

**NEW HAMPSHIRE BALLOT LAW COMMISSION  
MINUTES OF COMMISSION MEETING  
AUGUST 31, 2023**

The New Hampshire Ballot Law Commission met at the State Archives in Concord, on August 31, 2023, at 10:00 a.m., according to notice. Those members in attendance and voting were Chairman Cook, and members Campbell, Eaton, LeTourneau, and Sullivan. Alternate members Hess, Van Loan and Messier also were present. (Note: Commissioner Campbell had to leave the meeting prior to executive session and was replaced by Commissioner Van Loan for the remainder of the meeting.) Also in attendance were Secretary of State David Scanlan and members of his staff.

Chairman Bradford E. Cook presided. He called the meeting to order at 10:03 a.m. Members of the Commission and others in attendance introduced themselves. The first order of business was approval of the minutes of the May 25, 2023 meeting. Upon motion duly made and seconded, it was, unanimously

**VOTED: To approve the minutes of the May 25, 2023 meeting, as distributed.**

Chairman Cook admitted into the record the summary submissions of the three manufacturers of ballot counting devices under consideration, which had been distributed to Commissioners at the August 2 public demonstration, the "Report on Certification of Electronic Ballot-Counting Devices" by the Secretary of State, dated August 31, 2023, and an "AccuVote Tabulator Replacement Report" previously submitted by Milford town officials. He then turned the meeting over to the Secretary of State who recounted the process for selection of new ballot counting devices to date, including the day-long public input session held on August 2, and the process going forward. Secretary Scanlan then introduced Deputy Secretary of State Eric Forcier and Attorney Jennifer Cote to review the report.

Mr. Forcier and Atty. Cote reviewed the presentation of the manufacturers, summarized the testing which had been done in actual elections, the fact that all three devices under consideration performed accurately and a survey of towns and cities which had been conducted, indicating that the potential market for devices in New Hampshire at the present time seems to be a maximum of 367 devices and a reasonable assessment of who will buy them and on what schedule, although that is up to the cities and towns.

Deputy Secretary of State Patricia Lovejoy then reviewed the responses of the manufacturers to the request for proposals by the Secretary of State. She also described the status of the federal standard 2.0 testing and indicated that results of that testing will not be available until after the 2024 elections, although there may be alternate ways to determine if the devices meet those standards. She reported that the VotingWorks and ES&S devices were designed to meet the 2.0 standards, but the Dominion device was designed and put into service prior to the development of the standards, and at least the size of its display screen was smaller than the standard. The VotingWorks device has been determined to meet the security standards in 2.0. She summarized the corporate forms of the manufacturers, that VotingWorks software is open source whereas the other two are proprietary, the cost of the devices and services, and other factors covered by the report.

The results of the informal poll taken at the August 2 event were summarized, and showed that local election officials preferred the Dominion device, the public put VotingWorks first, and overall VotingWorks device was the slight first-choice, with Dominion slightly behind, and ES&S in third place. Chairman Cook reminded those present that the poll was non-binding and non-scientific and only taken as advice to the Secretary of State and Commission.

Secretary of State Scanlan indicated that whatever choice the Commission ultimately makes, he hopes the VotingWorks open source software system can continue to be studied for use in some way.

Chairman Cook pointed out the Milford report and that Moderator Pete Basiliere had hoped to present it, but was called to Florida to help with rescue efforts in light of the hurricane which had hit there the day before.

Londonderry Moderator Jonathan Kipp presented a written report on behalf of his town, which like the Milford report, supported the choice of the Dominion device and its servicer, LHS Associates, which both moderators stated had provided excellent service for the AccuVote device currently in use.

Representatives of all three manufacturers presented information and answered question about their devices, the process, and their submissions in response to the questions asked by the Secretary of State. The LHS representative stated that the Dominion device would conform with the 2.0 standards, if that is required.

Representatives of the public and local election officials provided testimony to the Commission. Local officials included Milford Town Clerk Joan Dargie, Hanover Town Clerk Bobbie Hithcock and Manchester City Clerk Matthew Normand.

After a short recess, the Commission went into closed session to discuss matters regarding contracts, at 11:15 a.m. upon a unanimous roll-call vote to do so. At this point, Commissioner Campbell left the meeting and alternate Commissioner Van Lona replaced him.

The Commission came out of closed session at 12:23 p.m. Upon motion duly made and seconded, and after discussion, it was, unanimously

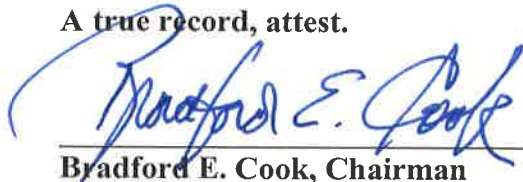
**VOTED: That the Commission move forward with its consideration of new ballot counting devices manufactured by VotingWorks and Dominion/LHS.**

Chairman Cook stated that there has been no decision about whether one or two devices will be certified ultimately, and that matter is still open, as is the question of what conditions may be attached to any certification. He also reminded those in attendance that the next meeting of the Commission is scheduled for September 15, 2023.

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

**VOTED: To adjourn, at 12:28 p.m.**

**A true record, attest.**



Bradford E. Cook, Chairman