



NEW HAMPSHIRE SECRETARY OF STATE
David M. Scanlan

Audit Procedures
State General Elections

Overview:

The Secretary of State will conduct all audits according to SB 489 (2024).

The audit locations will be randomly selected after the ballot counting device memory cards are programmed. Within each randomly selected location, one ballot counting device will be audited.

The random selection shall remain confidential until election day. Once all audit location letters are delivered on election day, the selected audit locations will be published on the Secretary of State's website.

All audits, including the location and time, will be published on the Secretary of State's website. Audits will start no earlier than the published time. All audits are open to the public.

The results of the audit will be published by 12:00 PM on the Friday after the election. The Secretary of State will also share the audit results with the Ballot Law Commission and the chairpersons of the House of Representatives and Senate standing committees with jurisdiction over election law.

Random Selection of Audited Ballot Counting Devices:

Before each state election, the Secretary of State's office will confirm with each ballot counting device vendor that all memory cards or ballot definition packages are programmed. Once confirmed, the polling locations will be randomly selected.

The Secretary of State will randomly select not less than 8 ballot counting devices used by towns or city wards to be audited. In making this selection, the Secretary of State may divide towns or city wards into groups for the selection based on criteria such as the device vendor or estimated number of election day ballots to be processed. This selection is non-public.

For polling locations with multiple devices, the selection criteria will be set by the Secretary of State at the time the locations are randomly selected. The audited ballot counting device will be selected at the time the Secretary of State's representative delivers the audit letter to that polling location's moderator.



NEW HAMPSHIRE SECRETARY OF STATE David M. Scanlan

Following the random selection, a memo documenting how the ballot counting devices were randomly selected for an audit will be written and signed by two witnesses present for the random selection.

For each audit location, the Secretary of State will sign an audit notification letter that informs the moderator of the audit, how to handle ballots from the device being audited, and the name of the Secretary of State representative that will be at the polls to ensure ballots tabulated by the audited device are not comingled with other ballots.

Logic & Accuracy Test:

Prior to the audits, at least two members of the Secretary of State's office will perform a Logic & Accuracy ("L&A") test on the audit equipment.

For each of the randomly selected polling locations, 50 test ballots will be marked in the same manner test decks are marked by local election officials for pre-election testing in compliance with N.H. RSA § 656:42, VIII (e) and in the Secretary of State's Election Procedure Manual.

If multiple audit equipment units are used, the test ballots will be processed by the actual audit equipment which will process that polling location's ballots during the audit.

After feeding test ballots through the audit equipment in four different orientations, the audit equipment results will be compared to the hand-count of those test ballots.

In the event of a discrepancy, the hand-count shall first be checked for errors. If the discrepancy is due to an error with the audit equipment, the audit equipment's vendor will be contacted for support. If the vendor cannot resolve the issue, the equipment will not be used in the audit and the Secretary of State may require a full hand count of the ballots being audited.

Election Day:

On Election Day, a representative of the Secretary of State's office will arrive at each selected polling location after polls are opened for voting. The representative will deliver the audit notification letter to the Moderator and also provide a copy to the Town Clerk.

If a polling location uses multiple ballot counting devices, that Secretary of State's representative will select which ballot counting device will be audited based on the criteria previously established by the Secretary of State and documented in the audit selection memo.



NEW HAMPSHIRE SECRETARY OF STATE David M. Scanlan

The Secretary of State's representative shall remain in that polling location for the remainder of election day, ensuring that no ballots from other devices or ballots which must be fully hand-counted at the end of the night are commingled with the device counted ballots from the selected ballot counting device. Once all ballots are fed through the device and all write-ins adjudicated, only those ballots which were counted by the selected ballot counting device (including those write-in ballots in the diverter bin) are separately sealed. The election official shall write "FOR AUDIT" on the sealing label for each box of ballots to be audited or use the audit containers provided by the Secretary of State's representative.

Post-Election Day:

Immediately following the election, the Secretary of State will coordinate the delivery of ballots from all audit locations in time for the scheduled audit. The Secretary of State's office will take custody of all ballots and election materials from the election being audit. The Secretary of State's office will also receive a copy of the relevant results tape/report from that polling location at that time.

Audit Team Selection:

In selecting an audit team, the Secretary of State will appoint at least two individuals. At least one of the individuals will be trained in the audit process and the use of audit equipment. Other audit team members, if not trained in the audit process and the use of audit equipment, will be elected election officials.

The Secretary of State may also enlist the support of technical experts as an audit team member to assist with the technology being used.

Only those individuals authorized by the Secretary of State may handle the ballots and audit equipment.

Auditing:

The audit of a device will begin at the noticed time on the Secretary of State's website.

For all ballots counted by the selected device, the audit team will:

- Feed the ballots through the audit equipment;
- Compare the results on that device's election day long tape/polls closed report with the audit equipment's results;
- Document all discrepancies;
- Preserve the election day long tape/polls closed report and audit equipment's results for the audit report.



NEW HAMPSHIRE SECRETARY OF STATE David M. Scanlan

At least one member of the audit team shall select a random sample of paper ballots processed by the audited device. The random sample will be physically examined and compared with the voters' choices recorded by the audit equipment. The random sample size is as follows:

- If 2 percent of the ballots processed by the device is greater than 50, then 2 percent of the ballots counted and/or scanned shall be the sample size.
- If 2 percent is equal to or less than 50 ballots or the total number of ballots processed, whichever is small, shall be the sample size.

The team will mark each sample ballot with a short serial number for identification purposes in compliance with RSA 660:34.

For an audit of a VotingWorks Device, the random sampling of paper ballots will be fed through the audit equipment one at a time, creating a new scan batch after each paper ballot. The paper ballot is compared against the results for that scan batch. All discrepancies between the physical examination of the ballot and the audit equipment's results are documented for the audit report.

For an audit of an AccuVote device, the random sampling of paper ballots will be fed through the audit equipment all at one time. The audit equipment will display an image of the ballot with the audit equipment's determination of voters' choices. Using the short serial number marked on the randomly sampled ballots for identification purposes, locate the paper ballot and physically examine it against the audit equipment's voter choice determination.

All discrepancies between the physical examination of the ballot and the audit equipment's results are documented for the audit report.

Audit Results:

The audit results will be published by 12 PM on the Friday following an election. The results will also be reported to the ballot law commission, and the chairpersons of the house of representatives and senate standing committees with jurisdiction over election law.