

U.S. ELECTION ASSISTANCE COMMISSION



2010 Election Administration & Voting Survey

New Hampshire

Statutory Overview

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2010 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

Information Supplied By	
Name	Anthony Stevens
Title	Assistant Secretary of State
Office/Agency Name	Department of State
Address 1	71 S. Fruit St.
Address 2	
City	Concord
State	NH
Zip Code	03301
Email Address	Anthony.Stevens@sos.nh.gov
Telephone (area Code and number)	(603)271-8238
Fax Number (area code and number)	(603)271-8242

DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable). Prior to beginning the Statutory Overview, please ensure that "track changes" is turned on; this will provide a record of all changes that are made including insertions, deletions, and formatting changes. To turn on track changes hold down "Control" and "Shift" and "E" at the same time. For additional assistance in working with "track changes" please contact your Technical Assistance point of contact at ICF International.

We have provided you with your answers to the 2008 Statutory Overview. If there has not been a change in your State's laws or legal citation in the response to a question, please mark No Change Since 2008 with an "X" as shown below:

 X No Change Since 2008

If the response has changed since 2008, please mark Changed Since 2008 with an "X" and modify the answer as needed using track changes. If you need to replace the entire answer, please delete the 2008 response and record your 2010 response between the red bracketed text lines, as described below.

 X Changed Since 2008

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, or executive decision, please specify.

Please keep your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

- a. Over-vote

[Begin definition (a) below this line.]

Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.

There is no limit to the length of your response.

[End definition (a) above this line.]

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a. Over-vote

No Change Since 2008 Changed Since 2008

2008 Response:

[Begin definition (a) below this line.]

There is no legal citation for overvotes in New Hampshire law. "Overvotes" occur when there are more votes in a contest than permitted on the ballot. If the ballot instructions state "vote for not more than three candidates" in a contest, and the voter marks the ballot for more than three candidates in that contest, that would amount to three overvotes on the tally sheet.

[End definition (a) above this line.]

b. Under-vote

No Change Since 2008 Changed Since 2008

2008 Response:

[Begin definition (b) below this line.]

Undervotes occur when there are fewer votes in a contest than permitted on the ballot. If the ballot instructions state "vote for not more than three candidates", and the voter votes for two candidates in that contest, that would amount to one vote for each of those two candidates and one undervote.

[End definition (b) above this line.]

c. Blank ballot

No Change Since 2008 Changed Since 2008

2008 Response:

[Begin definition (c) below this line.]

New Hampshire does not account for blank ballots. The Accuvote ~~tabulation machine~~ electronic ballot counting device output tape will report blanks for each individual contest. A blank will occur for an overvote or undervote as defined above.

[End definition (c) above this line.]

d. Void/Spoiled ballot

| **No Change Since 2008** **Changed Since 2008**

2008 Response:

[Begin definition (d) below this line.]

A void, spoiled or cancelled ballot is one on which the Moderator has marked “cancelled” and signed it. Upon returning a ballot that is officially spoiled, the voter may receive others, not exceeding 3 in all, upon returning each spoiled one. RSA 659:22 and 659:95.

[End definition (d) above this line.]

e. Provisional/Challenged ballot

| **No Change Since 2008** **Changed Since 2008**

2008 Response:

[Begin definition (e) below this line.]

Any voter may have his right to cast a ballot in a given election challenged by any other legal voter of that town or ward. Challenges may occur at any point up until the ballot is deposited into the ballot box and must be made for a specific reason. When a voter is challenged and the moderator rules the challenge is well grounded, the moderator may not accept that voter’s ballot unless until the voter signs an affidavit either on the form provided by the Secretary of State or in substantially the same language. RSA 659:27-33; 666:4-5.

[End definition (e) above this line.]

f. Absentee

| **No Change Since 2008** **Changed Since 2008**

2008 Response:

[Begin definition (f) below this line.]

Voters may vote using the absentee process because they affirm that they (a) will be absent on election day, (b) are unable to vote due to a disability, (c) cannot appear at the polls due to an observance of a religious commitment, or (d) have an employment obligation that requires them to remain physically at work or in transit during the time the polls are open. RSA 657-1-25.

[End definition (f) above this line.]

g. Early voting

No Change Since 2008 **Changed Since 2008**

2008 Response:

[Begin definition (g) below this line.]

“Early voting” is not a legal process in New Hampshire.

[End definition (g) above this line.]

h. Active Voter

No Change Since 2008 **Changed Since 2008**

2008 Response:

[Begin definition (h) below this line.]

The term “active voter” is not defined in the law. A “registered voter” is a person who appears on the checklist and is thereby eligible to vote. RSA 654:25-31, [RSA 654:34](#), [654:38](#), [654:39](#).

[End definition (h) above this line.]

i. Inactive Voter

No Change Since 2008 **Changed Since 2008**

2008 Response:

[Begin definition (i) below this line.]

“Inactive” is not an applicable term in New Hampshire. Voters are either “registered” as defined above or not.

[End definition (i) above this line.]

j. Other terms (please specify) _____

No Change Since 2008 **Changed Since 2008**

2008 Response:

[Identify each TERM and definition separately and begin below this line.]

NA

[End TERM(s) and definition(s) above this line.]

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. “Significant” does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (A2) below this line.]

Straight ticket voting was repealed in 2007. RSA 656:10.
Special Assistance to Emergency Workers was adopted in 2006. RSA 657:21-a
MOVE Act compliance. RSA 652:16-b, 652:16-c, 654:3, 654:4, 654:12, 654:20, 654:23,
654:45, 656:34, 656:35, 657:2, 657:3, 657:6, 657:8, 657:10, 657:10-a, 657:10-b, 657:12,
657:13, 657:14, 657:15, 657:16, 657:17, 657:18, 657:19, 657:19-a, 657:19-b, 657:19-c,
657:20, 657:21, 657:22, 657:23, 659:49-b, 659:52, 659:53, 659:54-a, 659:61, 659:73, 659:75,
659:77, , 659:78, 659:79, 659:88, 659:90, 659:91, 659:95, 659:98, 659:99, 660:7, 665:5,
669:23, 669:24, 669:25, 669:26, 669:27, II-III, 669:29.
Records Retention reform. RSA 33-A:3-a, 659:101
Candidate name and party column rotations on ballot. RSA 49-C:6, 656:5, 656:5-a, 656:24
Purge requirement: RSA 654:39
Electronic ballot counting device requirements. RSA 656:42
Observing voter registration. RSA 654:7-c
Observing voter check-in. RSA 659:13-a.
Challenge voter affidavits. RSA 659:27, 659:27-a, RSA 659:51
Address confidentiality program. RSA 659:50
Misrepresenting origin of campaign call. RSA 664:14-b
Eligibility and domicile of students. RSA 654:1,I-a

[End response to above question (A2) above this line.]

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

| **No Change Since 2008** **Changed Since 2008**

2008 Response:

[Begin response to above question (B1) below this line.]

Top down, yet maintained by the local supervisors of the checklist or registrars through a live, secure and encrypted web-interface.

[End response to above question (B1) above this line.]

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

| **No Change Since 2008** **Changed Since 2008**

2008 Response:

[Begin response to above clarification question to B1 below this line.]

NA

[End response to above clarification question to B1 above this line.]

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

| **No Change Since 2008** **Changed Since 2008**

2008 Response:

[Begin response to above question (B2) below this line.]

“Inactive” is not an applicable term in New Hampshire. Voters are either “registered” and eligible to vote or not.

[End response to above question (B2) above this line.]

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

| **No Change Since 2008** **Changed Since 2008**

2008 Response:

[Begin response to above question (B3) below this line.]

Voters may be removed if the supervisors of the checklist determine that they are deceased, moved out of the jurisdiction state, have failed to respond to a 30-day letter, have duplicate voter records, are incarcerated felons, or have been purged due to inactivity. Supervisors of the checklist must meet in public session and a majority of supervisors must vote to add or remove voters from the checklist. These same procedures apply to UOCAVA voters. RSA 654:36-39 & 654:44.

[End response to above question (B3) above this line.]

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's drivers license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

| **No Change Since 2008** **Changed Since 2008**

2008 Response:

[Begin response to above question (B4) below this line.]

The New Hampshire Department of Safety's Division of Motor Vehicles provides a list of valid motor vehicle license and non-license holders every night. Upon entry into the system, every voter registration is checked against this list and provides the user with the information from the DMV to verify whether there is a match or not. No data from the DMV or any other agency may be used for any purpose other than verifying the accuracy of the information contained in the voter database. RSA 654:45,IV(b).

There are also links to the U.S. Social Security Administration through the N.H. Division of Motor Vehicle's connection through the American Association of Motor Vehicle Administrators, the N.H. Department of Corrections and N.H. Division of Vital Records. Our software has also been written to process National Change of Address data.

[End response to above question (B4) above this line.]

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (B5) below this line.]

The statewide voter registration system has ~~not completed an established an~~ NCOA software interface. ~~It will be activated within the next two years.~~

[End response to above question (B5) above this line.]

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (B6) below this line.]

The New Hampshire Department of Corrections ~~and offices of the U.S. Department of Justice~~ periodically provides ~~a~~ lists of incarcerated felons, which ~~are is~~ automatically ~~and manually~~ matched against the statewide voter registration system. Voting rights are not automatically restored to incarcerated felons who have been released. The individual must register again to vote and may be asked to submit information that he/she is no longer incarcerated. RSA 607-A:2; 654:2-a; 654:5.

[End response to above question (B6) above this line.]

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (B7) below this line.]

No voter registration form is offered online. The state provides online training to voters, educating voters on laws involving voter registration and voting.

[End response to above question (B7) above this line.]

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

No Change Since 2008 **Changed Since 2008**

2008 Response:

[Begin response to above question (a) below this line.]

Votes are counted locally by the towns and city wards on election day -and reported to the Secretary of State on forms provided by the Secretary of State. These forms are delivered to law enforcement personnel who hand deliver them to the Secretary of State. NH Constitution, Part 1, Article 11; RSA 659:60-63; 659:72-73.

[End response to above question (a) above this line.]

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

No Change Since 2008 **Changed Since 2008**

2008 Response:

[Begin response to above question (b) below this line.]

Towns and city wards report directly to the Secretary of State. Only 6.5 towns (no city wards) have multiple polling places (which are akin to precincts). These 5 towns consolidate the results from each polling place and prepare a single town election return for submission to the Secretary of State. Once the Secretary of State has the official return of votes delivered by law enforcement personnel, the official tabulating and reporting is done in offices of the Secretary of State. Official results are reported directly by the Secretary of State. RSA 659:60-63; 659:72-73; 659:81; NH Constitution, Part 1, Article 11.

[End response to above question (b) above this line.]

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

No Change Since 2008 **Changed Since 2008**

2008 Response:

[Begin response to above question (c) below this line.]

Absentee **votes** are not distinguished from votes on regular ballots in reporting from towns and wards. (This would clearly violate the voter's privacy in small jurisdictions.) These ballots are deposited into the ballot box along with the ballots cast by those voters who personally appeared at the polls. The total number of absentee **ballots** cast is reported by each town and city ward, and reflected on the Secretary of State's website.

[End response to above question (c) above this line.]

d. How are UOCAVA ballots counted and reported?

| **No Change Since 2008** **Changed Since 2008**

2008 Response:

[Begin response to above question (d) below this line.]

UOCAVA ballots are a subset of and considered as absentee ballots and follow the same process as indicated above. An additional record of UOCAVA voters is maintained by the local clerk. This record tracks the disposition of each absentee ballot sent to and received from these voters.

[End response to above question (d) above this line.]

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

| **No Change Since 2008** **Changed Since 2008**

2008 Response:

[Begin response to above question (C2) below this line.]

New Hampshire requires a reason for voting absentee. RSA 657:1-25.

[End response to above question (C2) above this line.]

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

| **No Change Since 2008** **Changed Since 2008**

2008 Response:

[Begin response to above question (C3) below this line.]

No.

[End response to above question (C3) above this line.]

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

No Change Since 2008 **Changed Since 2008**

2008 Response:

[Begin response to above question (C4) below this line.]

No.

[End response to above question (C4) above this line.]

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

No Change Since 2008 **Changed Since 2008**

2008 Response:

[Begin response to above question (C5) below this line.]

All eligible citizens may register on election day if they are not already registered. In the event that any person submits a registration that is rejected, local officials are instructed to contact the state Department of Justice to report potential fraud. Follow-up is immediate, so the matter is resolved at the polls. RSA 654:7-a, 7-b; 654:7.

[End response to above question (C5) above this line.]

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

No Change Since 2008 **Changed Since 2008**

2008 Response:

[Begin response to above question (C6) below this line.]

No. An individual who is registered at one town or city ward would not be permitted to obtain a ballot at a different town or city ward. Refer to response to question C5.

[End response to above question (C6) above this line.]

C7. Please describe your state's laws regarding post-election audits, if any.

| **No Change Since 2008** **Changed Since 2008**

2008 Response:

[Begin response to above question (C7) below this line.]

There is no provision for post-election audits. There are many recounts. RSA 660:1-15.

[End response to above question (C7) above this line.]

C8. Please describe any state requirements for poll worker training.

| **No Change Since 2008** **Changed Since 2008**

2008 Response:

[Begin response to above question (C8) below this line.]

Poll workers are not required to attend training, but there are strong incentives and diverse opportunities to obtain training, including comprehensive on-line courses for all types of election officials and election workers.

[End response to above question (C8) above this line.]

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

| **No Change Since 2008** **Changed Since 2008**

2008 Response:

[Begin response to above question (D1) below this line.]

| ~~Extensive Training helps election officials identify overvotes and undervotes. In order to complete the Moderator's Worksheet, which entails reconciliation of ballots cast, election officials count overvotes and undervotes.~~

[End response to above question (D1) above this line.]

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

| **No Change Since 2008** **Changed Since 2008**

2008 Response:

[Begin response to above question (a) below this line.]

Submit information to comply with RSA 654:12.

[End response to above question (a) above this line.]

b. casting an in-person ballot;

| **No Change Since 2008** **Changed Since 2008**

2008 Response:

[Begin response to above question (b) below this line.]

Voter must announce his or her name and confirm address. No identification is required.

[End response to above question (b) above this line.]

c. casting a mail-in or absentee vote;

| **No Change Since 2008** **Changed Since 2008**

2008 Response:

[Begin response to above question (c) below this line.]

Individual must be on the checklist, or submit information completing registration process. Signatures on the request and the absentee ballot affidavit must match.

[End response to above question (c) above this line.]

d. casting a ballot under UOCAVA;

| No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (d) below this line.]

| Individual must be on the checklist, or submit information completing registration process. Signatures on the request and the absentee ballot affidavit must match.
Ballot can be e-mailed to the voter upon the voter's request. Affidavit need not be on inner envelope.

[End response to above question (d) above this line.]

e. any other stage in registration or voting process in which identification is required (please specify).

| No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (e) below this line.]

In the event of a challenge to a voter, that voter can sign an Affidavit of Challenged Voter before a Notary Public, Justice of the Peace or Election Officer.
RSA 654:12, III; 659:27-33.

[End response to above question (e) above this line.]

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (D3) below this line.]

The general public is allowed to observe elections, but must abide by the Moderator's instructions. RSA 659:60-63.

Observers may not be positioned within 5 feet of the voter registration table. RSA 654:7-c.

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

[End response to above question (D3) above this line.]

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

No Change Since 2008 **Changed Since 2008**

2008 Response:

[Begin response to above question (E1) below this line.]

No.

[End response to above question (E1) above this line.]

E2. The Military and Overseas Voter Empowerment Act (MOVE) was signed into law on October 22, 2009. The MOVE Act contains, among other things, provisions regarding States' methods of communication with UOCAVA voters and UOCAVA ballot transmission.

Please describe your State's processes and procedures for implementing MOVE (including any changes in your State's laws or regulations) as they relate to:

- **Protecting the security and integrity of the voter registration and ballot application process, the privacy and personal information of the voter, and absentee ballots. (Sect. 577, 578)**
- **Designating a means of electronic communication for all voting-related materials to UOCAVA voters. (Sect. 577)**
- **Establishing a ballot tracking mechanism to allow voters to determine whether their ballots were received by the appropriate election official. (Sect. 580(d))**

Also, please describe your State's plans to capture data related to the number of registration applications, ballot applications, and blank ballots transmitted to UOCAVA voters via mail and electronic means (Internet, email, fax) *and* the number of registration applications, ballot applications, and completed ballots returned by UOCAVA voters via mail and electronic means (Internet, email, fax).

This question was not asked in 2008. Please provide your answer below.

[Begin response to above question (E2) below this line.]

Protecting Security and Integrity

Voter registration information is not subject to New Hampshire's Right to Know laws. The only public information is: voter name, domicile and mailing address, and party as stated in RSA 654:31-a:

The information contained on the checklist of a town or city, specifically, the name, domicile address, mailing address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A.

Absentee ballot information is not subject to New Hampshire's Right to Know laws. The exception is stated in **RSA 657:15**:

Candidates whose names appear on the ballot and persons bearing notarized requests or copies of notarized requests from candidates whose names appear on the ballot may obtain a list of absentee voter applicants, excluding voters who have presented to the supervisors of the checklist valid protective orders pursuant to RSA 173-B; the lists shall not be available for public inspection at any time without a court order.

Designating a Means of Electronic Communication

Clerks are required to communicate and send absentee ballots/material to UOCAVA voters as described in **RSA 657:19-c**:

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

and **RSA 657:15**:

When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver, email, or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:8 or designate an assistant to deliver such materials to the applicant.

and **RSA 657:19**:

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

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

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

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

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

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

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

Establishing a Tracking Mechanism

New Hampshire has created a public website that allows all absentee voters the ability to track their absentee as described in **RSA 657:26**:

The secretary of state shall make available by July 31, 2010 a public website by which an absentee voter, in the 2010 general election and every subsequent state election, may determine whether the voter's absentee ballot request has been received by the clerk, whether the absentee ballot has been sent pursuant to such request, and whether the envelope purporting to contain the absentee ballot has been received by the clerk. The town and city clerk shall, without delay, enter into the statewide centralized voter registration database the dates that all valid requests for absentee ballots are received, the dates all absentee ballots are sent, and the date all envelopes purporting to contain absentee ballots are received. The secretary of state shall allow free and secure access to any voter who enters on the website his or her full first name, full last name, the town where the voter has requested an absentee ballot, and the voter's date of birth as they appear in the statewide centralized voter registration database. The city and town clerk shall provide instructions to absentee voter applicants describing how to access this website.

Capturing data related to the number of registration applications, ballot applications, and blank ballots transmitted to UOCAVA voters via mail and electronic means

Clerks are required to capture absentee ballot data in **RSA 657:15;**

Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absentee ballots have been sent, and shall identify those official absentee ballots which have been returned to the clerk and shall record the absentee voter applicant information in the statewide centralized voter registration database.

and RSA 657:19 I. (a.);

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

[End response to above question (E2) above this line.]

E3. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

No Change Since 2008 **Changed Since 2008**

2008 Response:

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[Begin response to above question (E3) below this line.]

[End response to above question (E3) above this line.]

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 5/31/2013). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2010 Election Administration and Voting Survey, 1201 New York Avenue, Suite 300, Washington, DC 20005.