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 659:4 and RSA 659:4-a. 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 l5 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 in RSA 658:2 or 658: 5 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 or she 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 supervisors of the checklist are authorized to appoint assistant supervisors of the checklist who shall be assistant election officials and have the powers of supervisors for the purpose of registering voters on election day. 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.

658:7-a Qualifications. An assistant election official appointed as provided in RSA 658:7 shall be 17 years of age as of the date on which such official initiates performance of the duties of office.

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 or she 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 pens with machine-readable ink or soft black lead pencils and booths with shelves to enable the voter to mark his or her ballot screened from all observation as to the manner in which he or she 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 persons with disabilities 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 be not 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 or her 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 convenient height for writing.

III. In addition to the voting booths described in paragraph II, each polling place shall have at least 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. The entrance to the booth shall have a clear opening of at least 60 inches and shall have clearances that comply with the New Hampshire building code, RSA 155-A, and with standards implementing the Americans with Disabilities Act of 1990, 28 C.F.R. part 36. Each side of the booths shall be not less than 6 feet high. The booth shall be at least 60 inches wide at its front, at least 60 inches deep, and at least 60 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 or her ballot. Each booth shall be well lighted and shall contain a shelf or table 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. The secretary of state shall include a diagram of an accessible booth that satisfies the requirements of this section in the election laws and procedures manual issued pursuant to RSA 652:22.

IV. In addition to the voting booths described in paragraphs II and III, each polling place shall have table-top voting screens available for use in an election. Each voting screen shall consist of 3 panels, to be positioned on a table or similar surface so that when a voter is marking a ballot he or she is provided privacy. Each panel of the screen shall be at least 17 inches high and 15 inches wide.

V. (a) Each polling place shall have available for use in an election at least 2 of the voting booths described in paragraph II, one of the voting booths described in paragraph III, and 2 of the voting screens described in paragraph IV.

(b) The minimum number of voting booths and screens that shall be erected for an election shall be as follows:

(1) For a general election where votes will be cast for president, one for every 100 voters on the checklist. This requirement may be modified with the approval of the secretary of state and the attorney general for specific polling places, if conditions within the polling place will not permit the required number of voting booths. Under no circumstances shall the required number of voting booths drop below one booth for every 125 voters for a general election where votes will be cast for president.

(2) For a general election where votes will not be cast for president, one for every 125 voters on the checklist.

(3) For all other elections, including the state primary election, one for every 150 voters on the checklist.

(c) The minimum requirements established in subparagraph (b) may be satisfied with any combination of booths or screens, provided that no more than 50 percent of the minimum requirement is satisfied by voting screens and that the requirements of subparagraph (a) are also met. The moderator may require that booths or screens exceeding the minimum number be erected or available at the polling place. This section shall not be interpreted to mandate the erection of voting screens if there are sufficient booths to satisfy the requirements of subparagraph V(b).

658:9-a Accessibility. Every polling place in which state elections are held shall be easily accessible to all persons, including persons with disabilities 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. Where parking is provided for the polling place, there shall be at least one van-accessible parking space that is in compliance with the New Hampshire building code, RSA 155-A, and with standards implementing the Americans with Disabilities Act of 1990, 28 C.F.R. part 36 and designated with the international symbol of accessibility. The van-accessible parking space shall be at least 8 feet wide with an adjacent and parallel access aisle that is at least 8 feet wide and located on a level surface as close as possible to the accessible entrance. There shall be a clear path of travel without curbs or steps to the accessible entrance of the polling place from the van-accessible parking.

II. The paths of travel to and from the polling place shall comply with the accessible route requirements of the New Hampshire building code, RSA 155-A, and with standards implementing the Americans with Disabilities Act of 1990, 28 C.F.R. part 36.

III. If there is a curb in a path of travel to the accessible entrance to the polling place, there shall be a curb ramp that complies with the New Hampshire building code, RSA 155-A, and with standards implementing the Americans with Disabilities Act of 1990, 28 C.F.R. part 36.

IV. Where a ramp is provided, the ramp shall comply with the New Hampshire building code, RSA 155-A, and with standards implementing the Americans with Disabilities Act of 1990, 28 C.F.R. part 36.

V. Entrances, doors, and doorways shall comply with the New Hampshire building code, RSA 155-A, with standards implementing the Americans with Disabilities Act of 1990, 28, C.F.R., part 36, and with the following requirements:

(a) There shall be at least one primary entrance to the polling place accessible to elderly persons and persons with disabilities and clearly marked with the international symbol of accessibility.

(b) If there are entrances that are not accessible, they shall have signs posted directing voters to the accessible entrance.

VI. The path of travel in the interior of the polling place shall comply with the accessible route requirements of the New Hampshire building code, RSA 155-A, and with standards implementing the Americans with Disabilities Act of 1990, 28 C.F.R. part 36.

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. No later than the Tuesday 2 weeks 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, other than a moderator, clerk, selectman, inspector of election, or supervisor of the checklist, 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 658:22. A moderator, clerk, selectman, inspector of election, or supervisor of the checklist whose name appears on a ballot for an elective position, other than the position of an election official, shall be disqualified from the handling of marked ballots and counting of votes.

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 voters marking 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. Repealed Chapter 246, Laws of 1998.

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 at all elections. RSA 654:7-a, RSA 654:7-b; RSA 659:13; RSA 659:27, RSA 659:30, RSA 659:31, RSA 659:32, RSA 659:34, RSA 659:35, RSA 659:37, RSA 659:38, RSA 659:40, RSA 659:41, RSA 659:103; RSA 666:4, RSA 666:5, RSA 666:8. In addition, the secretary of state shall include any other statutes or regulations that are required to be posted by state or federal law. The secretary of state may also include statutes or regulations that, in the secretary of state's judgment, would aid a voter in casting a vote or in contacting the appropriate official if the voter believes that his or her voting rights are being violated.

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 or prior to 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 in the presence of the clerk, the moderator, and at least one other legal voter. If the ballots are counted prior to the opening of the polls, the clerk shall post, in an appropriate place and prior to election day, notice of the time and place of the counting.

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 or her records; the other shall be certified by the clerk and forwarded to the secretary of state with the election returns pursuant to RSA 659:75.

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 placed lodged with the clerk by the supervisors with a number of blank ballots equal to the number of voters on such checklist and 50 additional ballots. If the moderator has authorized the counting of votes and thereby authorized the

processing of absentee ballots at the additional polling place, the absentee ballots of those persons qualified to vote in that additional poling place shall be sealed up along with a list of those persons qualified to vote at that additional polling place to whom absentee ballots have been sent pursuant to RSA 657:15. This package shall be prepared and sealed in the presence of the moderator and selectmen and shall be delivered immediately to the assistant moderator of the additional polling place by 2 election officers designated by the moderator.

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.