention dies or moves from the district, town or ward in which he was elected, the clerk of the town or of the city in which the delegate is an inhabitant, or if the delegate is from an unincorporated place the clerk of the town in which he is registered, shall notify the secretary of state of the death or removal.

667:19 Filling Vacancies. A vacancy caused by the death, resignation or removal from a district of a delegate may be filled by a special election held in the district. The special election may be held on the same day on which another meeting of the town or ward is held or at a different time. However, if the special election is held in a representative district having more than one town, ward or unincorporated place, the election must be held on the same day throughout the district. An article for the election of a delegate shall be inserted in the warrants calling the meeting. All laws relating to the election of representatives to the general court, so far as they are applicable, apply to the special election to fill the vacancy in the office of delegate.

#### Application of Laws

667:20 Application of Laws. The provisions of RSA 659 in so far as consistent herewith shall apply to elections under the provisions of this chapter.

#### State Party Conventions

667:21 Date, Call and Purposes. Not earlier than the third Tuesday of September following any primary, and not later than the last Tuesday of October, upon the call of the chairman of the state committee of the party, the nominees of each party for the offices of governor, United States senator, United States representative, executive councilors, state senators, county officers, representatives, state delegates elected, and the incumbent United States senator or senators whose term or terms shall not expire during the January following that year's general election, shall meet in state convention for the purpose of adopting the platform of their party, nominating presidential electors and effecting an organization for the following 2 years. The names and domiciles of the presidential electors nominated by such convention shall be forthwith certified to the secretary of state by the chairman and the clerk of the convention. Upon receipt of the foregoing certifications, the secretary of state shall publish in some paper of general circulation the names of the persons found by him to have been chosen as candidates for presidential electors by the several parties.

667:22 Party Organization. The nominees from a party, state delegates of each county, and the incumbent United States senator or senators if they have met the requirements of RSA 667:21, shall determine the membership of a county committee for their party either in said convention or in county convention upon call of the chairman of the state committee. The county committee shall consist of such number of persons as the nominees from a party, the state delegates of each county, and the incumbent United States senator or senators if they have met the requirements of RSA 667:21, shall determine to apportion to each county. The members of several committees thus chosen shall constitute the state committee of the party. Resignations from the state committee shall be received by the state committee and the state committee shall set a place and time and manner for filling such vacancies. A state committee may choose as its officers persons not members of the committee and such officers shall be ex officio members of the committee. The party members in each town, ward or city may effect such an organization as they may deem expedient for advancing the purposes of their party.

667:23 Roll. Upon application of the chairman of the state committee of any political party, the secretary of state shall deliver to him a duly certified roll of the nominees of his party for the several offices named in RSA 667:21. None but such nominees and state delegates shall take part in such state convention.

## CHAPTER 668

### PROVISIONS FOR UNINCORPORATED PLACES

#### Organized Places

668:1 Organization for Voting. The offices for which the inhabitants of an unincorporated place are entitled to vote shall include: Electors of the president and vice-president of the United States, United States senator, United States representative, councilor, state senator, state representative and county offices. The provisions of the election laws

relating to town meetings for the choice of election officers and the conduct of state elections shall apply to unincorporated places organized as provided by RSA 53:1.

#### Unorganized Places

668:2 Designation of Towns. If an unincorporated place is not organized for voting, the secretary of state shall designate a town in the same representative district where all inhabitants of the unorganized place may register, vote, file for office and exercise all other procedures to which they are entitled under the election laws.

668:3 Registration and Checklists. The procedure for registration of inhabitants of an unorganized place in a town so designated shall be the same as provided in RSA 654, except that a separate checklist shall be maintained for the inhabitants of each unorganized place. The supervisors shall prepare, revise and post said checklist along with the checklist for the town as provided in RSA 654.

668:4 Offices Voted For. The offices for which inhabitants of unorganized places are entitled to vote shall include: Electors of the president and vice-president of the United States, United States senator, United States representative, executive councilor, state senator, state representative, and county offices. The inhabitants of the unorganized places are not entitled to vote for any town or ward offices or on any questions concerning the towns in which they vote.

668:5 Preparation of Special Ballots. For any state election, the secretary of state shall prepare special ballots for the inhabitants of each unorganized place. On the special ballots, the secretary shall have printed the words necessary to make the ballots distinct from the other ballots in the town in which they are designated to vote. The secretary of state shall print only the names of candidates for offices for which the inhabitants of the unorganized place are entitled to vote, as provided in RSA 668:4. In all

other respects, such special ballots shall be printed and forwarded to the town clerk in the same manner as the other ballots for the designated town.

668:6 Establishing Procedures for Voting. The secretary of state shall issue regulations within the scope of the election laws to establish the procedures for voting and filing for office by inhabitants of unorganized places. The regulations so issued shall have the force of law.

668:7 Return of Votes Cast. The town clerk of the town designated pursuant to RSA 668:2 shall make a return of the votes cast in his town by the inhabitants of each unorganized place in the same manner as provided for in RSA 659.

668:8 Service to Unorganized Places. For services to unorganized places during any state general election as directed by this chapter, the town clerk of the town designated pursuant to RSA 668:2 shall be paid the sum of \$50. Said payment shall be a charge against the appropriation for elections for the office of secretary of state.

## CHAPTER 669

### Town Elections

#### General Provisions

##### 669:1 Election Dates.

I. All towns shall hold an election annually for the election of town officers on the second Tuesday in March except those towns which have adopted the provisions of RSA 31:94-a and have, by majority vote at the previous town meeting, decided to elect officers on the second Tuesday in May.

II. Notwithstanding the provisions of paragraph I of this section, any town which has adopted a municipal charter under the provisions of RSA 49-B:1-6 may establish the second Tuesday in March, the second Tuesday in May, or the first Tuesday after the first Monday in November in odd-numbered years as the date for the election of town officers.

III. No town election shall be held in conjunction with the biennial election.

669:2 Warrant. The selectmen shall include as part of the warrant for the annual town meeting a warrant for each annual town election which shall prescribe the place, day and hour of the election, the officers to be elected, and the questions to be submitted to the voters. In a town which has adopted an official ballot system for the election of town officers, the warrant shall specify the time the polls are to open and the hour before which the polls may not close. The warrant shall clearly specify which items shall be voted on by ballot at the town election and which items shall be considered at the town business meeting. In a town which has not adopted an official ballot system, it shall be sufficient for a town meeting warrant to list items to be taken up at the town business meeting, including the election of town officers.

669:3 Town Meeting Provisions Applicable. All appropriate provisions of RSA 39 relative to warning the town meeting and posting the town meeting warrant shall apply to the town election.

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

669:5 Voters and Checklists. An updated checklist shall be used at all town meetings and elections for the same purposes a checklist is used at a state election and to insure that only qualified voters participate in town meeting discussions and votes, by voice or otherwise. The supervisors shall prepare, post and revise the checklist for a town meeting or election in the same manner as for a state election as provided in RSA 654:25-654:31, except that the session for correction of the checklist 3 weeks prior to the day of the election as provided in RSA 654:27 shall not be required to be held before a town meeting or election. The supervisors shall also hold one session for correction of the checklist on the day immediately prior to the first day of the filing period for candidates for town office, as provided in RSA 669:19 or 669:42, as applicable, from 7 p.m. to 9 p.m.



669:6 Qualification of Officers. Unless otherwise provided by law, no person shall hold an elective town office who does not have his domicile within the town.

669:7 Incompatibility of Offices.

I. No person shall at the same time hold any 2 of the following offices: selectman, treasurer, moderator, trustee of trust funds, collector of taxes, auditor and highway agent. No person shall at the same time hold any 2 of the following offices: town treasurer, moderator, trustee of trust funds, selectman and head of any police department on full-time duty. No person shall at the same time hold the offices of town treasurer and town clerk. No full-time town employee shall at the same time hold the office of selectman. No official handling funds of a town shall at the same time hold the office of auditor. No selectman, moderator, town clerk or inspector of elections shall at the same time serve as a supervisor of the checklist. No selectman, town manager, school board member, full-time town, village district, school district or other associated agency employee or village district commissioner shall at the same time serve as a budget committee member-at-large under RSA 32.

II. The provisions of paragraph I refer to the actual holding of office, and are not to be construed to prevent the transfer between offices of information obtained in the regular conduct of business nor to prevent the personnel in any office from furnishing clerical assistance to any other office.

669:8 Incompatibility of Offices: Town Manager. The town manager, during the time that he holds such appointment, may be manager of a district or precinct located wholly or mainly within the same town and may be elected or appointed to any municipal office in such town or included district or precinct that would be subject to his supervision if occupied by another incumbent; but he shall hold no other public office except justice of the peace or notary public except as provided in RSA 37:16.

669:9 Oaths of Town Officers. All town officers elected as provided in this chapter shall take an oath of office as provided in RSA 42 before qualifying for office.

669:10 Term of Office.

I. Except as otherwise provided, the term of office of any officer elected under this chapter shall begin upon his election and qualification for office and shall end upon the election and qualification of his successor.

II. No person shall assume a town office until after the time period for requesting a recount is over. If a recount is requested for a town office, no person shall assume that office until the recount is completed.

Ballot Systems

669:11 Unofficial Ballot System. If a town has not voted at a previous town meeting to adopt an official ballot system as provided in RSA 669:12 or 669:13 or if a town has voted to rescind such adoption, such town shall elect its officers by means of the unofficial ballot system as provided in RSA 669:54 - 669:60. A majority vote shall be required to elect using unofficial ballots.

669:12 Partisan Official Ballot System. Any town may vote to adopt the partisan official ballot system for election of town officers under an article in the warrant for any town meeting, and may rescind such action in like manner. The partisan ballot system shall not be in effect until the town election first following the town meeting at which such system is adopted. A plurality shall elect in towns using the partisan ballot system.

669:13 Non-Partisan Official Ballot System. A town may vote to adopt the non-partisan official ballot system for election of town officers under an article in the warrant for any town meeting, and may rescind such action in like manner. In any town in which the

partisan ballot system is in effect, and which has a population, according to most recent federal census, of 4,500 or more, adoption of the non-partisan ballot system shall be by ballot. Whenever in such town there shall appear in the warrant for any town meeting an article relating to the adoption of the non-partisan ballot system, the town clerk shall cause to be printed on the official ballot, if any, otherwise upon a ballot specially prepared for the purpose, the question, "Shall the non-partisan ballot system for the election of town officers be adopted by this town?", which question shall be followed by boxes in which the voter may indicate "Yes" or "No". If the majority of the qualified voters present and voting at such meeting shall answer said question in the affirmative, the non-partisan ballot system shall be deemed to have been adopted by said town. In all towns, the non-partisan ballot system shall not be in effect until the town election first following the meeting at which such system is adopted. A plurality shall elect in towns using the non-partisan ballot system.

#### Officers Elected

669:14 Use of Ballot. Town officers who are to be elected by ballot as provided in RSA 669:15 and all other officers that a town has voted at some previous meeting to elect by ballot shall be elected by means of the partisan or non-partisan official ballot systems if such an official ballot system shall be in effect in a town. In towns where no such official ballot system is in effect, town officers who are to be elected by ballot as provided in RSA 669:15 and such other officers as the town votes to elect by ballot shall be elected by unofficial ballot at the town business meeting pursuant to RSA 669:54 - 669:60.

669:15 Officers Who Shall Be Elected; Election by Ballot. The town officers specified in this section shall be elected at a town election by the voters of the town, and the election of such officers shall be by ballot as specified by the RSA section indicated:

I. Selectmen (RSA 41:8 through 8-e).

II. Moderator (RSA 40:1).

III. Supervisors of the checklist (RSA 41:46-a).

IV. Town Clerk (RSA 41:16 through 16-b).

V. Town Treasurer (RSA 41:26 through 26-b).

VI. Highway agents, unless provision has been made for their appointment (RSA 231:62 through 62-b).

669:16 Optional Officers to be Elected by Ballot; Interim Officers. The town offices specified in this section shall, if established by a town, be filled by an election by ballot. Such an officer may not be elected by official ballot until the annual town election first following the establishment of the office. However, whenever a town votes to establish such an optional office, the town may also then vote to elect by unofficial ballot at the same meeting an officer to serve until the next annual town election. If a town then fails to elect such an officer by unofficial ballot, the office shall be deemed vacant and shall be filled as provided in RSA 669:61 - 669:75. This section applies to the following offices:

I. Town clerk-tax collector (RSA 41:45-a).

II. Constables or police officers for full-time duty (RSA 41:47).

III. Trustees of trust fund (RSA 31:19-23).

IV. Sewer commissioners (RSA 252:19).

V. Tax collector for a 3-year term (RSA 41:2-a or 2-b).

VI. Town auditors (RSA 41:32-a).

VII. Library trustees (RSA 202-A:6).

669:17 Officers Who May be Elected: Election by Ballot or Other Means. The town officers specified in this section may be elected by ballot or by other means at annual town elections or meetings by the voters of the town as determined by said voters. Such an officer

may not be elected by official ballot until the annual town election first following the establishment of the office. When a town votes to establish such an optional office, the town may also then vote to elect by any means at the same meeting an officer to serve until the next annual town election or meeting or may vote to authorize the officer with the power to fill a vacancy in the office as provided in RSA 669:61 - 669:75 to appoint someone until the next annual town election or meeting. This section applies to the following offices:

I. Town assessors (RSA 41:2-c through 2-i).

II. Repealed by Chapter 164, Laws of 1983.

III. Overseers of public welfare (RSA 41:2).

IV. Constables or police officers, other than those elected under RSA 41:47 (RSA 41:2).

V. Elected planning board members (RSA 36:4).

VI. Elected budget committee members (RSA 32:2).

VII. Tax collector for a 1-year term (RSA 41:2).

VIII. Any other officers the town may judge necessary for managing its affairs under RSA 41:2.

#### By Official Ballot

669:18 Nominations: Partisan Ballot System. In a town which has adopted the partisan ballot system as provided in RSA 669:12, nominations shall be made by caucus as provided in RSA 669:37 - 669:53.

669:19 Nominations: Non-Partisan Ballot System. In a town which has adopted the non-partisan ballot system as provided in RSA 669:13, all candidates shall file a declaration of candidacy with the town clerk during the filing period for town candidates. Such filing period shall be 10 days in duration, beginning on the seventh Wednesday before the town election. Such declaration of candidacy shall be prepared by the town clerk in substantially the following form:

I, \_\_\_\_\_, declare that I am domiciled in the town of \_\_\_\_\_, and that I am a registered voter therein; that I am a candidate for the office of \_\_\_\_\_ and hereby request that my name be printed on the official non-partisan ballot of the town of \_\_\_\_\_. At the time of said filing, each candidate shall pay to the town clerk a filing fee of \$1 for the use of the town, provided that a candidate for a town office which carries no salary or other compensation shall be entitled to file his declaration without the payment of a filing fee.

669:20 Nomination Petitions. At the time of said filing, the candidate may file, in lieu of a declaration of candidacy, nominating petitions; and, in such case, the name of said candidate shall be printed upon the ballot, without the payment of a fee. The form of petition shall be substantially as follows:

STATE OF NEW HAMPSHIRE

I, \_\_\_\_\_, of \_\_\_\_\_ do hereby request the printing of my name on the non-partisan ballot as candidate for the office of \_\_\_\_\_ at the annual meeting of said town \_\_\_\_\_, 19\_\_\_. In support of said candidacy, I submit the following affidavits signed by legal voters in said town:

State of New Hampshire  
County of \_\_\_\_\_

The above named \_\_\_\_\_ personally known to me, appeared and made oath that the above statement by him subscribed is true.

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Justice of the Peace or Notary Public.

SUPPORTING AFFIDAVIT

State of New Hampshire  
County of \_\_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_ hereby join in the petition for the printing of the name of \_\_\_\_\_ on

the non-partisan ballot as candidate for the office of \_\_\_\_\_ at the annual meeting of said town on \_\_\_\_\_, 19 \_\_\_\_\_. I certify that I am qualified to vote for a candidate for said office and am not, at this time, a signer of any other similar petition for any other candidate for said office.

State of New Hampshire  
County of \_\_\_\_\_

The above named \_\_\_\_\_ personally known to me, appeared and made oath that the above statement by him subscribed is true.

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Justice of the Peace or Notary Public.

669:21 Number of Petitions. Any town may determine, by vote, the number of separate petitions which must be filed by a candidate, under the provisions of RSA 669:20, in order to have his name printed on the non-partisan ballot. In no case shall such required number be less than 5; and, in case no other number shall have been voted upon by a town, the number of petitions required shall be 5.

669:22 Withdrawal. Where a candidate had duly filed according to RSA 669:19 or 669:20 for a non-partisan town election or where a party nominee has been certified to the clerk as provided in RSA 669:50 for a partisan town election, no withdrawal or declination of a candidate shall be accepted by the town clerk subsequent to the last dates for filing except if the candidate dies or shall make oath that he does not qualify for the public office for which he is filed because of age, domicile, or incapacitating physical disability acquired subsequent to his filing. If a candidate dies or withdraws himself as provided in this section, the town clerk shall not print the name of that candidate on the ballot. If the ballots have been printed, the clerk shall remove that name using pasters.

669:23 Preparation of Voting Materials. The town clerk shall prepare the official ballots for his town and shall arrange the names of candidates upon said ballots in parallel columns. Immediately above the names of each block of candidates shall be printed the title of the office for which they are candidates, such as "For Selectman". Below the title of each office shall be printed in small but easily legible type the words "Vote for" followed by a spelled number designating the number of persons to be elected to such office. Directly to the right of the name of each candidate there shall be a square. Whenever there are 2 or more candidates for the same office the names shall be printed upon the ballot in the alphabetical order of their surnames. Following the names printed on the ballot under the title of each office, there shall be as many blank lines as there are persons to be elected to that office.

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.

669:25 Conduct. In towns which have adopted an official ballot system, the town election shall be conducted in the same manner as a state general election as provided in RSA 658 and 659, except that all duties required to be performed by the secretary of state under those chapters shall be performed by the town clerk, and except that no copy of marked or unmarked checklists need be forwarded to the state library 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.



669:26 Absentee Voting. Every town which has adopted an official ballot system for town elections as provided in RSA 669:12 or 669:13 shall provide for absentee voting. Any registered voter or armed services voter who is absent from such a town on the day of a town election, or who cannot appear in public on election day because of his observance of a religious commitment, or who, by reason of physical disability, is unable to vote in person may vote at a town election in accordance with the provisions of this section and RSA 669:27-29.

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

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

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

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

Mail absentee voter's ballot to:

(Signature) \_\_\_\_\_

(Street and number) \_\_\_\_\_

(Town, state and country) \_\_\_\_\_;

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

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

I do hereby certify, under the penalties of perjury, that I am a duly qualified voter in the town (city, village district, school district) of \_\_\_\_\_, New Hampshire, that I will be absent on election day from said town (city, village district, school district) and will be unable to vote in person; that I have carefully read the instructions forwarded to me with the ballot herein enclosed and that I personally marked the within ballot and enclosed and sealed it in this envelope.

(Signature) \_\_\_\_\_

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

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

(Signature) \_\_\_\_\_;

IV. Return envelopes of size sufficient to contain the affidavit envelopes, addressed to the clerk upon which shall be printed, "Enclosed, is the ballot of an absentee voter", and at the top thereof blank spaces for the name, address, and voting place of the sender, with the words "name," and "address" appropriately printed thereon.

V. Mailing envelopes large enough to contain all of the above materials in which the town clerks shall mail or deliver them to absentee voters.

669:28 Instructions; Information. The secretary of state shall prepare for the use of the clerks such printed information and instructions, subject to the

approval of the attorney general, as he shall deem appropriate to carry into effect the purposes hereof. The secretary of state shall furnish such material to the clerks of all towns, cities, village districts and school districts.

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

#### Recounts

669:30 Recounts; Application. If any person for whom a vote was cast and recorded for any office at a town election shall, before the expiration of 3 days from the date of the election, apply in writing to the town clerk for a recount of the ballots cast for such office, the clerk shall appoint a time for the recount not earlier than 5 days nor later than 10 days after the receipt of said application.

669:31 Notice; Fee. The clerk shall notify each of the candidates for the office for which there is to be a recount at least 3 days prior to the day appointed for the recount of ballots. No other notice shall be required. The applicant shall pay to the town clerk, for the use of the town, a fee of \$10.

669:32 Board of Recount. At the time and place so appointed and notified, the clerk shall publicly break the seal of and open the package in which the ballots of said election are kept; and, thereupon, said ballots shall be recounted by the clerk, the moderator and the selectmen of said town who shall constitute the board of recount. Any member of the board of recount who is one of the candidates for the office being recounted shall disqualify himself from the board of recount for all official duties of said board. The moderator shall appoint an assistant who shall take the same oath as, serve in the same capacity as, and have all the powers of the recount official whom he has replaced.

669:33 Preservation of Ballots after Recount. Upon the conclusion of the recount, the clerk shall place the ballots and all envelopes or wrappers which had previously contained them in a suitable container showing the contents and the date when and the reason why it was opened; and said clerk shall retain said ballots until the expiration of 60 days from the date of the meeting unless some action is pending which makes their further preservation necessary or unless enjoined by action brought before the superior court.

669:34 Declaration of Results. If after the recount of votes, it shall appear that a person was elected other than the person declared by the moderator to have been elected, the board of recount for said town shall declare such person elected and shall, after 5 days from such declaration, if no appeal is taken, certify such declaration to the town clerk. The town clerk shall record the certificate; and the person so declared to have been elected shall, unless the result is changed upon appeal to the superior court, be the duly elected officer of such town.

669:35 Appeal from Recount. Any person aggrieved by a ruling of the board of recount with respect to any ballot may, within 5 days thereafter, appeal to the superior court for the county in which such town is located; and such court shall have jurisdiction in equity to hear and determine the questions presented.

#### Tie Vote

669:36 Tie Vote. In case of a tie vote at any town election, except as provided for unofficial ballots in RSA 669:60, the winner shall be determined by lot by the town clerk in the presence of the candidates who are tied if, upon notice from him, they elect to be present.

#### Special Provisions for Partisan Ballot System

669:37 Nomination by Caucus. In a town which has adopted the partisan ballot system under RSA 669:12, nominations may be made by any caucus of legal voters representing a political party which at the state

election next preceding polled at least 3 percent of the entire vote cast in the state for the office of governor.

669:38 Party Regulations. Any party qualified to hold a caucus may, in convention or by its recognized political committee, make regulations concerning the manner of holding the caucus consistent with the provision of this subdivision.

669:39 When Held. Any caucus for the nomination of candidates for town officers shall be held not later than the sixth Friday before the town election at which such officers are to be elected.

669:40 Notice. All town caucuses shall be called by a notice posted in 4 conspicuous places in the town and published in some newspaper, if there be any published in the town, 10 days or more before the day of the caucus. Such notice shall specify the place, day and hour of meeting, and the time during which the polls shall be open for the reception of ballots.

669:41 Checklists. The checklist for use at any caucus shall be prepared by the local executive committee of the party holding the caucus. Notice of the times when, and places where, the executive committee shall meet for the purpose of receiving evidence and suggestions as to the make-up of the checklist shall be included in the notice of the caucus.

669:42 Filing. A candidate for nomination for office shall file his name, and a declaration of the office for which he is filing, with the clerk of the political party holding the caucus at least 5 days before the date of the caucus. The clerk shall prepare the ballots to be used for said caucus and no other ballots shall be used at said caucus.

669:43 Ballots. Voting at the caucus shall be by ballot. The committee shall have full power to regulate the form, size and character of the ballots to be used.

669:44 Additional Polling Place. Any caucus held under the provisions of this subdivision in a town which has voted to adopt the provisions for an additional polling place may be held at the central polling place in said town and also at said additional polling place. The local executive committee of the party holding the caucus shall prepare a checklist for each polling place. The polls at the additional polling place shall close one hour prior to the closing of polls at the central polling place and the ballot boxes from the additional polling place shall be taken to the central polling place where they shall be opened and counted.

669:45 Hours of Polling. The time the polls shall be open at caucuses shall be fixed by the executive committee of the party in the town holding the caucus. In towns and wards having not more than 2,000 inhabitants, according to the last preceding national census, the polls shall be open not less than 2 hours, and, in those having more than 2,000 inhabitants according to such census, not less than 3 hours.

669:46 Additions. No name shall be placed on the checklist after the hour for opening the caucus has arrived except the name of a person whose right to vote in the caucus is well known to the executive committee.

669:47 Challenge. When the right of any person to vote in a caucus is challenged, he shall subscribe to the following oath or affirmation before his vote shall be received: I, \_\_\_\_\_, do solemnly swear (or affirm) that I am a legal voter in \_\_\_\_\_, and that I intend to vote the ticket of the party holding this caucus at the next election.

669:48 Prohibited Acts. No person shall vote in any caucus unless his name is on the checklist used by said caucus except as provided in RSA 669:46. No person shall vote using the name of any other person; and no person shall vote in the caucus of more than one political party, or, having voted in the caucus of a political party, sign the nomination papers of any other political party for that election. No person shall vote in any caucus unless he intends to support the ticket of the party holding the caucus at the next election.

669:49 Plurality; Certificates of Nomination. A plurality of votes shall be sufficient to nominate a candidate for town office by caucus. After the caucus, certificates of nomination shall be made and shall indicate the name and domicile of each candidate, the office for which he is nominated and the political principles or party he represents, and shall be signed by the chairman and clerk of the caucus or convention; and, when practicable, such certificates of nomination shall be signed by each candidate; but the absence of the signature of the candidate shall not invalidate a certificate of nomination.

669:50 Filing Nominations; Certificate of Regularity. In filing nominations with the town clerk, the presiding officer of the caucus shall certify that the caucus was called and conducted according to the provisions of this subdivision. If nominations are not accompanied by such certificate, they shall not be placed upon the official ballot.

669:51 Filing Checklists. Within 48 hours after the close of any caucus, the presiding officer shall file with the town clerk the checklist used in the caucus; and the clerk shall keep the same for 60 days thereafter, in his office, open to the inspection of every citizen of such town, and shall not make nor permit to be made upon such checklist any mark whatever.

669:52 Nomination by Nomination Papers. As an alternative to nomination by party caucus, a candidate may have his name placed on a partisan town election ballot by submitting nomination papers. All the provisions of RSA 655:40 - 45 shall apply except that the duties performed by the secretary of state shall be performed by the town clerk. Fifty nomination papers shall be required for each town office for which a person files.

669:53 Penalty for Violations. Any person who shall violate any of the provisions of this subdivision shall be guilty of a misdemeanor. Any person who shall swear falsely in making oath under the provisions of this subdivision shall be guilty of perjury and punished accordingly.

### By Unofficial Ballot

669:54 Nominations. In the election of officers by unofficial ballot, nominations of candidates for office shall be by motion at the town meeting.

669:55 Ballots. In the election of officers by unofficial ballot, the town clerk shall prepare and provide to the moderator pieces of white paper of uniform size and weight to be used as ballots; 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. The ballots may, at the discretion of the clerk, have printed on them the names of the offices to be elected, such as "For Selectman," or "For Town Treasurer." However, no names of candidates shall be printed on the unofficial ballots.

669:56 Ballot Boxes. A suitable box shall be provided by the selectmen, at the expense of the town, in which to receive the ballots of the voters.

669:57 Conduct. Upon receipt of his ballot from the moderator, each voter shall write thereon the name of every person for whom he desires to vote. Each voter shall deliver his ballot to the moderator in open meeting; and the moderator, on receiving the ballot, shall direct the town clerk to check the name of the voter on the checklist, and shall, without inspecting the name of any person voted for, examine the ballot so far only as to determine whether the same contains more than one ballot; if it does not, he shall place the ballot in the ballot-box; but if it does, he shall make it manifest to the meeting and reject the same unless the voter shall correct his ballot.

669:58 Counting. When all votes have been cast, the moderator shall, in the open meeting, sort and count the votes. The selectmen and town clerk shall assist in sorting and counting the votes; but no other person shall in any manner interfere therewith. After the counting, the moderator shall make a public declaration of the number of ballots cast, with the name of every person voted for and the number of votes



for each; and the town clerk shall make a fair record thereof in the books of the town. No ballot shall be received and counted after the votes have been declared.

669:59 Blank Votes. If several offices are to be voted for upon the ballot, no person shall be required to vote for all. Any ballot which does not contain at least one vote for each office shall be regarded as a blank for the office omitted. Blank pieces of paper shall not be counted as ballots.

669:60 Majority to Elect; Tie Vote. In determining the results of any election by unofficial ballot, the whole number of persons voting for any office shall first be ascertained and then the vote for each candidate seeking said office. In order to win an office by unofficial ballot, a candidate must receive a majority of the votes cast for a certain office. In the case that more than one candidate receives a majority, the candidates with the largest majority of votes for the positions available shall be declared elected. In the event that 2 candidates receive an equal number of votes such that a winner cannot be determined, another balloting shall be taken.

#### Filling of Vacancies

##### 669:61 Vacancies in Town Offices.

I. Whenever a vacancy as defined in RSA 652:12 occurs in any elective town office or whenever a town neglects or refuses to fill an elective town office, said vacancy shall be filled by the action of that body or person authorized by law to appoint or elect such officer for a term ending upon the election and qualification of his successor, unless otherwise provided. Unless otherwise provided, at said next annual town election, the voters of the town shall then elect an officer for the full term provided by law or the balance of an unexpired term provided by law, as the case may be. If a town then refuses or neglects to fill said office, a vacancy shall be deemed again to exist.

II. Nothing in this section shall be deemed to empower a town to find that a vacancy exists, in the

case of a contested election or recount, until the rendering of a final judgment by a court of competent jurisdiction or by the ballot law commission as to such contested election in accordance with RSA 652:12, V, or until the recount has been concluded.

669:62 Moderator. Vacancies in the office of town moderator, shall be filled by appointment made by the supervisors of the checklist of said town, or by the town selectmen, where no board of supervisors exists.

669:63 Selectmen. Vacancies in the board of selectmen shall be filled by appointment made by the remaining selectmen. Whenever the selectmen fail to make such appointment, the superior court or any justice thereof, on petition of any citizen of the town, and after such notice as the court shall deem reasonable, may appoint a suitable person to fill the vacancy.

669:64 Supervisors of the Checklist. Vacancies in the board of supervisors shall be filled by appointment made by the remaining supervisors. If there is only one member of the board, or if the whole board shall be vacant, the moderator shall make the appointments. If a town elects supervisors by means of the partisan ballot system, any such appointee shall be of the same political party as the supervisor whose place he is filling.

669:65 Town Clerk. Vacancies in the office of town clerk shall be filled by appointment made by the selectmen except in towns in which pursuant to RSA 41:18 the selectmen have previously appointed a deputy town clerk, in which case the deputy shall serve as town clerk until the next annual town election.

669:66 Town Clerk-Tax Collector. If a vacancy in the office of town clerk-tax collector occurs, the deputy provided for in RSA 41:45-c shall discharge the duties of the town clerk-tax collector until the selectmen fill the position of town clerk-tax collector within 30 days.

669:67 Tax Collector. If a vacancy in the office of tax collector occurs before the incumbent thereof has completed the collection of the taxes committed to him, or if the collector is removed from office pursuant to RSA 41:40, the deputy tax collector provided for in RSA 41:38 shall discharge the duties of the tax collector until the selectmen fill the position of tax collector within 30 days.

669:68 Town Auditors. Vacancies in the office of town auditor shall be filled by appointment made by the supervisors of the checklist. If a supervisor is also the town treasurer, he shall abstain from the decision on the appointment, and the other supervisors shall make the appointment.

669:69 Town Treasurer. Vacancies in the office of town treasurer shall be filled by appointment made by the selectmen except in towns in which, pursuant to RSA 41:29-a, the treasurer has appointed a deputy treasurer, in which case the deputy shall serve as town treasurer until the next annual town election.

669:70 Municipal Planning Boards. Vacancies in the membership and alternates of a town's municipal planning board shall be filled as provided in RSA 36:7 and 36:7-a.

669:71 Municipal Budget Committee. Vacancies on the municipal budget committee shall be filled in accordance with RSA 32:2.

669:72 Municipal Utility Commissioners. Vacancies on a board of municipal utility commissioners shall be filled by the remaining members.

669:73 Trustee of the Trust Fund. Vacancies in the office of trustee of the trust fund shall be filled by appointment made by the board of selectmen for the remainder of the unexpired term.

669:74 Highway Agents. Vacancies in the office of elected highway agents shall be filled by appointment made by the board of selectmen for the remainder of the unexpired term.

669:75 Vacancies in Other Offices. Vacancies in the offices of constable, sewer commissioner, town assessor, overseers of public welfare, library trustee, and any other optional offices where no other method of filling a vacancy shall be provided by vote of the town shall be filled by appointment made by the board of selectmen.

## CHAPTER 670

### VILLAGE DISTRICT ELECTIONS

#### General Provisions

670:1 Election Dates. The election of village district officers shall be conducted at the annual meeting of the village district which shall be held between January 1 and May 1 of each year. In the case of a district formed for the purpose of impoundment of water, such annual meeting may be held at another time if so voted at a previous meeting.

670:2 Officers Elected. The voters of each village district shall, at each annual village district election, elect a moderator, a clerk, 3 commissioners, a treasurer, and such other officers as may be directed by law or as the voters thereof may judge necessary for managing the district's affairs. Any village district voting to do so may elect one commissioner to serve for one year, one to serve for 2 years and one to serve for 3 years and, at every annual meeting thereafter, elect one commissioner to serve for 3 years. A village district officer shall assume office upon his election and qualification for office, and shall serve until the election and qualification of his successor.

670:3 Voters and Checklists. Any person having his domicile within the village district and qualified to vote as provided in RSA 654:1, 654:2 and 654:4 - 654:6 and whose name is on the village district checklist shall be entitled to vote in any village district election. Upon petition of 10 or more such voters to the appropriate supervisors of the checklist before any meeting, the supervisors shall prepare, post, and correct a checklist of the legal voters of the

district, in the same manner as provided in RSA 654:25 - 654:31 except that the session required by RSA 654:27 to be held 3 weeks before the election shall not be required. Such checklist or checklists, if the district is located in more than one town, shall be used in the election of district officers.

670:4 Nominations. To become a candidate for any village district office, a person must have a domicile in the village district. In any village district which has voted to elect district officers by non-partisan official ballot as provided in RSA 669:13, all candidates shall file a declaration of candidacy with the village district clerk, in the same manner as with the town clerk in town elections as provided in RSA 669:19 - 669:22.

#### Election Procedure

670:5 Warrant. Village district elections shall be warned by the commissioners in the same manner as town elections are warned by the selectmen as provided in RSA 669:2 and RSA 39.

670:6 Absentee Voting. A village district which has voted to elect officers by non-partisan official ballot as provided in RSA 670:7 shall provide for absentee voting in the same manner as in town elections as provided in RSA 669:26 - 669:29 except that all duties performed therein by the town clerk shall be performed by the village district clerk.

670:7 Ballot Systems. A village district may vote to adopt the non-partisan official ballot system for the election of district officers in the same manner as towns, as provided in RSA 669:13 in which case it shall be subject to the provisions of RSA 669:13 and 669:19 - 669:24. A village district which has not adopted the non-partisan ballot system but which votes to elect district officers by ballot shall be subject to the provisions of RSA 669:54 - 669:60 for the unofficial ballot system in towns. No village district may vote to adopt a partisan ballot system.

670:8 Non-Ballot Voting. A village district may vote to elect district officers by ballot or other means at the village district election or meeting in the same manner as towns as provided in RSA 669:17.

Post-Election Procedure

670:9 Report to Commissioner of Revenue Administration. After the village district election, the clerk of a village district shall forthwith report the names and post office addresses of all village district officers to the commissioner of revenue administration. If any village district officer has not been elected or appointed at the time of the election, the village district clerk shall inform the commissioner of revenue administration of the name and mailing address of the person chosen to fill the position.

670:10 Tie Votes. If the 2 candidates having the highest number of votes for a village district office shall have an equal number, the successful candidate shall be chosen in the same manner as is provided for resolving tie votes under RSA 669:36 or 60.

670:11 Recounts. Recounts of village district elections shall be conducted in the same manner as in town elections as provided in RSA 669:30 - 669:35 except that the board of recount shall be composed of the village district clerk, moderator and commissioners, each of whom shall perform the duties of the corresponding officer in the town.

670:12 Vacancies. The commissioners shall make appointments to fill vacancies in the offices of village district clerk, moderator, and treasurer, and their own board. In the case of a vacancy in the office of commissioner with a 2 or 3-year term, the remaining commissioners shall make an appointment to fill said vacancy until the next annual meeting of the district, at which time a commissioner shall be elected to fill the unexpired term.

CHAPTER 671

School District Elections  
General Provisions

671:1 Applicability. The officers of all school districts, including cooperative school districts, shall be elected according to the provisions of this chapter.

671:2 Election Dates. School district officers shall be elected either at the town meeting as provided in RSA 671:22-26 or at an annual meeting of the district held between the dates set forth in RSA 197:1. Notwithstanding any other provision of law including the provisions of 1969, 618 relative to the time for holding school district elections in the city of Claremont, no election for school district officers shall be held in conjunction with the biennial election. The prohibition in this section against holding an election for school district officers in conjunction with the biennial election shall not apply to the election of the board of education members of the Concord union school district as provided in 1961, 355 as amended by 1983, 123, to the election of the Laconia board of education members as provided in section 9:01 of the city charter of Laconia as amended by 1975, 357, or to the election of the school board members of the union school district of the city of Keene, as provided in 1967, 566.

671:3 Term of Office. Except as otherwise provided, the term of any officer elected under the provisions of this chapter shall begin upon his election and qualification for office and shall end upon the election and qualification of his successor.

#### Regular School Districts

671:4 Board. A school district which is not a cooperative school district as defined in RSA 195:1 may have a school board of 3, 5, 7, or 9 members, as it shall determine by vote at any annual meeting. They shall serve for a term of 3 years. In so far as possible, an equal number of the members shall be elected at each school district election. Whenever such a district determines to change the number of board members, it shall also determine the number of members to be elected each year. Such change shall not take effect until the school district election in the year next following the one in which the change is voted. The board will increase or decrease in membership so that there will always be an uneven number of members until the desired number is reached. The school board of a district which does not otherwise vote shall have 3 members.

671:5 Auditors. At each district election, each district which is not a cooperative school district as defined in RSA 195:1 shall elect one or more auditors. In a district voting to elect 2 or more auditors, their terms shall be staggered so that one auditor shall be elected each year for a term of office of the same number of years as there are auditors; provided, however, that, in the first year, the auditors shall be chosen for varying terms so that the term of one auditor shall expire in the next succeeding year, the term of the second auditor, the next year, and so on for the number of years as there are number of auditors. When voters of the district direct the school board to request an audit by the municipal services division of the department of revenue administration or by independent public accountants from outside the district, they shall not be required to choose auditors for the year covered by said audit.

671:6 Other Officers. Except as provided under RSA 671:6-a, at each school district election, each school district which is not a cooperative school district as defined in RSA 195:1 shall elect a school district clerk, moderator, treasurer, and such optional officers as the voters of the district shall have voted to elect to manage the affairs of the district. The moderator shall take office upon the adjournment of the regular school district meeting held in the year of his election and upon his qualification for office, whichever is later. The treasurer shall take office upon the close of the fiscal year for the district and upon his qualification for office, whichever is later. An optional officer may not be elected by official ballot until the annual district election first following the establishment of the office. The school district may, by vote, determine to elect a temporary officer or authorize the school board to appoint a temporary officer to serve until the next annual district election.

671:6-a Optional Term.

I. At any annual school district meeting under an article in the warrant placed there by petition, the voters may vote to determine if they are in favor of



having 3-year terms for the school district clerk, moderator and treasurer. If the school district has adopted an official ballot, the clerk shall cause the following question to be printed on said ballot: "Are you in favor of changing the terms of the school district clerk, moderator and treasurer from one year to 3 years, beginning with the terms of the school district clerk, moderator and treasurer to be elected at next year's regular school district meeting?" Said question shall be printed in the form prescribed by RSA 656:13. If the school district has not adopted an official ballot, the clerk shall cause the same question to be printed upon special ballots which shall be used to determine the vote of the school district. If a majority of those voting on the question vote in favor of 3-year terms, at the next annual meeting after the vote of approval, the school district shall elect a school district clerk, moderator and treasurer for 3-year terms.

II. After the 3-year terms for school district clerk, moderator and treasurer have been established, at any annual school district meeting held the year before the end of the 3-year term, under an article in the warrant placed there by petition, the voters may vote to determine if they are in favor of continuing to have 3-year terms for the school district clerk, moderator and treasurer. If the school district has adopted an official ballot, the clerk shall cause the following question to be printed on said ballot: "Are you in favor of changing the terms of the school district clerk, moderator and treasurer from 3 years to one year, beginning with the terms of the school district clerk, moderator and treasurer who shall be elected at next year's regular school district meeting?" Said question shall be printed in the form prescribed by RSA 656:13. If the school district has not adopted an official ballot, the clerk shall cause the same question to be printed upon special ballots which shall be used to determine the vote of the school district. If a majority of those voting on the question do not vote in favor of continuing the 3-year term, at the next annual school district meeting, the voters shall elect the clerk, moderator and treasurer for one-year terms.

III. The terms of the school district clerk, moderator and treasurer shall all be either for one year or for 3 years. The terms of only one or 2 of such officers shall not be changed independently of the other one or 2 officers.

IV. The power of choosing one year or 3-year terms for the school district clerk, moderator and treasurer shall not extend to any other officers of the school district.

671:7 Cooperative School District Planning Committee. Any school district which votes at any annual or special district meeting to create and to elect a cooperative school district planning committee under RSA 195:18 shall, at the same meeting, elect the members of said committee as provided in RSA 195:18.

#### Cooperative School Districts

671:8 Composition of Cooperative School Boards. The number, composition, method of selection, and terms of members of cooperative school boards shall be as provided in the by-laws or articles of agreement of the cooperative school district, as the case may be; provided, however, that such by-laws and articles of agreements shall be limited to the alternatives contained herein where applicable; and provided further that no cooperative school district in existence on August 22, 1971 shall be required to conform hereto unless it is so voted pursuant to RSA 671:9.

I. All members of the cooperative school board shall be elected "at large"; or

II. The cooperative school district shall be divided into single board member districts according to population with as nearly equal population in each district as possible; or

III. The cooperative school district shall be divided into multiboard member districts or a combination of single member or multimember districts so that proportional representation will be most nearly achieved; or

IV. The members of the cooperative school board shall each be domiciled in and represent a pre-existing district with each pre-existing district having at least one such resident representative but all members of the cooperative school board shall be elected "at large"; or

V. Such other method of selection of cooperative school board members compatible with proportional representation, one-man one-vote principle as may be approved by the state board of education.

VI. The terms of the members of the cooperative school board shall be as provided in the by-laws or articles of agreement provided that in no case shall such terms exceed 3 years.

VII. Whenever the by-laws or articles of agreement provide for the election of cooperative school board members pursuant to this chapter, said election shall be with the use of the nonpartisan ballot system under RSA 669.

671:9 Reapportionment. Any cooperative school district organized under any of the provisions of RSA 195 or pursuant to any special act may at any regular or special meeting vote to change the number, composition, method of selection, and terms of office of members on the board of the district, provided that in no event shall the board exceed 15 members nor terms exceed 3 years; and may change the apportionment of the board in relation to the pre-existing school districts as provided in RSA 671:8. If a reapportionment of a board is adopted pursuant to this section, the term of each and every board member under the prior apportionment shall terminate at the next election of board members when a completely new board shall be elected pursuant to the reapportionment.

671:10 Budget Committee Members. The voters of any cooperative school district which has voted at a previous meeting to elect a budget committee under RSA 195:12-a shall elect members of the budget committee as provided in RSA 195:12-a.

671:11 Moderator. At every school district election, a cooperative school district shall elect a moderator and such other officers as the voters of the district have voted to elect to manage the district's affairs. Any optional officers shall be chosen as provided in RSA 671:6.

671:12 First Meeting. At the organizational meeting of a cooperative school district, the first order of business shall be the election by ballot of a temporary moderator and a temporary clerk.

671:13 Area School Planning Committee. Any school district which votes at any annual or special meeting to create and to elect an area school planning committee under RSA 195-A:3 shall, at the same meeting, elect the members of said committee.

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

671:15 Checklist. An updated checklist shall be used at all school district elections and meetings for the same purposes as checklists are used by towns as provided in RSA 669:5. Any school district which is coextensive with the town in which it is located may, at an annual meeting under an article in the warrant for such meeting, vote to adopt as the checklist for school meetings the checklist of the town. In case of such adoption, the supervisors of the town checklist, acting as supervisors of the school district checklist, shall correct, certify and post the checklist for the district as provided in RSA 654:25-654:31. The session for correction of the checklist required by RSA 654:27 to be held 3 weeks prior to an election shall not be required for school district elections. The session required to be held 10 days before the school district meeting or election may coincide with the session for correction held for the town meeting or election provided that the school meeting or election coincides with the town meeting or election. If the school meeting or election is held at a time other than the

town meeting or election, a separate session for correction of the checklist shall be required to be held 10 days prior to the school district meeting or election.

671:16 Checklists in Other Districts. In any school district which has not adopted the town checklist, the school board, acting as supervisors of the checklist for the school district, shall assume all the duties the supervisors of the checklist have in RSA 671:15.

671:17 Special Provisions for Cooperative School Districts.

I. At the organizational meeting of the cooperative school district, the checklists for each preexisting district shall be used. The school board of any preexisting district which does not have a checklist shall make a list of the legal voters in the district for use at such meeting as supervisors are required to do in towns as provided in RSA 654:25-654:31. Thereafter, the cooperative school board shall make, correct and post a list of the legal voters of the cooperative school district acting as supervisors are required to do; except that such list shall indicate with respect to each voter the preexisting district in which he is domiciled. Notwithstanding the foregoing provisions, whenever each of the preexisting school districts is coextensive with the town in which it is located, the cooperative school district may, at an annual cooperative school district meeting, under an article in the warrant for such meeting, vote that the supervisors of each town, acting as the supervisors of the cooperative school district, shall make, correct and post in each preexisting district a checklist of the voters in each preexisting district and shall certify to the same acting as supervisors of the cooperative school district and shall attend the cooperative school district meeting. At each cooperative school district election, the checklists prepared by the supervisors in each preexisting district in accordance with this section shall be used.

II. An updated checklist shall be used at all cooperative school district elections and meetings for the same purposes as checklists are used by towns as provided in RSA 669:5.

III. Notwithstanding any other provision of law, any registered voter on a town or city checklist, who has his domicile within a cooperative school district, shall be eligible to vote at any cooperative school district election or meeting in the district where he has his domicile. The supervisors of the checklists for the various cities and towns within a cooperative school district shall make an appropriate notation on their respective checklists with respect to which school district a registered voter is entitled to vote in.

IV. Notwithstanding any other provision of law, any cooperative school district, which uses the checklists of the cities and towns within the district for an election or meeting pursuant to paragraph III, shall not be required to maintain a separate school district checklist or conduct sessions of the supervisors of the checklist.

#### Nominations

671:18 Qualifications. To become a candidate for any school district office, a person must be a registered voter in the district. No person holding the office of member of the school board shall at the same time hold the office of district moderator, treasurer, or auditor. No person employed on a salaried basis by a school administrative unit or by any school district within a school administrative unit shall be a school board member in any district of the school administrative unit. Salaried positions shall include, but are not limited to, the following: teacher, custodian, administrator, secretary, school bus driver (if paid by the district), school lunch worker and teacher's aide.

671:19 Filing. All the provisions of RSA 669:19-669:22 relative to filing for office and withdrawal of candidacy for a non-partisan town

election shall apply to school district elections except that in those statutes where there is a reference to a town or a town clerk, it shall be read to refer to a school district or a school district clerk:

#### Preparation of Ballots

671:20 By School District Clerk. The school district clerk shall prepare ballots for school district elections in the same manner as town clerks for non-partisan town elections, as provided in RSA 669:23 and 669:24, except that the ballot shall be of a different color than any other ballot used at the election.

#### Absentee Voting

##### 671:21 Absentee Voting.

I. A school district shall provide for absentee voting in the same manner as towns as provided in RSA 669:26-669:29 except that all duties performed therein by the town clerk shall be performed by the school district clerk.

II. Notwithstanding the provisions of paragraph I, if any school district votes to elect its district officers by separate ballot at the town election as provided in RSA 671:22, then for either the town election or the school district election an application for an absentee ballot shall be sufficient in order to receive an absentee ballot for both the town election and the school district election. If a town adopts the provisions of RSA 671:22, II, all forms relative to applications for absentee ballots, all absentee ballots, and all returns of absentee ballots shall be made only available at and only returnable to, as applicable, the office of each town clerk of each town comprising the school district.

III. Each town clerk shall make facilities in his office available for the school district clerk to perform his school district functions in connection with absentee voting. It shall be the duty of the school district clerk to post a notice at his office

informing voters that all absentee voting procedures for school district elections shall be handled only through the town clerk's office.

Conduct of Election: Coordination with Town Election

671:22 Election at Town Meeting.

I. As used in this section, the words, "any school district" shall mean (a) a school district which is coextensive with the town in which it is located, or (b) a cooperative school district composed of pre-existing districts which were each coextensive with the towns in which they are located, or (c) a cooperative school district which is composed of a pre-existing cooperative district as defined in (b) and other school districts as defined in (a).

II. Any school district as defined in paragraph I may at any annual or special meeting under an article in the warrant for such meeting vote to elect its district officers by separate ballot at the town election in such town, and may rescind such action in like manner. Such action shall not take effect until the calendar year next following the year in which such vote is taken. The newly elected officers shall take office at the close of the town meeting at which they are elected; provided, however, that if the annual school district meeting is held subsequent to this town meeting, they shall take office at the close of the annual school district meeting and that the treasurer shall take office at the close of the fiscal year of the school district.

III. Nothing herein shall preclude other appropriate coordination of school district and town elections consistent with all the applicable requirements of law where school district and town meetings are simultaneously in session and school districts have duly voted to adopt as official for school district purposes the town checklist, polling place, and election machinery.

IV. Nothing in the provisions for election of school district officers at town meetings shall be construed as affecting any city charter, nor is a city authorized to adopt the provisions hereof.



671:23 Warrant. Where a school district has voted to elect its district officers at the town election, the school board shall post a special warrant for the election of such officers, as provided in RSA 671:27.

671:24 Checklist. If it has not already done so, the school district shall, simultaneously with its vote to elect its district officers at the town election, be deemed to have adopted the checklist of the town in accordance with RSA 671:15.

671:25 Duties of Clerk of School District. The clerk of the school district shall prepare the official ballots for his district as provided in RSA 671:20 and shall deliver the same to the town moderator before the opening of the polls at the town election. Said ballots shall be of a color different from that of any other ballot being used at the town election.

671:26 Counting Ballots. The town election officials shall act in like capacity for the school district in conducting the school district election. After the close of the polls, the town election officials shall turn all school district ballots over to the moderator of the school district, who shall then proceed to count said ballots publicly with the assistance of such legal voters of the district as he shall appoint. Provided, however, that, in the case of cooperative school districts, the town election officials, immediately after the close of the polls, shall count the ballots for school district officers and, within 24 hours, forward to the school district clerk a list of the number of votes received by each candidate for school district office. Said list shall be signed by the town clerk and witnessed by the town moderator. Upon receipt of said list, the cooperative school district clerk shall record the results from each town and shall, when the results from all towns within the district have been recorded, determine and announce the names of the winning candidates.

Conduct of Election: Elections at  
School District Meeting

671:27 Posting Warrant. A warrant for the school district election shall be posted by the school board,

in the same manner as the selectmen for town elections as provided in RSA 669:2; provided that, in a cooperative school district, a copy of the warrant shall be posted in at least one public place in each pre-existing district, as well as at the place of meeting. If a school board shall unreasonably neglect or refuse to warn an election, a justice of superior court, upon petition of 10 or more voters, or 1/10 of the voters of the district, whichever is less, may issue such warrant and cause it to be posted.

671:28 Inspectors. The school board of each school district, at some time prior to the school district election each year, may appoint 4 inspectors of election as additional election officers to act with the clerk, moderator and school board. If the number of voters qualified to vote at an election shall exceed 2,000, the school board may appoint for such election 2 additional inspectors for each additional 2,000 qualified voters or fraction thereof. If the number of voters qualified to vote at any school district election shall exceed 4,000, the school board may appoint such additional inspectors as they may deem necessary for the efficient conduct of the election, so long as the total number of election officials shall not exceed 24. The inspectors shall be qualified voters at said election. They shall assist the school district moderator in counting votes for school district officers and questions.

671:29 Additional Polling Places for Cooperative School Districts. The board of a cooperative school district may authorize the establishment of additional polling places within the building wherein the annual meeting is held. Said additional polling places shall be equipped and laid out in the same manner as the central polling place, and shall be supervised by the election officials of the several towns as provided in RSA 671:26.

671:30 Non-Partisan Ballot System. Every school district in the state, except one having a special statute relative to election of its district officers, shall use the non-partisan ballot system for the election of district officers, in the same manner as in

towns as provided in RSA 669:19-669:25, except that all references to towns or town clerks shall be read to refer to school districts or school district clerks.

671:31 Reports by Clerk. The clerk of every school district, after the annual meeting, shall forthwith report the names and post offices addresses of all school district officers to the commissioner of revenue administration and to the commissioner of education. If any school district officer has not been chosen or appointed at that time, the school district clerk shall promptly make like reports when such officer is chosen or appointed so that the commissioner of revenue administration and the commissioner of education shall at all times be informed of the names and mailing addresses of all school district officers.

#### Post-Election Procedure

671:32 Recount; Tie Vote. Tie votes and recounts in school district elections shall be handled in the same manner as in town elections as provided in RSA 669:30-669:36, except as specified herein:

I. The school district clerk shall have all the duties and powers of the town clerk;

II. The board of recount shall be composed of the school district clerk, the school district moderator, and the members of the school board; and

III. The fee for the recount shall be paid to the school district clerk for the use of the school district.

671:33 Vacancies. Vacancies among members of cooperative or area school planning committees shall be filled by the moderator for the unexpired term. The school board shall fill vacancies occurring on the school board and in all other district offices for which no other method of filling a vacancy is provided. Appointees of the school board shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term. In the case of a vacancy of the entire membership of the school board, or if the remaining

members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall appoint members by majority vote in convention. Vacancies in the office of moderator shall be filled by vote at a school meeting or election, provided that, until a replacement is chosen, the school district clerk shall serve as moderator. Vacancies occurring on the budget committee of a cooperative school district shall be filled by appointment made within 5 days by the moderator if the vacancy is called to his attention or by the chairman of the cooperative school board if the vacancy is called to his attention or if the vacancy is that of a member appointed by the school board.

RSA CHAPTER 31 (Excerpt)

31:41-c Electioneering. Towns shall have the power to make bylaws regulating the distribution of campaign materials or electioneering or any activity which affects the safety, welfare and rights of voters at any election held for any purpose in such town. Such power shall not extend to the display of printed or written matter attached to any legally parked motor vehicle, nor shall such power extend to activities conducted wholly on private property so as not to interfere with people approaching or entering a polling place. Failure to conform to bylaws adopted under this section shall constitute a violation. Bylaws adopted under this section may be posted 72 hours in advance of any town election, at the town clerk's office.

RSA CHAPTER 39 (Excerpts)

Time for Holding Town Meetings and Warning Thereof

39:1 Meetings, When Held. A meeting of every town shall be held annually on the second Tuesday of March for the choice of town officers and the transaction of all other town business. A town meeting may be warned by the selectmen, when, in their opinion, there shall be occasion therefor. In no event shall a special town meeting be held on the biennial election day.

39:1-a Towns Adopting a Fiscal Year.

Notwithstanding the provisions of RSA 39:1 any town which adopts a fiscal year accounting period pursuant to RSA 31, may by majority vote, hold its annual town meeting on the second Tuesday of May for the selection of town officers and the transaction of all other town business. A meeting shall be warned by the selectmen, when in their opinion, there shall be occasion therefor.

39:2 Warrant. The warrant for any town meeting shall be under the hands of the selectmen, and shall prescribe the place, day and hour of the meeting, and, if there is an election at said meeting, in which an official printed ballot containing more than one name is used, the warrant therefor shall prescribe the time the polls are to open and also an hour before which the polls may not close. A town meeting may vote to keep the polls open to a later hour but may not vote to close the polls at an earlier hour than that prescribed by the selectmen hereunder. The subject matter of all business to be acted upon at the town meeting shall be distinctly stated in the warrant, and nothing done at any meeting, except the election of any town officer required by law to be made at such meeting, shall be valid unless the subject thereof is so stated. Provided that in case where the article in the warrant calls for the appropriation of specific sum of money the sum of money appropriated thereunder may be decreased or increased by the vote of the town, provided further that in a town under the municipal budget act no increase shall be valid which would violate the provisions of RSA 32:8.

39:2-b Time Polls Open. The warrant for any town meeting shall provide that polls at the additional polling place, if any, shall open at the same time as the polls at the central polling place.

39:3 Articles. Upon the written application of 25 or more registered voters or 2 percent of the registered voters in town, whichever is less, although in no event shall fewer than 10 registered voters be sufficient, presented to the selectmen or one of them not later than the fifth Tuesday before the day prescribed for an annual meeting, the selectmen shall insert in their warrant for such meeting the petitioned

article with only such minor textual changes as may be required. For the purposes of this section, the number of registered voters in a town shall be the number of voters registered prior to the last state general election. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32. Upon the written application of 50 or more voters or 1/4 of the voters in town, whichever is fewer, so presented not less than 60 days before the next annual meeting, the selectmen shall warn a special meeting to act upon any question specified in such application. The checklist for an annual or special town meeting shall be corrected by the supervisors of the checklist as provided in RSA 654:25-31, except that the session 3 weeks before the meeting shall not be required. Those persons qualified to vote whose names are on the corrected checklist shall be entitled to vote at the meeting. The same checklist used at a recessed town meeting shall be used at any reconvened session of the same town meeting. In no event shall a special town meeting be held on the biennial election day.

39:3-d Placement of Articles on Official Ballot.

I. No article included in a warrant for a town meeting may be considered by placing a question on the official ballot used for election of town officers unless use of the official ballot for that article or type of article is specifically authorized or required by law.

II. For purposes of this section and RSA 40:4-e:

(a) Any law which requires a ballot vote on an article, and which uses the term "official ballot", shall be deemed to require the the use of the official ballot for voting on that article, in towns which use the official ballot for the election of officers.

(b) Any law which prescribes the wording of a question, but where the term "official ballot" is not used, shall be deemed to authorize, but not require, the use of the official ballot for that question, unless a contrary intent is specified. If the official ballot is not used for voting on such a question, the prescribed wording shall be placed on the warrant, and

may also be placed upon a pre-printed ballot to be acted upon in open meeting in the same manner as a secret "yes-no" ballot under RSA 40:4-a.

III. This section shall not prohibit the use of secret written ballots at any town meeting pursuant to RSA 40:4-a or 4-b.

IV. Articles concerning the issuance of bonds or notes shall not be placed on the official ballot.

39:4 Special Meetings. The selectmen when calling a special town meeting shall, within one week after posting the warrant therefor, cause copy of said warrant to be published once in a newspaper of general circulation in said town.

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

#### RSA CHAPTER 40 (Excerpts)

40:1 Election. Every 2 years commencing in 1978 or 1979, as applicable, a moderator shall be chosen by ballot, by plurality vote. The moderator so chosen shall assume office upon the adjournment of the regular town business meeting held in that year in accordance with RSA 39:1 or 39:2-a and upon his qualification for office, whichever is later. He shall serve through the adjournment of the regular town business meeting 2 years following his election and until the qualification of his successor, whichever is later. The election of the moderator in a town shall be at the annual meeting in every even numbered year. The election of moderators in city wards shall be at every other regular city election.

40:3 Pro Tem. If the moderator is absent from any meeting or is unable to perform his duties, a moderator pro tempore shall be appointed in like manner.

40:3-a Assistant Moderator. The moderator may appoint an assistant moderator, who shall take the oath of office in the same manner as the moderator and shall hold office at the pleasure of the moderator, and shall have all the powers and duties which the moderator has, subject to the control of the moderator.

40:4 Duties. The moderator shall preside in the town-meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed, and may prescribe rules of proceeding; but such rules may be altered by the town.

40:4-c Recount.

I. If any 10 voters of a town shall, before the expiration of 7 days from the date of an annual meeting or special meeting, apply in writing to the town clerk for a recount of the ballots given in at said meeting on any question, affecting said town only, legally appearing on the official Australian or nonpartisan ballot used at said meeting, said clerk shall appoint a time and place for the recount not earlier than 5 days nor later than 10 days after the receipt of said application. The applicants for such recount shall pay to the town clerk, for the use of the town, a fee of \$10.

II. The recount shall be held at the time and place appointed, and the ballots shall be recounted by the board of recount in accordance with the procedures for recounts of town elections under RSA 669:30-33.

40:4-d Declaration of Results. If, in the case of a recount of votes, it shall appear that the result of the vote on the question was other than as declared by the moderator, the board of recount shall declare the result found by it and shall, after 5 days from such declaration, if no appeal is taken to the superior court, certify such declaration to the town clerk and said declaration shall be final, unless the result is changed upon appeal to the superior court.



40:4-e Use of Ballot for Town Meeting Articles. No question submitted to voters at a town meeting or election pursuant to RSA 39:3-d shall be submitted by use of a question printed on the official ballot unless that form of submission is specifically authorized or required by law.

40:4-f Checklist Update. An updated checklist shall be used for all town meetings and elections as provided in RSA 669:5.

RSA CHAPTER 41 (Excerpt)

41:2 Optional Officers. In addition to the officers which towns are hereinafter required to elect at the annual meeting, any town may choose one or more collectors of taxes, agents, overseers of public welfare, constables or police officers, and every other officer who may be directed by law to be chosen, and such other officers as it may judge necessary for managing its affairs, who shall perform the duties prescribed by law.

41:3 Tenure. All town officers shall continue in office until the next annual meeting and until others shall be chosen or appointed and qualified in their stead, except in cases where the law otherwise directs. If a board of officers is balloted for and one or more of them are chosen the term of office of all the members of the preceding board shall cease when those who are chosen upon such balloting have qualified, as required by law.

41:5 Exemption from Service. No person shall be obliged to serve in any town office 2 terms successively; nor shall a person be compelled to serve as collector of taxes in any case.

Selectmen

41:8 Election and Duties. Every town, at the annual meeting, shall choose, by ballot, one selectman to hold office for 3 years. The selectmen shall manage the prudential affairs of the town and perform the duties by law prescribed. A majority of the selectmen shall be competent in all cases.

41:8-a Grant of Power. Repealed by Ch. 192, Laws of 1990

41:8-b Petition and Ballot. Upon written petition of not less than 2 percent of the legal voters of any town, addressed and delivered to the selectmen not later than the fifth Tuesday before any annual meeting, the following question, as requested in the application, shall be submitted to the voters at the meeting: "Are you in favor of increasing the board of selectmen to 5 members?" In towns having an official ballot the question shall appear upon the ballot, pursuant to RSA 656:13. In towns where no official ballot is used, the vote on this question shall be by special ballot. After the question, squares with the words "yes" and "no" shall be printed on the ballot in which the voter may mark his choice, pursuant to RSA 656:13.

41:8-d Revocation. A town which has voted to enlarge its board of selectmen may rescind its action in the manner described in RSA 41:8-b, except that the question shall read: "Are you in favor of decreasing the board of selectmen to 3 members?"

#### Town Clerk

41:16 Election and Bond. Every town at the annual meeting shall choose, by ballot, a town clerk, who shall record all votes passed by the town while he remains in office, and discharge all the duties of the office according to law.

41:17 Clerk Pro Tem. If the town clerk shall be absent from any town business meeting and there is no deputy clerk to act in his stead, the town shall choose by unofficial ballot by majority vote a town clerk pro tempore who shall be sworn and shall perform all the duties of the town clerk for that business meeting.

41:18 Deputy Town Clerk. Each town may have a deputy town clerk who shall be qualified in the same manner as the town clerk and who shall perform the duties of the town clerk in case of his absence by sickness, resignation, or otherwise. A deputy town clerk appointed hereunder shall be appointed by the elected town clerk with the approval of the selectmen.

Town Clerk--Town Tax Collector Combined

41:45-a Approval by Town.

I. At any annual town meeting under an article in the warrant placed there by petition, the voters may, whether or not the terms of office for town clerk and tax collector for said town are coterminous, vote, by ballot, to determine if they are in favor of having the office of town clerk combined with the office of tax collector, thereby creating a new office of town clerk-tax collector to be held by one individual. If the town has adopted an official ballot for election of its officers the town clerk shall insert the question relative to this matter on said official ballot, or if the town does not have an official ballot the town clerk shall prepare a special ballot for the same purpose. If a majority of those persons voting on the question vote in favor of creating the combined office of town clerk-tax collector, at the next annual meeting, occurring after the vote of approval, the town shall choose by ballot one individual as town clerk-tax collector, and such individual shall serve for a term of one year, or a term of three years as the petition may set forth. The term of any individual then in office as town clerk or tax collector shall cease and the newly elected town clerk-tax collector shall take office.

II. At the annual town meeting held 2 years after the office of town clerk-tax collector has been created, under an article in the warrant placed there by petition, the voters may vote, by ballot, to determine if they are in favor of continuing the combined office. If a majority of those voting on the question do not vote in favor of continuing such combined office, at the next annual meeting, in which an election for town clerk-tax collector is to be held the voters shall choose one individual as town clerk and another individual as town tax collector.

41:46-a Election of Supervisors of the Checklist. The board of supervisors of the checklist shall consist of 3 legal voters of the town. At the annual town election held in every even numbered year, the voters of each town shall elect, by ballot, one supervisor for a term of 6 years, provided that the supervisor elected

at the state general election in 1974 shall serve until the annual town election in 1980, and that the supervisor elected at the state general election in 1976 shall serve until the annual town election in 1982.

RSA CHAPTER 44 (Excerpts)

44:5 Voters and Checklists. Any person having his domicile within the city, qualified to vote as provided in RSA 654:1 - 654:2 and 654:4 - 654:6 and whose name is on the checklist shall be qualified to vote in city elections. The supervisors of the checklist shall prepare, post, and revise the checklist for city elections in the same manner as for a state election as provided in RSA 654:25 - 654:31 except that the session provided for in RSA 654:27 to be held on the Tuesday 3 weeks prior to the election shall not be required.

44:11 Times. The meeting of the inhabitants of each ward for the election of city and ward officers shall be held on such day as may be fixed by law or by ordinance of the city council but in no event shall it be held in conjunction with a biennial election; and all ward and city officers who are chosen by the people shall hold their respective offices for the term and from the day fixed by law or ordinance, and until others are appointed in their stead. The prohibitions in this section shall not apply to a special election held to fill a vacancy for the office of a city or a ward officer.

44:13-a Absentee Voting. All cities shall provide for absentee voting at city elections. The provisions of RSA 669:26 through 669:29 shall apply, except that all the duties performed therein by the town clerk shall be performed by the city clerk.

44:17 Recounts. If 25 legal voters of a city shall, before the expiration of 15 days from the date of an annual or biennial municipal meeting, apply in writing to the city clerk for a recount of the ballots cast at said meeting on a question affecting said city only, the clerk shall appoint a time for the recount not earlier than 7 days nor later than 10 days after the receipt of said application. The applicants for such recount shall pay to the city clerk for the use of

the city a fee of \$25. At the time appointed, the city council shall meet in convention and shall recount the ballots under such rules of procedures as they shall determine.

44:18 Declaration of Result. If, in case of a recount of such votes, it shall appear that the result of the voting on said question is other than that declared upon a canvass of the votes by the city council after a municipal election, the city council shall declare the result found by it upon such recount and such declaration shall be final unless the result is changed upon appeal to the superior court.

44:19 Applicability of Election Laws. Cities holding elections on days other than those of state elections shall be governed by the provisions of RSA 658 and 659 in the choice of city and ward officers insofar as such provisions are not inconsistent with city charter provisions or other state statutes.

44:20 Color of Ballots. In cities which use more than one ballot during any city election, each ballot shall be of a different color than any other ballot used at the election.

#### RSA CHAPTER 47 (Excerpts)

47:17 By-laws and Ordinances. The city councils shall have power to make all such salutary and needful by-laws as towns and the police officers of towns and engineers or firewards by law have power to make and to annex penalties, not exceeding one hundred dollars, for the breach thereof; and may make, establish, publish, alter, modify, amend and repeal ordinances, rules, regulations, and by-laws for the following purposes:

XIV-a. Interfering with Voters. To regulate the distribution of campaign materials or electioneering or any activity which affects the safety, welfare and rights of voters at any election held for any purpose in such city. Such power shall not extend to the display of printed or written matter attached to any legally parked motor vehicle, nor shall such power extend to activities conducted wholly on private property so as not to interfere with people approaching or entering a polling place.

RSA CHAPTER 195 (Excerpt)

195:4, II. ELECTION OF OFFICERS. Every cooperative school district organized prior to July 1, 1963, may continue to elect the members of its cooperative school board in the same manner and for the same terms as were provided by law immediately prior to the effective date of this act. Every such school district may, as provided in RSA 195:19 and RSA 671:8 and 9, adopt a by-law to specify the number, composition, method of selection, and terms of office of its cooperative school board; provided that its cooperative school board shall consist of an odd number of members, not more than 15 for terms not exceeding 3 years.

195:13 Meetings, Annual, Special. A meeting of every cooperative school district shall be held annually between the dates set forth in RSA 197:1 for the choice of district officers, raising and appropriating money for the support of its schools for the fiscal year beginning the next July, and for the transaction of other district business. Special meetings may be called by majority vote of the school board. A special meeting shall be held within 30 days following the receipt by the school board of a petition calling for such a meeting and setting forth the subject matter upon which action is desired signed by at least 5 percent of the voters who are duly registered on the check lists of the district on the date the petition is submitted. The provisions of RSA 197, excepting the provisions of RSA 197:2, shall apply to cooperative school district meetings, except that a copy of the warrant shall be posted in a public place in each pre-existing district as well as at the place of meeting.

RSA CHAPTER 197 (Excerpt)

197:1 Annual. A meeting of every school district shall be held annually between March 1 and March 25, inclusive, for raising and appropriating money for the support of schools for the fiscal year beginning the next July 1, for the transaction of other district business and, in those districts not electing their district officers at town meeting, for the choice of district officers.

197:1-g Posting Warrants. If the annual meeting of the school district for other business is to be held at some other time than at the town meeting the school board shall post the warrant for said annual meeting omitting the article relative to election of district officers. The school warrant for the election of district officers shall prescribe the time the polls are to open and also an hour before which the polls may not close. Said prescribed times shall be the same as those set for the opening and closing of polls for the town meeting.

197:2 Special. A special meeting of a school district shall be held whenever, in the opinion of the school board, there is occasion therefor, or whenever 50 or more voters, of 1/4 of the voters of the district, whichever is less, shall have made written application to the school board therefor, setting forth the subject matter upon which action is desired. In no event shall a special school district meeting be held in conjunction with the biennial election.

197:6 Warrant and Articles. Upon the written application of 25 or more voters or 2 percent of the voters of the school district, presented to the school board or one of them not later than 30 days before the date prescribed for the school district meeting or the second Tuesday in March, whichever is earlier, the school board shall insert in the school district warrant for such meeting any subject matter specified in such application. No article may be inserted after posting of said warrant. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32.

197:19 Moderator. The moderator shall have the like power and duty as a moderator of a town meeting to conduct the business and to preserve order, and in the conduct of a school district meeting, all the statutory duties, powers and authority granted to town moderators, and may administer oaths to district officers and in the district business.

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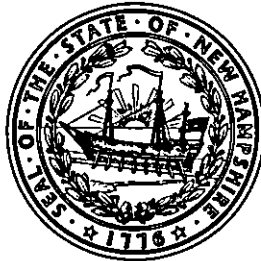
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**THE STATE OF NEW HAMPSHIRE**  
**POLITICAL CALENDAR**  
**1992-1993**

Presidential Primary  
State Primary Election  
State General Election  
Town Meetings  
Alternate (May) Town Meetings



Prepared by the Office of the  
Secretary of State Under the  
Authority of RSA 652:21





652:21 Authority; Format. Prior to the state primary election, the secretary of state with the advice and approval of the attorney general shall prepare a political calendar for state and town elections setting forth the dates when action required under the election laws must be taken. Any action taken by any candidate or official in connection with the election laws which shall be taken in accordance with the dates set forth in said calendar shall be deemed to be duly performed for the purposes of the election laws. The expense of printing said political calendar shall be a charge upon the appropriation for the office of the secretary of state.

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Time Computation

- 652:17 Uniform System. For the purposes of the election laws, a uniform system of computation of time shall be maintained.
- 652:18 Days Excluded. When a period or limit of time is to be reckoned from a day or date, that day or date and the day on which an act should occur shall be excluded from the computation of the period or limit of time.
- 652:19 Days Included. Whenever the election law refers to a period or limit of time, Saturdays, Sundays, and holidays shall be included, except as provided in RSA 652:18. However, when the last day for performing any act under the election laws is a Saturday, Sunday or official state holiday, the act required shall be deemed to be duly performed if it is performed on the following business day.
- 652:20 End of Day. Whenever the election laws require a filing with or an action by an official, such filing or action shall be performed before 5 o'clock in the afternoon of the stipulated day. During the afternoon of the stipulated day, the school district clerk or his designee, or the town clerk or his designee, shall arrange his time so as to be available between the hours of 3 o'clock and 5 o'clock.
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Presidential Primary  
February 18, 1992

\*Note

New Hampshire RSA 653:9 states that the presidential primary "shall be held on the second Tuesday in March or on the Tuesday 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."

1991

November 11

Last day for Secretary of State to distribute notice of presidential primary to town and city clerks. Notice must be posted in 2 public places in each town or ward within 10 days of receipt.

RSA 655:11, 12

November 25

Supervisors must post checklist showing party registration at the office of the town or city clerk or at town or city hall. Checklist must state place and time of session to revise party registration.

RSA 654:33

November 27

Last day to publish notice of December 5 session for correction of the checklist.

RSA 654:27

December 5

Supervisors must hold session for alterations of party registration between 7 p.m. and 9 p.m. Supervisors may hold as many other sessions as they deem necessary.

RSA 654:32

December 6 - 20, 1991 5:00 p.m.

Filing period for declaration of candidacy for President and Vice-President. Filing fee \$1,000.

RSA 655:47

December 6, 1991 - January 6, 1992 5:00 p.m.

Period for candidates to file lists of delegates and alternates. Delegates and alternates to file certificates.

RSA 655:50, 51

Presidential Primary, 1992

1992

January 8

Last day for filling vacancies in slate of delegates and alternates.

RSA 655:52

January 20

Last day to publish notice of January 28 session of supervisors.

RSA 654:27

Last day for city council to set polling hours for presidential primary.

RSA 659:4

Last day for town and city clerks to receive absentee ballots from Secretary of State.

RSA 657:10

January 21

Last day for supervisors to post copies of checklist at office of town or city clerk or town or city hall.

RSA 654:26

January 28

First required session for additions and corrections to checklist. Session shall be held between 7 p.m. and 9 p.m.

RSA 654:27

Reports of transfer, reports of death.

RSA 654:36, 37

January 31

Last day to public notice of February 8 session for correction of checklist.

RSA 654:27

February 3

Last day for supervisors to prepare and post checklist for additional polling place; checklist must be posted at office of town or city clerk or at town or city hall.

RSA 658:12

Presidential Primary, 1992

February 8 11:00 a.m. - 12:00 noon

Last session of supervisors for correction of checklist. No additions or corrections to be made after this session.

RSA 654:27, 28

Last day for town clerk or supervisors to accept voter registration applications.

RSA 654:8

Reports of transfer, reports of death.

RSA 654:36, 37

February 11

Last day for Secretary of State to deliver ballots to clerks.

RSA 656:29

February 14

Last day for supervisors to post final, corrected checklist.

RSA 654:28

Certification of checklist, 2 copies filed with town clerk.

RSA 654:29

February 17 (Washington's Birthday - Federal Holiday)

City or town clerk must be available to accept completed absentee ballots other than armed services or federal overseas citizens absentee ballots, at least between the hours of 3 p.m. and 5 p.m.

RSA 657:22; 652:20

February 18

Presidential Primary Election Day

RSA 653:9

5:00 p.m.

Last day for town or city clerk to accept completed armed services or federal overseas citizens absentee ballots. Since February 17 was a federal holiday, the clerk must accept all absentee ballots received by mail today.

Presidential Primary, 1992

See also Election Day - Pages 309 - 313

Hours of polling. All polls must be open at least from 11:00 a.m. until 7:00 p.m.

RSA 659:3, 4, 6

Moderator to complete 2 copies of certificate showing total number of ballots received; clerk to certify one copy and forward it to Secretary of State with election returns.

RSA 658:32

Change of party affiliation permitted; undeclared voters may declare party and vote; declared voters may change party, but may not vote. No person may, after voting, change party or revert to undeclared on said primary election day. RSA 654:34; 659:14

Voter announces party affiliation as well as name to obtain proper ballot.

RSA 659:14

Any voter may challenge any other voter declaring a party affiliation; Moderator shall obtain oath of voter that he affiliates with that party.

Votes cast for same candidate on different party ballots are not added together.

RSA 659:69

Sealing and certifying of ballots.

RSA 659:95, 96

Election returns prepared by clerk; one copy sent to Secretary of State; one kept by clerk.

RSA 659:73-75

Election returns from unincorporated places.

RSA 659:76

Presidential Primary, 1992

Moderator and clerk to certify that checklists are the ones used at that election; list then given to supervisors.

RSA 659:56, 57

Ballots delivered to clerk for preservation.

RSA 659:98, 100

(Afterwards)

Availability of checklist.

RSA 654:31

Correcting standard data files from checklist used in election.

RSA 654:30

Secretary of State to canvass votes; apportion delegates.

RSA 659:93, 94

Challenge of voter affidavits preserved by clerk for at least one year or until appeal period ends whichever is later.

RSA 659:103

February 24

Last day candidates may request a recount with Secretary of State.

RSA 660:7

Last day for clerk to forward election returns to Secretary of State if not ordered to do so sooner.

RSA 659:75

March 2

Last day for any 5 legal voters of any city or town to petition Secretary of State to recount ballots cast on any questions other than Constitutional Amendment Questions.

RSA 660:13

Presidential Primary, 1992

March 2

Last day for supervisors of checklist to send copy of marked checklist to State Archives and one unmarked copy to the Federal District Court.

RSA 659:102

Last day for any 5 voters to make written complaint to district or municipal court asking for inquiry concerning bribery in the election.

RSA 666:9

March 20

Last day for voters or supervisors to petition Ballot Law Commission for a revision and verification of checklist.

RSA 654:38

April 20

Earliest day which ballots, absentee ballots, rejected absentee voter applications, and absentee ballots received after the cutoff time, remaining in the custody of the clerk may be destroyed.

RSA 657:16, 22; 659:100

Town Meeting  
March 10, 1992

1992

January 10

Supervisors should post checklist showing party registration at town or city clerks office or at town or city hall; checklist must show place and time for session for correction of the checklist.

RSA 654:33

January 13

Last day to publish notice of January 21 session for correction of the checklist.

RSA 654:27; 669:5

January 21

Supervisors must hold session for correction of checklist from 7 p.m. to 9 p.m. Change in party registrations may be accepted.

RSA 669:5

January 22 - January 31

Filing period for town offices in towns using non-partisan ballot system.

RSA 669:19; 652:20

Nomination petitions or declarations of candidacy/filing fee required.

RSA 669:19-21

January 31

Last day for party caucus to nominate candidates for town office in towns using partisan system.

RSA 669:39

February 4

Last day for 2 percent of voters of a town to petition selectmen to place referendum on ballot to increase or decrease membership of board of selectmen.

RSA 41:8-b, 8-d

Last day for 25 or more voters or 2% of the town to apply to selectmen to include a warrant article.

RSA 39:3



Town Meeting, 1992

February 11

Last day for supervisors to post town meeting checklist at town or city clerks office or at town or city hall; notice of day, hour and place of upcoming checklist sessions must be posted with checklist.

RSA 654:26, 27

February 21

Last day to publish notice of February 29 session for correction of checklist.

RSA 654:27, 669:5

February 24

Last day for selectmen to post warrant; warrant shall prescribe place, day, hour of election, the time polls are to open and the time before which polls may not close; warrant shall specify which items will be voted on by ballot.

RSA 39:5, 669:2

February 29

Session of supervisors for corrections to checklist as a minimum requirement between 11:00 a.m. and 12:00 p.m. No additions or corrections may be made after session is over.

RSA 654:27, 28; 669:5

Last day for town clerk to accept voter registration applications.

RSA 654:8

Reports of transfer; reports of death; removal of names.

RSA 654:36, 37, 44

March 6

Last day for supervisors to post final, corrected checklist.

RSA 654:28

Town Meeting, 1992

March 6

Certification of checklist; 2 copies filed with town clerk.

RSA 654:29

March 9 5:00 p.m.

Last day for town clerk to accept completed absentee ballots other than armed services absentee ballots.

RSA 669:29; 657:22

March 10

Town Meeting Day

RSA 39:1, 669:1

March 10 5:00 p.m.

Last day for town clerk to accept armed services absentee ballots.

RSA 657:22; 669:29

See also Election Day - Pages 309 - 313

March 13

Last day for any person for whom a vote was cast to apply to town clerk for a recount.

RSA 669:30; 652:20

March 17

Last day for 10 voters of a town to petition clerk to recount ballots on any question printed on official ballot.

RSA 40:4-c

March 20

Last day for candidates for town office to remove political advertising.

RSA 664:1, 17

March 23

Last day for any 5 voters to make written complaint to district or municipal court asking for inquiry concerning bribery in the election.

RSA 666:9

Alternate Town Meeting  
May 12, 1992

March 13

Supervisors should post checklist showing party registration in town or city clerk's office or at town or city hall; checklist must show place and time for session of the checklist.

RSA 654:33

March 16

Last day to publish notice of March 24 session for correction of the checklist.

RSA 654:27; 669:5

March 24

Supervisors must hold session for correction of checklist from 7 p.m. to 9 p.m. Change in party registrations may be accepted.

RSA 669:5

March 25 - April 3

Filing period for town office in those towns using non-partisan ballot system.

RSA 669:19; 652:20

Nomination petitions or a declaration of candidacy/filing fee required.

RSA 669:19-21

April 3

Last day for party caucus to nominate candidates for town office in towns using partisan system.

RSA 669:39

April 7

Last day for 25 or more voters or 2% of the town to petition selectmen to include a warrant article.

RSA 39:3

Last day for 2 percent of voters of a town to petition selectmen to place referendum on ballot to increase or decrease membership of board of selectmen.

RSA 41:8-b, 8-d

Alternate Town Meeting, 1992

April 14

Last day for supervisors to post alternate town meeting checklist in town or city clerk's office, or at town or cityhall; notice of day, place, hour of upcoming checklist sessions must be posted with checklist.

RSA 654:26, 27

April 24

Last day to publish notice of May 2 session for correction of checklist.

RSA 654:27; 669:5

April 27

Last day for selectmen to post warrant at all polling places and at town or city clerk's office or at town or city hall; warrant shall prescribe place, day, hour of election, the time polls are to open and the time before which polls may not close; warrant shall specify which items will be voted on by ballot.

RSA 39:5, 669:2

May 2

Session of supervisors for corrections to checklist as a minimum requirement between 11:00 a.m. and 12:00 p.m. No additions or corrections may be made after session is over.

RSA 654:27, 28; 669:5

Last day for town clerk to accept voter registration application.

RSA 654:8

Reports of transfer; reports of death; removal of names.

RSA 654:36, 37, 44

May 8

Last day for supervisors to post final, corrected checklist.

RSA 654:28

Alternate Town Meeting, 1992

Certification of checklist, 2 copies filed with town clerk.

RSA 654:29

May 11 5:00 p.m.

Last day for town clerk to accept completed absentee ballots other than armed services absentee ballots.

RSA 669:29; 657:22

May 12

Alternate Town Meeting Day

RSA 39:1-a; 669:1

5:00 p.m.

Last day for town clerk to accept completed armed services absentee ballots.

RSA 657:22; 669:29

See also Election Day - Pages 309 - 313

May 15

Last day for any person for whom a vote was cast to apply to town clerk for recount.

RSA 669:30; 652:20

May 19

Last day for 10 voters of a town to petition clerk to recount ballots on any question printed on official ballot.

RSA 40:4-c

May 22

Last day for candidates for town office to remove political advertising.

RSA 664:1, 17

May 25

Last day for any 5 voters to make written complaint to district or municipal court asking for inquiry concerning bribery in the election.

RSA 666:9

State Primary Election  
September 8, 1992

May 22

Last day for supervisors to post notice of session for correction at the office of the town or city clerk or at town or city hall.

RSA 654:33

May 25

Deadline for supervisors to publish notice of June 2 meeting. Notice must be published in a newspaper of general circulation in the city or town.

RSA 654:27

June 2

Supervisors to be in session for change of party registration between the hours of 7 and 9 p.m.

Additions and corrections to checklist may be made.

RSA 654:32

Last day for voters already registered to change or declare a party affiliation until the day of the primary.

RSA 654:34

Voters who register subsequent to this date may declare a party when they register.

RSA 654:15

June 3 - June 12

Filing period for all offices for state primary election.

RSA 655:14; 652:20

Filing period for declarations of intent for all candidates who wish to file nomination papers to run as independents in general election. All candidates filing declarations of intent shall file with the Secretary of State.

RSA 655:14-a, 17-a, 17-b, 40-45

Official with whom to file.

RSA 655:15

Declaration of Candidacy.

RSA 655:17

State Primary Election, 1992

Forwarding of declaration of candidacy by clerks to Secretary of State.

RSA 655:18

Filing fees, administrative assessment fees, primary petitions, assents to candidacy; waiver of filing fee affidavit.

RSA 655:19-25

Examination and rejection of primary petitions.

RSA 655:26

Forwarding of petitions and assents by clerks to Secretary of State.

RSA 655:27

Affidavit of qualifications.

RSA 655:28, 29

Candidate shall designate a fiscal agent.

RSA 664:12

June 12

Except for those who must file with a town or city clerk, any person who files for a primary on the last day of the filing period must do so in person before the secretary of state.

RSA 655:16

Any candidate who wishes to withdraw must do so no later than 5:00 p.m. on the last day of the filing period with the Secretary of State.

RSA 655:30

June 12

Disqualification of candidates.

RSA 655:33, 38

Death of candidate.

RSA 655:34; 39

State Primary Election, 1992

June 16

Deadline for candidates to file complaints that an opposing candidate is not a bona fide candidate (straw candidate)

RSA 655:31

June 17

Last day for appropriate party committee to fill vacancy on party tickets. Affidavit of qualifications required for candidates for governor, executive councilor, state senator, state representative.

RSA 655:32

Last day to file supplemental primary petitions in case of rejected petitions.

RSA 655:26

First report of receipts and expenditures due by political committee's, except the political committee of a political party or the political committee of a candidate.

RSA 664:6, I; 664:21, IV

July 25

Earliest date that political advertising for the primary may be affixed.

RSA 664:17

August 5

Deadline for persons to file nomination papers with Supervisors of the Checklist for certification for placement on the general election ballot.

RSA 655:41; 652:20

August 10

Last day for Secretary of State to have delivered federal overseas citizen ballots to clerks.

RSA 657:10

Last day to publish notice of August 18 session for checklist correction.

RSA 654:27

Last day for city council to set polling hours in cities for primary election.

RSA 659:4



State Primary Election, 1992

August 11

Last day for supervisors to post copy of checklist for primary in the town or city clerk's office or at town or city hall; notice of day, place, hour of upcoming checklist sessions must be posted with checklist.

RSA 654:26, 27

August 18

First required session for correction to checklist; meeting must be between 7 and 9 p.m.

RSA 654:27

Reports of transfer; reports of death; removal of names.

RSA 654:36, 37, 44

August 19 5:00 p.m.

Deadline to file nomination papers with Secretary of State for general election.

RSA 655:43; 652:20

Second report of receipts and expenditures due for political committees. First report due for political committees of political parties and political committees of candidates.

RSA 664:6, II; 664:21, IV

August 21

Last day to publish notice of August 29 session for correction of checklist.

RSA 654:27

August 24

Last day for supervisors to prepare and post checklist for additional polling place; checklist must be posted in town or city clerk's office or at town or city hall and 2 copies to be filed with town clerk.

RSA 658:12

August 29

Last session for correction of checklist to be held as a minimum between 11:00 a.m. and 12:00 p.m. No additions or corrections to be made after session is over.

RSA 654:27, 28

State Primary Election, 1992

Last day for town clerk to accept voter registration applications.

RSA 654:8

Reports of transfer, reports of death; removal of names.

RSA 654:36, 37, 44

September 1

Last day for Secretary of State to deliver ballots to clerks. Ballots shall be inspected by town or city clerk in the presence of at least one other legal voter and resealed for use on election day.

RSA 656:22

Last day Secretary of State may receive name of substitute candidate to be placed on ballot.

RSA 656:21

September 2

Third report of receipts and expenditures due for political committees. Second report due for political committees of political parties and political committees of candidates.

RSA 664:6, II-a; 664:21, IV

September 4

Last day for supervisors to post final, corrected checklist.

RSA 654:28

Certification of checklist, 2 copies filed with town clerk.

RSA 654:29

September 7 5:00 p.m. (Labor Day - Federal Holiday)

City or town clerk must be available to accept completed absentee ballots other than for armed services and federal overseas citizens absentee ballots, at least between 3 p.m. and 5 p.m.

RSA 657:22; 652:20

September 8

State Primary Election Day.

RSA 653:8

State Primary Election, 1992

September 8 5:00 p.m.

Last day for city or town clerk to accept completed armed services or federal overseas citizens absentee ballots. Since September 7 was a federal holiday, the town and city clerk's must accept all absentee ballots received by mail today.

RSA 657:22

See also Election Day - Pages 309 - 313

Hours of Polling.

RSA 659:3, 4, 8

Conduct of primary same as general election.

RSA 655:35

Moderator to fill out 2 copies of certificate showing total number of ballots received; clerk to certify one copy which is then sent to Secretary of State with election returns.

RSA 658:32

Change of party affiliation permitted; undeclared voters may declare party and vote; declared voters may change party, but may not vote. No person may, after voting, change party or revert to undeclared on said primary day.

RSA 654:34, 659:14

Voter announces party affiliation as well as name to obtain proper ballot.

RSA 659:14

Any voter may challenge any other voter declaring a party affiliation; Moderator shall obtain oath of voter that he affiliates with that party.

RSA 659:29

State party committee and Attorney General may appoint challengers of voters. Such challengers shall be positioned in the polling place so that they may be able to see and hear each voter as he offers to vote.

RSA 666:4, 5

State Primary Election, 1992

Moderator and clerk to certify that checklist are the ones used at that election; list then given to supervisors.

RSA 659:56, 57

Votes cast for same candidate on different party ballots not added together.

RSA 659:69

Election returns prepared by clerk; one copy kept by clerk, and one copy should be given to the State Police to be delivered to the Secretary of State on election night.

RSA 659:73-75

Moderator to declare nominees-elect for state representative in districts containing only one town or ward.

RSA 659:87

Election returns from unincorporated places.

RSA 659:76

Sealing and certifying of ballots.

RSA 659:95, 96

Declaration of result made as soon after primary as possible. Secretary of State to notify write-in winners.

RSA 659:89

September 14

Last day for any candidate for whom a vote was cast in a primary to apply to Secretary of State for recount.

RSA 660:7

Any person voted for upon the ballot of any party who, by declaration of the Secretary of State upon recount, was not chosen as the candidate of such party may, within 3 days after said declaration appeal to the ballot law commission by filing his written appeal to the Secretary of State.

RSA 665:6

State Primary Election, 1992

September 14

Last day candidate nominated by same political party to incompatible offices has to notify the Secretary of State of which nomination he accepts. Vacancies created by such acceptance shall be filled per RSA 655:37, except that all necessary declarations of candidacy and affidavits shall be filed no later than September 18  
RSA 659:91

September 16

Last report of receipts and expenditures due for all political committees.  
RSA 664:6, III; 664:21, IV

September 18

Last day for candidate to remove political advertising unless the candidate was a winner in the primary.  
RSA 664:17

Last day party committees may fill vacancies, if one exists after the primary election. Declaration of candidacy and affidavit of qualifications must be filed within the same time period.  
RSA 655:37

September 21

Last day for 5 legal voters of any city or town to petition Secretary of State to recount ballots cast on any question submitted to the voters of said city or town on the state primary election ballot. A fee of \$10 per 1,000 ballots cast shall accompany the application, not to exceed \$50.  
RSA 660:13

Last day for any 5 voters to make written complaint to district or municipal court asking for inquiry concerning bribery in the election.  
RSA 666:9

Last day write-in nominee can refuse the nomination.  
RSA 659:90

State Primary Election, 1992

Candidates nominated by write-in shall designate fiscal agent when they accept nominations.

RSA 664:12

September 25

Ballot Law Commission shall meet to hear and decide any objections or appeals.

RSA 665:6-a

Correcting standard data files from checklist used at election.

RSA 654:30

Availability of checklists to public.

RSA 654:31

Ballots delivered to clerk for preservation.

RSA 659:98-103

October 9

Last day for voters or supervisors to petition Ballot Law Commission for a revision and verification of checklist.

RSA 654:38

\*\*\*1993

January 1

Earliest date that primary petitions and assent to candidacy may be destroyed.

RSA 655:27

March 16

Last day for candidates and committees with outstanding debt obligation or surplus from primary to file report of receipts and expenditures.

RSA 664:6, 7

State Party Conventions

September 15 - October 27, 1992

Period for state parties to hold conventions.

RSA 667:21

State General Election  
November 3, 1992

August 5 5:00 p.m.

Deadline for persons to file nomination papers with Supervisors of the Checklist for certification.  
RSA 655:41; 652:20

August 5-September 4

Period for 10 voters or 10 percent of the voters of any town or city to petition Secretary of State to print liquor or sweepstakes sales questions on general election ballot.  
RSA 663:5, 7

August 19 5:00 p.m.

Deadline for persons to file nomination papers with Secretary of State for general election.  
RSA 655:43

Affidavit of qualifications filed with nomination papers, declaration of intent required to have been filed during filing period for primary.  
RSA 655:43

Number of nomination papers required.  
RSA 655:42

Candidates filing nomination papers shall designate a fiscal agent.  
RSA 664:12

August 24

Last day for filing objections to nomination papers with Secretary of State.  
RSA 655:44

September 15-October 15

Period for each town and ward political committee to appoint inspectors of election.  
RSA 658:2

October 5

Last day for selectmen or city council to determine boundaries of communities to be served by additional polling places.  
RSA 658:10, 18

State General Election, 1992

October 5

Last day for Secretary of State to deliver federal overseas citizen voters ballots to clerks.

RSA 657:10

Last day to publish notice of October 13 session for correction of checklist.

RSA 654:27

October 6

Last day for supervisors to post checklist for state general election in town or city clerk's office or at town or city hall; notice of day, hour of upcoming checklist sessions must be posted with checklist.

RSA 654:26, 27

October 13

First required session for correction of checklist; meeting must be between 7 p.m. and 9 p.m.

RSA 654:27

Reports of transfer; reports of death; removal of names.

RSA 654:36, 37, 44

October 14

First report of receipts and expenditures due for all political committees and candidates.

RSA 664:6

October 15

Last day for town or ward political committee chairman to notify town or ward clerk and city clerk of inspector of election appointments. If committee fails to notify clerk, selectmen shall appoint inspectors in equal number from the political parties.

RSA 658:2

October 16

Last day to publish notice of October 24 session for checklist correction.

RSA 654:27



State General Election, 1992

October 19

Last day for supervisors to prepare and post checklist for additional polling place; checklist must be posted in town or city clerk's office or at town or city hall and 2 copies filed with the town clerk.

RSA 658:12

October 19

Last day for selectmen to post warrant for general election at all polling places and at town or city clerk's office or at town or city hall; warrant shall state offices and questions that will appear on ballot, location of central and any additional polling places, the hours of opening polls, and the hour before which polls may not close.

RSA 658:1

October 24

Last session for correction of checklist as a minimum requirement between 11:00 a.m. and 12:00 p.m.; No additions or corrections may be made after session is over.

RSA 654:27, 28

Last day for town clerk to accept voter registration applications.

RSA 654:8

Reports of transfer; reports of death; removal of names.

RSA 654:36, 37, 44

October 27

Last day for Secretary of State to deliver general election ballots to clerks. Ballots must be inspected by town or city clerk in the presence of at least one other legal voter and resealed for use on election day.

RSA 656:20

Last day Secretary of State may receive name of substitute candidate to be placed on ballot.

RSA 656:21

State General Election, 1992

October 28

Second report of receipts and expenditures due for all political committees and candidates.

RSA 664:6

November 1

Terms of inspectors of election chosen between September 15 and October 15, 1990 begin; Inspectors serve until successor is appointed and qualified.

RSA 658:4

October 30

Last day for supervisors to post final, corrected checklist.

RSA 654:28

Certification of checklist, 2 copies filed with town clerk.

RSA 654:29

November 2 5:00 P.M.

Last day for city or town clerk to accept completed absentee ballots, other than armed services and federal overseas citizens ballots.

RSA 657:22

November 3

State General Election Day.

RSA 653:7

5:00 P.M.

Last day for city or town clerk to accept completed armed services or federal overseas citizens absentee ballots.

RSA 657:22

See also Election Day-Pages 309 - 313

Hours of Polling.

RSA 659:4

State General Election, 1992

Moderator to fill out 2 copies of certificate showing total number of ballots received; clerk to certify one copy which is then sent to the Secretary of State with election returns.

RSA 658:32

State party committee and Attorney General may appoint challengers of voters. Such challengers shall be positioned in the polling place so that they may be able to see and hear each voter as he offers to vote.

RSA 666:4, 5

Voter may mark a straight party ticket.

RSA 659:18

Counting straight party votes; names cancelled.

RSA 659:66

Counting votes for nominees of more than one party.

RSA 659:68

Write-in votes cast for candidates whose name is on ballot counted as vote for that candidate.

RSA 659:67

Moderator and clerk to certify that checklists are the ones used at that election; list then given to supervisors.

RSA 659:56, 57

Moderator to declare state representatives-elect in only those districts containing one town or ward.

RSA 659:82

Election returns prepared by clerk; one copy kept by clerk and one copy should be given to the State Police to be delivered to the Secretary of State on election night.

RSA 659:73-75

Election returns from unincorporated places.

RSA 659:76

State General Election, 1992

Sealing and certifying of ballots.  
RSA 659:95, 96

Ballots delivered to clerk for preservation.  
RSA 659:98-103

(AFTER ELECTION DAY)

Secretary of State to notify candidates elected in incompatible offices; Candidate has 10 days to notify Secretary of State of which office he will accept.  
RSA 659:85

Correcting standard data files from checklist used in election.  
RSA 654:30

Availability of checklists  
RSA 654:31

November 9

Last day for any candidate for whom a vote was cast in general election to apply to Secretary of State for recount.  
RSA 660:1

If a recount is requested for an office, certificates may not be issued for that office until period for appeal to Ballot Law Commission is expired. Clerk to forward certificate to candidate and a copy to Secretary of State.  
RSA 659:84

November 11

Third report of receipts and expenditures due for all political committees and candidates.  
RSA 664:6

November 13

Last day for all candidates in the general election to remove political advertising.  
RSA 664:17

State General Election, 1992

November 16

Last day for supervisors to send one copy of marked checklist to State Archives.

RSA 659:102

Last day for 5 legal voters of any city or town to petition Secretary of State to recount ballots cast on any question other than a constitutional amendment submitted to the voters of said city or town on the state general election ballot; a fee of \$10 per 1,000 ballots cast shall accompany the application, not to exceed \$50.

RSA 660:13

Last day for 50 voters of any county to petition Secretary of State to recount ballots cast on any question submitted to the voters of said county.

RSA 660:12

Last day for any 5 voters to make written complaint to district or municipal court asking for inquiry concerning bribery in the election.

RSA 666:9

November 30

Last day for 100 voters to petition Secretary of State to recount the ballots cast on any constitutional amendment question voted on at the state general election.

RSA 660:10

December 2

House and Senate organization day.  
Part II, Art. 3, N.H. Constitution

December 4

Last day for voters or supervisors to petition Ballot Law Commission for a revision and verification of checklist.

RSA 654:38

December 14

Electoral College meets in Concord to give their votes for President and Vice-President of the United States.

December 15

Last day for person to contest the election of a state senator or representative; letter must be sent by certified mail, postmarked by December 15.

RSA 660:18

\*\*1993

January 6

County officers assume office.

RSA 653:10

Resumed meeting of the legislature.

Part II, Art. 3, N.H. Constitution

Day for Secretary of State to lay the vote for Governor and Councilors before the Senate and House of Representatives.

Part II, Art. 42, 60, N.H. Constitution.

May 11

Last day for candidates, parties, and committees with outstanding debt, obligation, or surplus from general election, to file reports of receipts and expenditures.

RSA 664: 6, 7

Town Meeting  
March 9, 1993

1993

January 8

Supervisors should post checklist showing party registration in town or city clerk's office or at town or city hall; checklist must show place and time for session for correction of the checklist.

RSA 654:33

January 11

Last day to publish notice of January 19 session for correction of the checklist.

RSA 654:27; 669:5

January 19

Supervisors must hold session for correction of checklist from 7 p.m. to 9 p.m. Change in party registrations may be accepted.

RSA 669:5

January 20-January 29

Filing period for town office in those towns using non-partisan ballot system

RSA 669:19; 652:20

Nominating petitions or declarations of candidacy/filing fee required.

RSA 669:19-21

January 29

Last day for party caucus to nominate candidates in towns using partisan ballot system.

RSA 669:39

February 2

Last day for 2 percent of voters of a town to petition selectmen to place referendum on ballot to increase or decrease membership of board of selectmen.

RSA 41:8-b, 8-d

Last day for 25 or more voters or 2% of the town to petition selectmen to include warrant article.

RSA 39:3

Town Meeting, 1993

February 9

Last day for supervisors to post town meeting checklist in town or city clerk's office or at town or city hall; notice of day, hour and place of upcoming checklist sessions must be posted with checklist  
RSA 654:26

February 19

Last day to publish notice of February 27 session for correction of checklist.  
RSA 654:27; 669:5

February 22

Last day for selectmen to post warrant at all polling places and at the town or city clerk's office or town or city hall; warrant shall prescribe place, time of election, the time the polls are to open and the time before which polls may not close; warrant shall specify which items will be voted on by ballot.  
RSA 39:5; 669:2

February 27

Session of supervisors for corrections to checklist as a minimum requirement between 11:00 a.m. and 12:00 p.m. No additions or corrections may be made after session is over.  
RSA 654:27, 28; 669:5

Last day for town clerk to accept voter registration applications.  
RSA 654:8

Reports of transfer; reports of death; removal of names.  
RSA 654:36, 37, 44

March 5

Last day for supervisors to post final, corrected checklist.  
RSA 654:28



Town Meeting, 1993

March 5

Certification of checklist, 2 copies filed with town clerk.

RSA 654:29

March 8 5:00 P.M.

Last day for town clerk to accept completed absentee ballots, other than armed services absentee ballots.

RSA 669:29; 657:22

March 9

Town Meeting Day.

RSA 39:1; 669:1

See also Election Day-Pages 309 - 313

March 9 5:00 P.M.

Last day for town clerk to accept completed armed services absentee ballots.

RSA 669:29; 657:22

March 12

Last day for any person for whom a vote was cast to apply to town clerk for a recount.

RSA 669:30; 652:20

March 16

Last day for 10 voters of a town to petition clerk to recount ballots on any question printed on official ballot.

RSA 40:4-c

March 19

Last day for candidates for town office to remove political advertising.

RSA 664:1, 17

March 22

Last day for any 5 voters to make written complaint to district or municipal court asking for inquiry concerning bribery in the election.

RSA 666:9

Alternate Town Meeting  
May 11, 1993

March 12

Supervisors should post checklist showing party registration in town or city clerk's office or at town or city hall; checklist must show place and time for session for correction of the checklist.

RSA 654:33

March 15

Last day to publish notice of March 23 session for correction of the checklist.

RSA 654:27; 669:5

March 23

Supervisors must hold session for correction of checklist from 7 p.m. to 9 p.m. Change in party registrations may be accepted.

RSA 669:5

March 24-April 2

Filing period for town office in towns using non-partisan ballot system.

RSA 669:19; 652:20

Nominating petitions or declaration of candidacy/filing fee required.

RSA 669:19-21

April 2

Last day for party caucus to nominate candidates in towns using partisan ballot system.

RSA 669:39

April 6

Last day for 25 or more voters or 2% of the town to petition selectmen to include warrant article.

RSA 39:3

Last day for 2 percent of voters of a town to petition selectmen to place referendum on ballot to increase to decrease membership of board of selectmen.

RSA 41:8-b, 8-d

Alternate Town Meeting, 1993

April 13

Last day for supervisors to post alternate town meeting checklist in town or city clerk's office or at town or city hall; notice of day, place, hour of upcoming checklist sessions must be posted with the checklist.

RSA 654:26, 27

April 23

Last day to publish notice of May 1 session for checklist correction.

RSA 654:27

April 26

Last day for selectmen to post warrant at all polling places and at town or city clerk's office or at town or city hall; warrant shall prescribe place, time of election, the time polls are to open and the time before which they may not close; warrant shall specify which items will be voted on by ballot.

RSA 39:5; 669:2

May 1

Session of supervisors for corrections to checklist as a minimum requirement between 11:00 a.m. and 12:00 p.m.. No additions or corrections may be made after session is over.

RSA 654:27, 28; 669:5

Last day for town clerk to accept voter registration applications.

RSA 654:8

Reports of transfer; reports of death; removal of names.

RSA 654:36, 37, 44

May 7

Last day for supervisors to post final, corrected checklist.

RSA 654:28

Alternate Town Meeting, 1993

Certification of checklist, 2 copies filed with town clerk.

RSA 654:29

May 10 5:00 P.M.

Last day for town clerk to accept completed absentee ballots, other than armed services absentee ballots.

RSA 669:29; 657:22

May 11

Alternate Town Meeting Day.

RSA 39:1-a; 669:1

See also Election Day-Pages 309 - 313

5:00 p.m.

Last day for town clerks to accept completed armed services absentee ballots.

RSA 669:29; 657:22

May 14

Last day for any person for whom a vote was cast to apply to town clerk for a recount.

RSA 669:30

May 18

Last day for 10 voters of a town to petition clerk to recount ballots on any question printed on official ballot.

RSA 40:4-c

May 21

Last day for candidates for town office to remove political advertising.

RSA 664:1, 17

May 24

Last day for any 5 voters to make written complaint to district or municipal court asking for inquiry concerning bribery in the election.

RSA 666:9

Election Day

Election Day

Availability of checklist before election.  
RSA 654:31

Clerk to deliver absentee ballots to moderator prior to closing of polls or time set for processing absentee ballots.  
RSA 657:23

Arrangement of polling place.  
RSA 658:9

Conduct of election at additional polling place same as central polling place.  
RSA 658:16

Absences among election officers; how filled.  
RSA 658:19-23

Disqualification of certain election officials.  
RSA 658:24

Moderator to name two inspectors of election, one from each party, as ballot clerks.  
RSA 658:25

Sample ballots posted in polling place.  
RSA 658:26

Absentee voter list to be posted in polling place.  
RSA 658:27

Unofficial ballots, if to be used, shall be prepared by clerk and delivered to moderator.  
RSA 669:55

Voter instruction cards to be posted in each voting booth and at least 3 outside guardrail.  
RSA 658:28

Selectmen to post copies of certain statutes in polling place.  
RSA 658:29

Election Day

City or town clerk to deliver ballots prior to the opening of the polls.

RSA 658:30

Ballots counted by ballot clerks prior to opening of polls.

RSA 658:31

Clerk to seal ballots, 2 duplicate checklists in presence of moderator and selectmen for delivery to additional polling place.

RSA 658:33

Pasters, if authorized, delivered by clerk to moderator; pasters affixed to ballots.

RSA 658:34

If ballots do not arrive, clerk to prepare unofficial ballots.

RSA 658:35

Ballot box inspected publicly prior to opening of polls and shown to be empty.

RSA 658:36

Moderator to secure observance of voting procedure laws.

RSA 659:9

Supervisors attendance required at all elections where checklist is used.

RSA 659:10

Obtaining a ballot.

RSA 659:13

Conduct of voting at additional polling place same as at central polling place.

RSA 659:11

Persons entitled to vote; those with name on checklist; persons omitted by clerical error; servicemen who were not able to attend meeting of supervisors by reason of service.

RSA 659:12

Election Day

Voter proceeds to voting booth without leaving guardrail.  
RSA 659:15

Number of voters within guardrail not to exceed number of voting booths.  
RSA 659:16

Voter marks ballot.  
RSA 659:17

Voter may vote on all questions.  
RSA 659:19

Voters requiring assistance because of blindness, physical disability, or inability to read shall be given assistance. Assistants shall thereafter be sworn to give out no information about the voter.  
RSA 659:20

If voter spoils ballot, he may obtain other ballots not to exceed 3. Spoiled ballot shall be marked "cancelled" and be preserved with other ballots.  
RSA 659:22

Voter folds ballot, hands to moderator who drops it in ballot box; town clerk checks off voter's name.  
RSA 659:23

Clerk may prepare unofficial ballots to be used if supply of official ballots runs out.  
RSA 659:24

Voter allowed 10 minutes in voting booth; 5 if others are waiting.  
RSA 659:25

Voters not readmitted into guardrail after voting.  
RSA 659:26

Any voter may challenge any other voter's right to vote; moderator to obtain oath from voter so challenged.  
RSA 659:27

Election Day

Town Clerk to record challenge of voter affidavits; names and domicile of voters challenged and challengers.  
RSA 659:32

Intention of voter determined by majority of election officials; a ballot for any office not receiving a majority vote is considered defective for that office.  
RSA 659:64, 65

Electioneering by election officials prohibited while performing official duties.  
RSA 659:44

Clerk to deliver absentee ballots to moderator prior to time they are to be opened.  
RSA 659:46

Absentee voter who dies prior to election day shall not have his ballot opened.  
RSA 659:48

Option for processing absentee ballots prior to the close of the polls.  
RSA 659:49

Procedure for processing absentee ballots.  
RSA 659:50-54

Absentee voter whose ballot has been cast may not vote in person.  
RSA 659:55

Disqualification of officials from counting votes.  
RSA 659:58

Moderator to oversee count.  
RSA 659:60

Optional counting of votes at additional polling place.  
RSA 659:59



Election Day

Ballots counted after absentee ballots are processed and after polls are closed.  
RSA 659:61

Voting materials sealed and returned from additional polling place.  
RSA 659:62

Counting to be public, but within guardrail.  
RSA 659:63

Announcing result.  
RSA 659:70

One copy of marked checklist used in election, certified by the officers, shall be sent to the state archives; One unmarked checklist used in the general election at which a president was elected to be sent to the clerk of the federal court for the district of New Hampshire.  
RSA 659:102

Election Laws  
Amended by 1992 Legislature

RSA 653:6 Delegates to State Party Conventions. At every state primary election, the voters in each state representative district shall elect delegates to each state party convention in accordance with the districts laid out in RSA 662:6. In order to be elected as a delegate to a state party convention, a person shall be a registered voter of the same party in the district from which he is to be elected, and shall receive either a minimum of 10 votes or 10 percent of the votes cast in the district from which he is to be elected, whichever is less.

RSA 654:8 The provisions of this section shall apply in all cities and in all towns. Any person who has his domicile in any town or city in this state and whose name does not appear on the checklist of said town or city may apply to the town or city clerk, or to the supervisors of the checklist as provided in RSA 654:11, for the purpose of having his name added thereto by filling out the form provided for in RSA 654:7. The office of the town or city clerk shall be required to accept applications from such persons under the following conditions:

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

RSA 654:10 Repealed.

RSA 654:12 Authority of Supervisors of the Checklist and Clerks to Determine Qualifications of Applicants Registering to Vote. I. When determining the qualifications of an applicant, the supervisors of the checklist, or the town or city clerk, may require the applicant to present any one of the following from each qualification category:

(a) Citizenship. The applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a citizenship affidavit, or any other reasonable documentation which indicates the applicant is a United States citizen. The citizenship affidavit shall be in the following form.

Date: \_\_\_\_\_

CITIZENSHIP AFFIDAVIT

Name: \_\_\_\_\_  
Name at birth if different: \_\_\_\_\_  
Place of birth: \_\_\_\_\_  
Date of birth: \_\_\_\_\_

I hereby swear, under penalty of perjury, that the information above is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
(Signature of applicant)

The penalty for perjury is a class B felony with a maximum sentence of imprisonment not to exceed 7 years and/or a fine not to exceed \$4,000.

(b) Age. Any reasonable documentation indicating the applicant is 18 years of age or older.

(c) Domicile. Any reasonable documentation which indicates that the applicant has a domicile and intends to maintain a domicile for an indefinite period in the town, city or ward in which he desires to vote, or an affidavit declaring that the applicant has a domicile and intends to maintain a domicile for an indefinite period in the town, city or ward in which he desires to vote.

II. Remains the same.

RSA 654:34-a, I. A town or city shall permit changes in party affiliation to be registered with a town or city clerk.

RSA 654:34-b Repealed.

RSA 660:31 Depositing Fees and Assessments. There is established in the state treasury a separate nonlapsing account to be known as the recount administrative account. The account shall be used by the secretary of state for the administration of recounts under RSA 660. Notwithstanding any other provision of law, all fees which are paid to the secretary of state under RSA 660:1 shall be credited to this account. All fees which are credited to this account shall be continually appropriated to the secretary of state.

RSA 664:4-b Surplus Campaign Contributions. Surplus campaign contributions may be used after a general or special election for fund raising activities and any other politically related activity sponsored by the candidate. Such surplus campaign contributions, however, shall not be used for personal purposes.

RSA 664:5-b, I. For governor:

- (a) \$400,000 in a state primary election.
- (b) \$400,000 in a state general election.

I-a. For United States senator:

- (a) \$500,000 in a state primary election.
- (b) \$500,000 in a state general election.

II. For representative to Congress:

- (a) \$250,000 in a state primary election.
- (b) \$250,000 in a state general election.

III. For executive council:

- (a) \$50,000 in a state primary election.
- (b) \$50,000 in a state general election.

IV. For state senate:

- (a) \$20,000 in a state primary election.
- (b) \$20,000 in a state general election.

V. For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:

- (a) \$.50 per registered voter in the district or the county in a state primary election.
- (b) \$.50 per registered voter in the district or the county in a state general election.

RSA 664:9-a Itemized Statements Filed by Facsimile Transmission. The sworn itemized statements required to be filed by a political committee or a candidate or on his behalf as required by RSA 664:6 and 664:7 may be filed by means of a facsimile transmission; provided, however, that a statement which

is transmitted electronically or telephonically by a facsimile device shall also be filed by a political committee or a candidate or on his behalf not later than the last day of each filing period under RSA 664:6 and 664:7 if a facsimile transmission is used.

RSA 664:21, I (a) Candidates for United States Senate and governor:

under \$1,000 - one percent  
\$1,000-\$5,000 - 10 percent  
\$5,000-\$10,000 - 25 percent  
\$10,000-\$50,000 - 50 percent  
over \$50,000 - 100 percent

(b) Candidates for representative to Congress:

under \$1,000 - one percent  
\$1,000-\$5,000 - 10 percent  
\$5,000-\$10,000 - 25 percent  
\$10,000-\$25,000 - 50 percent  
over \$25,000 - 100 percent

(c) Candidates for executive council and county officers:

under \$500 - one percent  
\$500-\$1,000 - 10 percent  
\$1,000 - \$5,000 - 25 percent  
\$5,000-\$10,000 - 50 percent  
over \$10,000 - 100 percent

(d) Candidates for state senate:

under \$100 - one percent  
\$100-\$500 - 10 percent  
\$500-\$1,000 - 25 percent  
\$1,000-\$5,000 - 50 percent  
over \$5,000 - 100 percent

(e) Candidates for the general court:

under \$100 - one percent  
\$100-\$250 - 10 percent  
\$250-\$500 - 25 percent  
\$500-\$1,000 - 50 percent  
over \$1,000 - 100 percent

RSA 667:21 II. Notwithstanding the provisions of paragraph I, a political party may, in accordance with the provisions of the party's constitution or bylaws, provide for an alternative method of determining the date, call and purpose of the party's state convention and the selection of delegates and composition of such convention. If a party decides to hold a convention for the purpose of adopting a platform of the party, nominating presidential electors, effecting an organization for the following 2-year period and other party business as the political party determines, the convention shall be deemed to satisfy the requirements of the party under this section.

RSA 669:17-a Filing Candidacy. No person shall file as a candidate for a town officer under the provisions of RSA 669:19, 20, or 42 for more than one seat on the same town or school district board, commission, committee, or council.

RSA 670:4-a Filing Candidacy. No person shall file as a candidate for a village district office for more than one seat on the same village district or school district board, commission, committee, or council.

### **State Election Officials**

William M. Gardner  
Secretary of State  
State House Room 204  
Concord, NH 03301  
271-3242

John Arnold  
Attorney General  
State House Annex  
Concord, NH 03301  
271-3658

Dort S. Bigg, Chm.  
N.H. Ballot Law Commission  
c/o Secretary of State  
State House Room 204  
Concord, NH 03301

Senate and House Committees  
responsible for reviewing  
election law changes

Sen. Charles F. Bass, Chm.  
Senate Public Affairs Committee  
Legislative Office Bldg., Room 209  
Concord, NH 03301  
271-3095

Rep. Natalie S. Flanagan, Chm.  
House Constitutional & Statutory  
Revision Committee  
Legislative Office Bldg., Room 302  
Concord, NH 03301  
271-3319

### **Federal Election Officials**

Federal Election Commission  
999 E. St., N.W.  
Washington, D.C. 20463  
1-800-424-9530  
(toll-free)

Henry Valentino, Director  
Federal Voting Assistance Program  
Office of the Secretary of Defense  
Washington, D.C. 20301  
1-202-695-0663