

**MINUTES OF COMMISSION MEETING
NEW HAMPSHIRE BALLOT LAW COMMISSION
MAY 25, 2023**

The New Hampshire Ballot Law Commission met at the State Archives building in Concord on May 25, 2023, according to notice. Those regular members in attendance were Chairman Bradford Cook, and members Sullivan, Eaton, LeTourneau and Campbell. Alternate members Hess, Normand and Manning also attended.

Chairman Cook called the meeting to order at 10:00 a.m. He reviewed the agenda and had those at the table identify themselves for the record. The first order of business was approval of the minutes of the April 5, 2023, meeting, which were distributed. After motion duly made and seconded, it was, unanimously

VOTED: To approve the minutes of the April 5, 2023 meeting of the Commission, as distributed.

Secretary of State David Scanlan introduced Attorney Cote who reviewed the test of devices at the Moultonborough and Hanover municipal elections. Written summaries of the Device Audit Teams had been distributed prior to and at the meeting. The results showed that the elections went smoothly and the devices counted the ballots accurately, as confirmed by the subsequent audit in both localities. Detailed summaries of the votes showed minor variation within safe margins typical of hand audits compared to device counts.

The Moultonborough Town Clerk Julia Marchand and Moderator Paul Punturieri testified that the elections went well, the VotingWorks device performed well, support was available and helpful, and it was a good experience. Ben Adida from VotingWorks described the process and answered questions. He indicated that his company is working with an independent laboratory to test and certify the device for federal acceptance under standards Version 2, which should satisfy the Commission's standards for review and certification in New Hampshire.

Hanover Town Clerk Bobbi Hitchcock testified next. She reported that the ES+S device which was tested in her town provided accurate results and that the company's support was helpful. She indicated she especially likes the screen on the device which thanks voters for voting and also verifies that the vote has been counted. Set-up of the device was easy and quick.

Winchester's Town Clerk Jim Tetreault and Moderator Denis Murphy, reported on their experience with the ES+S device in an earlier election. They had not had the opportunity to report to the Commission at its meeting to review prior tests. They liked the easy preparation of ballots, and commented that with a strong presence in Springfield, Massachusetts, ES+S should be able to provide adequate support for New Hampshire elections. They received good support at the test election. The maximum wait time in line was six minutes. Moderator Murphy was impressed by the speed and support, as well. There was no issue with counting absentee ballots, even when folded. They also reported that a reserve account has been established by the town to provide funds for purchasing a new device, once certified. Secretary Scanlan commented that he had observed the Winchester vote and confirmed it went smoothly.

Joe Passarella, of ES+S testified that the reason for slight delay in vote counting time is the digital image which is taken of each ballot, a characteristic common to all of the devices being considered. He confirmed that the Hanover and Winchester experiences went well and the

expected set-up time was three minutes. As to the comment on not segregating write-in votes, he reported that it is done electronically on ES+S devices which can be helpful, although going through and observing each one may be the practice involved in some places and which appears to be necessary in New Hampshire. He commented that diverters present another chance for a device to jam. He indicated his company has the capacity to provide support for elections, with people on site if required. They have the capacity to help local officials prepare ballots. He indicated his company does not believe in posting its code on the internet (open source software) since there is the potential for it to be misused if they did so. He believes the Series 300 device qualifies for federal certification at Level 2. He indicated that he would prefer only one vendor be certified in New Hampshire for economic reasons.

Hanover Moderator Jeremy Eggleton, joined the meeting and reported that his opinion also was the election test went well there. His town is ready to purchase a new device once approved by the Ballot Law Commission.

Secretary Scanlan reported on the plan for an all-day demonstration and evaluation session of all devices under consideration on August 2. Various constituencies, public, town officials, legislators, and Ballot Law Commissioners, will be invited to view, use and rate the various devices, although the ratings of the Ballot Law Commissioners will not be entered into the totals, so not to indicate any prejudice prior to actual votes to certify. Prior to that, information on testing, prices and other factors will be provided.

Chairman Cook raised the issue of making a preliminary decision on the maximum number of devices which will be approved, so that all involved will know what to expect. Discussion ensued on various options. Upon motion duly made and seconded, it was, unanimously

VOTED: To adopt a preliminary limit on the number of devices to be certified as not more than two.

Chairman Cook indicated that his meant it will be one or two devices. Also, in answer to a question, the Accuvote device will continue to be certified as long as it is supported, so towns and cities wishing to do so, may still use that device through 2024 elections.

There being no further business to come before the meeting, it was adjourned, at 11:30 a.m.

A true record, attest.

Bradford E. Cook, Chairman