

NEW HAMPSHIRE BALLOT LAW COMMISSION

MINUTES OF COMMISSION MEETING

DECEMBER 14, 2023

The New Hampshire Ballot Law Commission met at the State Archives Building in Concord, New Hampshire at 10 a.m. on December 14, 2023, pursuant to notice. Those members in attendance were Chairman Bradford Cook and members Campbell, LeTourneau, Normand and Hess. Secretary of State David Scanlan and staff also attended.

Chairman Cook called the meeting to order at 10:05 a.m. Upon motion duly made and seconded, and a vote by roll-call, the board went into non-public session to confer with counsel. The board came out of non-public session at 10:20 a.m. by roll-call vote. Both votes were unanimous.

The first order of business was approval of the minutes of the meeting of November 2, 2023. Upon motion duly made and seconded, it was, unanimously

VOTED: To approve the minutes of the November 2, 2023 meeting as presented.

The next order of business was discussion on removal of requirements 12.1 and 12.1-G from the Secretary of State's Recommended VVSG Testing Requirements. Representatives of the Secretary of State's Office explained the reasoning behind the request and the fact that removing the requirements would remove some confusion and not weaken the testing requirements. Questions and answer followed. Upon motion duly made and seconded, it was, unanimously

VOTED: To remove Requirements 12.1 and 12.1-G from the Secretary of State's Recommended VVSG 2.0 Testing Requirements.

The final order of business was consideration of vendor test plans for testing the electronic vote counting devices which had been conditionally approved by the Commission. The first presentation was by VotingWorks which submitted a written plan to the Secretary of State. The staff has reviewed the proposal and recommends that it be approved for testing the device. It is anticipated that the test results may be in time to allow limited use of the device in the March, 2024 elections, although the vendor indicated there would probably not be a large number in use at that election. Upon motion duly made and seconded, it was, unanimously

VOTED: To approve the VotingWorks test plan for VxSuite 3.1 system, as presented.

The next presentation was by LHS Associates, the vendor for the conditionally approved Dominion device. He stated that the Dominion device could not be tested at this time, since it was in another test and two could not be done at once. He reviewed the criteria set by the Commission in BLC 2023-3, and said he believed the existing device met those criteria. He

offered a suggestion that if those devices could be rented to towns and cities, pending full compliance with the testing requirement, that would be a way to get them in use earlier. The Commission discussed that proposal and the consensus was that there is sufficient time to get the test done, in all probability, so the rental option will not be pursued at this time. Chairman Cook assured LHS that this decision was no reflection on it or its record of service to towns and cities in the past, as the servicer for the existing Accuvote device. There was no need for any action in this regard by the Commission.

There being no further business to come before the Commission, upon motion duly made and seconded, it was

VOTED: To adjourn, at 11:25 a.m.

A true record, attest.



Bradford E. Cook, Chairman