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 4 percent of the total number of votes cast for any one of the following: the office of governor or the offices of United States Senators.

652:12 Vacancy. A "vacancy" shall occur in a public office if, subsequent to his or her election and prior to the completion of his or her 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 or she 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 or her from holding office; or

IV. Fails or refuses to take the oath of office within the period prescribed in RSA 42:6 or to give or renew an official bond if required by law; or

V. Has his or her 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) The member was called to serve in an emergency; and

(b) Service in such unit causes the member to be unable to perform his or her legislative duties, as determined by the house of representatives in the case of a member of the house of representatives and by the senate in the case of a member of the senate, 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 ballot only voters domiciled outside the United States who are eligible to vote in federal elections as provided in RSA 657:2, "federal election" shall also include any presidential primary election.

652:14 Election Officer. "Election officer" shall mean any moderator, deputy moderator, assistant moderator, town clerk, deputy town clerk, city clerk, deputy city clerk, ward clerk, selectman, supervisors of the checklist, registrar, or deputy registrar.

652:14-a City Chief Elections Officer. The city clerk shall be the chief elections officer with authority to establish uniform practices and procedures that conform to state and federal law for all elections conducted by the city.

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.

652:16-a Undeclared Voter. The term "undeclared voter" shall mean a voter who is registered as a member of no political party.

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

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

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

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

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

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

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

652:16-d Accessible Voting System. "Accessible voting system" shall mean the system chosen by the state to meet the accessibility for individuals with disabilities requirements of section 301 of the Help America Vote Act of 2002, 42 U.S.C. section 15481, that has the capacity to print a paper ballot marked with the votes chosen by the voter.

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 Included and Excluded. I. Except where specifically stated to the contrary, when a period or limit of time is to be reckoned from a day or date, that day or date shall be excluded from and the day on which an act should occur shall be included in the computation of the period or limit of time.

II. Whenever the election laws refer to a period or limit of time, Saturdays, Sundays, and holidays shall be included, except as provided in paragraph I. 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.

652:19 Repealed by Chapter 348, Laws of 1994.

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 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, and board of supervisors of the checklist and to each town, city and ward clerk. The secretary of state may distribute the manual in either electronic or printed format. The secretary of state may distribute said manual to any other person who requests it.

Chief Election Officer

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

Voter Identification Advisory Committee

652:24 Voter Identification Advisory Committee. I. There is established a voter identification advisory committee. The committee shall review the implementation of voter identification requirements after every state general election. If the committee determines that problems exist requiring statutory changes, the committee shall report its findings to the senate and house standing committees with jurisdiction over election laws.

II. The members of the committee shall be as follows:

(a) The secretary of state or designee.
(b) The president of the senate or designee.
(c) The speaker of the house of representatives or designee.
(d) The governor or designee.
(e) The president of the New Hampshire City and Town Clerks' Association, or his or her representative.

III. The committee shall meet at the call of the secretary of state or designee, who shall serve as chairperson.

Notice of Voter Identification Requirements

652:25 Notice of Voter Identification Requirements. Every town and city clerk shall prominently display a notice prepared by the secretary of state explaining the photo identification requirements for voters and directing voters to the department of state's website for additional information. Such notice shall be displayed for at least 14 days prior to each election held after the effective date of this section.

Voter Education Requirements

652:26 Voter Education Requirements.

I. The secretary of state shall prepare an explanatory document explaining the proof of identity requirements of RSA 659:13, including all the permissible methods for proving identity and the dates of applicability of these requirements. The secretary of state shall provide copies of the explanatory document to all towns and wards, so it will be available to all persons registering to vote at the city or town hall and at all polling places at each election held after the effective date of this section.

II. The secretary of state shall take whatever measures he or she deems necessary to educate the public about the voter identification requirements in RSA 659:13. Such measures shall include prominently displaying on the department of state's website information for voters relating to the voter identification requirements in RSA 659:13. The department shall also provide explanatory information relating to voter identification requirements to media outlets that request such information and shall encourage such outlets to assist the department in educating the public about the voter identification requirements in RSA 659:13.