

**STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION**

Decision BLC 2022-10

Proposal of Secretary of State for Review of Ballot Counting Devices

BACKGROUND

The Ballot Law Commission has authority to certify mechanical ballot counting devices for use in New Hampshire elections. It has been considering such new devices to add to the presently-authorized Accuvote devices, which have been in use for many years, and which are coming to the end of their useful life. Previously, two such additional devices have been reviewed by the Commission. The Secretary of State has proposed a process for the limited testing of these two devices in actual elections, which process also involves an audit of the results. (See proposed process submitted by Secretary of State David Scanlan, attached.)

The Ballot Law Commission heard the Secretary of State's proposed process at its meeting on August 24, 2022. Testimony also was given by Milford Town Moderator Pete Basiliere who had previously requested the right to use the Dominion device in Milford, which is one of the two under consideration, and requested at the present hearing that it be demonstrated as soon as possible, notwithstanding an issue of whether it can read the same ballot used by the Accuvote machine, which had been raised by the Secretary of State.

DECISION

The Ballot Law Commission, based on the proceedings described above, approves the process proposed by the Secretary of State for limited test use of the two mechanical ballot counting devices under consideration, with the revision that if a ballot can be prepared so both devices can be used in tests during in the 2022 general election, both devices can be tested at that time, as well as at municipal elections in 2023.

So ordered.

**Bradford E. Cook, Chairman
David Campbell
Michael Eaton
Robert Letourneau
Eugene Van Loan, III**

Ballot Law Commission
August 24, 2022

BLC 2022-10

Ballot Counting Device Approval Process

- 1) Permit the trial use of the Dominion Image Cast and Voting Works ballot counting device in no more than two towns each for the State General Election provided:
 - a) The device will count an AccuVote ballot.
 - b) The device meets the criteria established for the approval of a Ballot counting device by the BLC (no connectivity to the internet, etc.)
 - c) The use of the ballot counting device will conform with state statutes applicable to the use of a ballot counting device.
 - d) The Secretary of State will be authorized by the BLC to audit the ballots counted by the devices post-election.
- 2) Permit the use of the Dominion Image Cast and Voting Works ballot counting devices in no more than two towns each during the 2023 municipal elections provided the criteria mentioned in a through d above are met.
- 3) Require the Dominion Image Cast or Voting Works ballot counting devices meet the Verified Voting Systems Guidelines 2.0 (VMSG) once approved by the Election Assistance Commission and certified by a nationally accredited testing laboratory before approval for general use in the State of New Hampshire.
- 4) Submit ballot counting devices for any additional review or approval by the Ballot Law Commission upon successful completion of above.