

NEW HAMPSHIRE BALLOT LAW COMMISSION
MINUTES OF COMMISSION MEETING
JANUARY 11, 2023

The New Hampshire Ballot Law Commission met at 10 a.m. on January 11, 2023 at the State Archives Building, Concord, according to notice. Those commissioners in attendance were Chairman Bradford Cook, and members Robert Letourneau, Kathleen Sullivan, David Campbell, Eugene Van Loan, Christopher Messier and Donald Manning. Also in attendance was Secretary of State David Scanlan and members of his staff. (Members Messier and Manning were in attendance as observers and the other commissioners were voting members at the meeting.)

The first order of business was a demonstration of the Clear Ballot Group ballot counting device which was demonstrated by staff members of that company, demonstrating both the central computer system of compiling results and viewing ballots as they are counted, and the actual ballot counting device used in polling places. Commissioners and Secretary Scanlan asked questions about the features of the device and how it operated, and whether it fit the criteria for approval of devices previously adopted by the Commission. After the demonstration and discussion, and upon motion duly made and seconded, it was, unanimously

VOTED: To approve the Clear Ballot Group device for a test at an actual election if there is a request from a town, and if the company can provide training and assistance for town election officials for the test, all under the supervision of the Secretary of State.

The next order of business was a request from the town of Winchester that it be allowed to use a device manufactured by Election Systems and Software (ES&S) which previously has been demonstrated before the Commission. The town was represented by its Town Clerk James Tetreault and Moderator Denis Murphy who explained how they selected this device to request. Secretary of State Scanlan indicated he believed the test could be accommodated at the municipal election. After motion duly made and seconded, it was, unanimously

VOTED: To approve the request from the town of Winchester to use the Election Systems and Software device at its municipal election in 2023, subject to the ability of that company to provide training and assistance for town election officials for the test, all under the supervision of the Secretary of State.

The next order of business was a report on the audit of results of the towns which used the VotingWorks device in the November 2022 general election. Secretary Scanlan introduced the topic and the report which had been distributed to members, and staff Attorney Jennifer Cote reviewed the report which concluded that the device counted ballots accurately, but there were issues with the hardware which prevented Newington from using the device, and created a jam of the machine in Woodstock. The Ashland test went without incident. Representatives of the company explained what it is doing to improve the devices to meet certain concerns expressed by the Secretary of State and Commission. There was discussion of further testing of the device when it is revised. After discussion, and upon motion duly made and seconded, it was, unanimously

VOTED: To authorize further testing of the VotingWorks device after adjustments are made to it, at such towns or cities as may request, as are selected by the Secretary of state, subject to the ability of the company to provide training and assistance for town election officials for the test, all under the supervision of the Secretary of State.

There being no further business to come before the Commission, and upon motion duly made and seconded, it was unanimously voted to adjourn, at 12:40 p.m.

A true record, attest.



Bradford E. Cook, Chairman