

Special Committee on Voter Confidence Meeting Minutes

Amended and approved 8/23/22

Meeting date: August 15, 2022 5:00 – 8:30 P.M.

Location: Nashua City Hall
3rd FL Auditorium
229 Main Street
Nashua, NH 03060

In Attendance:

Committee: Bradford E. Cook (Co-chair), Richard Swett (Co-chair), Ken Eyring
Andrew Georgevits, Douglass Teschner, and Olivia Zink

Secretary of State's Office: Secretary of State David Scanlan, Dean Dexter, Anna Fay,
David Lang, and Jennie Taggart

Committee Co-Chair Bradford Cook opened the meeting at 5:00 P.M. Committee members and Secretary of State (SOS) staff identified themselves. Committee members Amanda Merrill and Jim Splaine joined the meeting on Zoom.

Committee member Ken Eyring moved to approve the 07/26/2022 draft minutes, seconded by Committee member Andrew Georgevits. Committee member Olivia Zink abstained due to her absence at the previous meeting. All voted in favor. None opposed. Committee member Eyring moved to accept written testimony, seconded by Committee member Georgevits. All in favor. None opposed.

Presentation by Political Party Representatives:

Raymond Buckley, Chairman of the New Hampshire Democratic Party (NHDP), explained his involvement in elections over the years. He introduced Staff Attorney Emma Mintz. Mr. Buckley spoke about the origin and impact of voter suppression and claimed there is a voter fraud myth in NH. He presented the NHDP's proposals to improve NH elections and quoted Governor Sununu's 2021 statement about NH elections: *"New Hampshire's voting process is the most reliable, safe, and secure in the country, and that we will ensure every last vote is accurately accounted for."*

Mr. Buckley suggested NH build upon same-day registration and implement automatic registration. He also suggested NH adopt no-excuse absentee voting and permanently allow pre-processing of absentee ballots. More suggestions included: permitting towns/cities to install secure absentee ballot drop boxes; implement risk-limiting audits to verify the accuracy of election results; joining the Electronic Registration Information Center (ERIC); expanding voter education efforts; and repealing SB418.

Committee member Georgevits asked how many cases of voter fraud have been proven. Attorney Mintz said there were minimal proven cases. Committee member Eyring asked about the proposal to implement secure drop boxes and whether they should include cameras. Mr. Buckley did not provide an opinion on the use of cameras. He explained the suggested application process and use of drop boxes.

There was a discussion about SB418. Committee member Eyring clarified the counting process after provisional ballots are received under SB 418 and Mr. Buckley discussed the certification of election results and how he thought it would adversely change this process. Committee member Doug Teschner asked about Mr. Buckley's thoughts on DMV voter registration. Mr. Buckley said the Legislature in 1993 discussed and voted on DMV voter registration. He said that both in-person and absentee voting are important, emphasizing that the goal is to ensure every eligible voter in NH is given the opportunity to vote. Co-Chair Swett brought up same-day registration and his concerns with provisional affidavits. He said he also agrees that an increase in voter education is necessary. Committee member Olivia Zink asked about risk-limiting audits and which of the NHDP's recommendations do not require legislative changes. Attorney Mintz said the audits should be random and called for the increased education for elected officials. Co-Chair Cook asked the NHDP about its views on efforts to eliminate ballot-counting devices. Mr. Buckley said he inherently trusts machines more than hand-counting due to the workload and responsibilities election workers have.

William O'Brien, Counsel to NH Republican State Committee and former Speaker of the House, identified what he claimed are the myths associated with Republicans. Mr. O'Brien stated that election fraud and voter integrity are concerns. He said NH's use of paper ballots and same-night counting are positive aspects. Mr. O'Brien claims anything that adds integrity, such as tightened procedures, is considered voter suppression by some. He said the GOP's goal is to make it easy to vote but hard to cheat. Mr. O'Brien discussed the presence of election integrity committees and the focus of the GOP's efforts. He said the NHGOP has had over 3,000 training sessions since the beginning of the election cycle and has appointed poll workers, ballot clerks, and poll watchers.

Mr. O'Brien said there used to be bipartisan efforts to address election integrity. He referenced the 2005 bipartisan report by former President Jimmy Carter and former Secretary of State James Baker, which included 87 recommendations. Mr. O'Brien said the availability of absentee ballots should be tightened and should be based on need, not convenience. He talked about CACR36 and the language that determines who should vote in NH, saying this is the foundation of integrity. He also said affidavits without documentation should be eliminated, but the use of provisional ballots at the very least should be implemented. Mr. O'Brien told the Committee that it should be realistic but not discouraged in its effort to increase voter confidence. He said the current election system is good but could be better.

Co-Chair Cook asked Mr. O'Brien what the NHGOP's position is on ballot-counting devices. Mr. O'Brien said he can't speak for the NHGOP but in his opinion all votes should be hand-counted. Mr. Cook asked if Mr. O'Brien thinks election official training should be mandatory. Mr. O'Brien said he agreed with Mr. Buckley that more training should be stressed, especially

among moderators. Co-Chair Cook said the Election Procedure Manual (EPM) is complicated and asked for recommendations for simplifying it. Mr. O'Brien said nuances present in every election cycle make it hard to simplify the EPM.

Committee member Eyring said he supports election official training and asked Mr. O'Brien if he thinks training certifications should also be required. Mr. O'Brien does not support certification, only participation. Committee member Zink asked how to keep clean voter rolls and his position on using ERIC. Mr. O'Brien said due to some security concerns, the NHGOP is generally against ERIC. Committee member Georgevits asked about same-day registration and how Mr. O'Brien feels about it in smaller towns when it has a large effect on election results. Mr. O'Brien says the NHGOP wants young people to vote but also wants them to vote where they are domiciled. Co-Chair Swett asked Mr. O'Brien if he thinks voter confidence is waning. Mr. O'Brien replied that he did. Committee member Teschner asked Mr. O'Brien and Mr. Buckley if they would be willing to come up with recommendations together. Mr. O'Brien said they agreed on moderator training. Mr. Buckley said his office is open to any Republican. Committee member Eyring discussed claims that the Committee is gas lighting and should be shut down. He asked Mr. O'Brien to suggest how they respond going forward. Mr. O'Brien stated it is important to listen, reach out to people, and said public hearings are helpful because they are open and transparent.

Public Comment Session

Co-Chair Cook stated that due to time constraints, each speaker would have four minutes to speak.

McKenzie St. Germain, NH Campaign for Voting Rights, said baseless claims of voter fraud given in front of the Committee undermine its mission. She presented recommendations on improving elections like purchasing up-to-date equipment and modernizing the SOS website. She called for e-poll books and the use of additional Help Americans Vote Act (HAVA) funds. Ms. St. Germain discussed online voter registration and voter registration at the DMV. She also suggested the SOS provide multilingual election materials and that NH join ERIC to ensure clean and accurate voter rolls. She also supports non-partisan risk-limiting audits.

Valeria Ortiz-Cuevas, Nashua, discussed her participation in a bilingual teaching platform. She spoke about the increase of voter turnout and suggested using new ballot-counting devices and updating polling hours on the SOS website so voters can have the most accurate information available.

Emily Mercado, Nashua, spoke about the challenges young people face when trying to take part in NH elections. Ms. Mercado talked about claims of voter fraud and how they impact young voters. She suggested that the SOS and town/city websites be modernized. Ms. Mercado added making online registration available would be helpful.

Melanie Levesque, Brookline, former Senator and former Chair of the Senate Election Law Committee, stated that she worked to improve voters' confidence in elections by working to implement election modernization reforms. Ms. Levesque said election modernization is

important and called for online registration. She said ERIC is an important tool because it keeps voter lists accurate and catches rare cases of voter fraud. Ms. Levesque suggested that the Legislature and SOS office use more HAVA funds for impactful programs. She said elections are clean in NH and there are many checkpoints along the process.

Representative Laura Telerski, D-35, discussed her experience working at the Nashua Ward 8 polls. Ms. Telerski mentioned a number of improvements that would help crowded polling locations such as no-excuse absentee voting, pre-processing of ballots, voting by mail/ early voting and online voter registration. She said modernization would support election officials. Ms. Telerski said statements of false voter fraud claims need to be addressed. She added increased participation would increase trust.

Tim Cahill, Raymond, used a speeding analogy to say just because people are not caught committing voter fraud, doesn't mean it doesn't exist. Mr. Cahill mentioned the Heritage Foundation's website.

Regina Barnes, Hampton, said everybody should get actively involved in elections. Ms. Barnes spoke about her previous experience as a select board member. She said the Bill of Rights Article 11 states only inhabitants can vote and says the Legislature has misinterpreted the Constitution. Ms. Barnes says current voting laws violate the Constitution and turned in a notice of trespass for using ballot-counting devices, claiming Co-Chair Cook has violated his oath as an attorney. She also mentioned RSA 656:40.

Brenda Towne, East Wakefield, discussed the affidavits she completed on the voter roll and talked about the statewide audit she presented the Committee in June with 1,000 examples of homeowners for whom votes have been cast. She said the Committee's lack of response to her submission disenfranchises voters.

Bill Ohm, Nashua, said the chain of custody present during in-person voting is lost during absentee voting. Mr. Ohm cited the language surrounding absentee voting posted on the Nashua website.

Henry Klementowicz, Portsmouth, said that as of April 8, 2022, the Attorney General's office had confirmed out of the 1 million votes cast in the 2020 September and November elections, 0 cases of voter fraud have been proven with 5 open investigations and 17 closed investigations that did not result in charges. He read a quote from the trial court on SB3 litigation: "*The reality is that voter fraud is virtually nonexistence in the state.*" Mr. Klementowicz mentioned the UNH poll in June 2022 on voter confidence and in his opinion confidence in NH elections is high. He discussed gerrymandering of district maps and claimed it contributes to a decrease in voter confidence. His recommendation to the Committee is to have an independent committee draw the district maps.

Joe Torelli, Hampton, spoke about the NH blue book that was given to him by the SOS and compared it to the 1814 version. Mr. Torelli stated that he is a Constitutional Libertarian and is undeclared because he loathes both the Democratic and the Republican Party. He said he was present at the July 12th SCVC meeting, which focused on ballot-counting machines, and was

dissatisfied when the LHS representative left without answering questions about the presented device. Mr. Torelli talked about his observation of voting in different countries. He submitted 4 affidavits, photographs of checklists, and evidence he claimed indicated multi-voting among people who are still registered under his current address. He requested the Committee add it to the record.

Paul Thoman, Nashua, said NH should use ERIC and develop a system that provides real-time verification of citizenship and to use ERIC. Committee member Teschner asked if he had privacy concerns. Mr. Thoman said if the system is developed by the State of NH with read-only access, it will be secure.

Fred Mayer III, Hudson, spoke about ballot-counting machines and said in Hudson, people voted against a warrant article that would have outlawed the vote tabulators. Mr. Mayer stated that most citizens are in favor of the machines and towns should be able to choose whether or not they want to use them. He talked about how being a poll observer gave him more confidence in elections and said he has respect for local election officials. He encouraged NH citizens to go to the polls to watch the work done there, emphasizing transparency. Mr. Mayer says the recount system catches errors and increases voter confidence.

Curtis Register, Durham, stated that he moved from North Carolina to NH a year ago and says he trusts the NH electoral process and the state's elected officials. Mr. Register noted a lot of people are upset and angry about the election and while he has shared these feelings in the past, in reality feelings don't matter, facts do. He stated that it is a fact that the US and NH have the safest and most secure elections in history. Mr. Register said leadership impacts his voter confidence and leaders should openly reject false and baseless claims. He stated that belief is not required for truth, truth is. He said he trusts the Committee to take all the information presented, make a sound judgement call and do what is right for the people of NH. Committee member Teschner thanked Mr. Register for discussing the importance of trust.

Representative Sue Newman, D-29, talked about her experience working at the polls in 1984. She mentioned concerns about the lack of poll workers, especially in rural areas. She said a budget needs to be in place to follow up on the affidavits presented.

Michael Beauchesne, Hudson, described the desktop canvassing he did in Hudson after the 2020 elections and identified 65 affidavits that were submitted at the June Committee meeting. Mr. Beauchesne mentioned ERIC and why Louisiana no longer uses it.

Carl Scheidegg, Nashua, stated there is no excuse to not register to vote. He spoke about absentee voting and how it relates to voter fraud. He discussed discrepancies with voter rolls and issues with ballot harvesting from other states. Mr. Scheidegg quoted President Reagan saying "trust but verify."

Tim Sennott, Nashua Ward 7 Moderator, discussed his experience and observations as a moderator. Mr. Sennott discussed certifying election officials and said Nashua has issues recruiting people to run for elected positions. He discussed challenges preparing for elections, stating that his moderator duties take away from his day job. Mr. Sennott said in Nashua,

moderator training is done every year. He said if moderators are to be certified then state reps should be too. He said he needs people to work at the polls, especially people who are passionate about the process. He said polling places are congested in Nashua and there is no place for buses to park.

Karen Thoman, Nashua, said she looked at same-day registration lists, which were difficult to find. Ms. Thoman said that part of the problem with voting is transparency. She spoke about the Nashua lawyer who handles Right-to-Know requests. She inquired about using aliases to vote and said there is more fraud than people think. Ms. Thoman said the training election officials receive should be public knowledge so we can have a clear understanding of what happens on Election Day. She discussed bloated voter checklists and checklist purges.

Ray Chadwick, Bedford, Chairman of the New Hampshire Taxpayer Association, stated that out-of-state voters and same-day registration affidavits contribute to disparities. Mr. Chadwick discussed proof of residency in other states, the use of provisional ballots, and suggested voter fraud is legal under current law. He also mentioned two Supreme Court decisions *Dunn v. Blumstein* (1972) and *Brnovich v. Democratic National Committee* (2021).

Jack Currier, Nashua Ward 8 Clerk, said the online training provided by the state is good and that he did not favor certification. Mr. Currier said the state has a tight system accounting for absentee ballots. He brought up concerns with jamming Accuvote machines and said they need to come with instructions on error codes. Mr. Currier stated that his lack of confidence in elections led to his decision to become an election official. He mentioned SB 418 and the similarities between absentee ballots and the provisional ballots stipulated under SB 418.

Co-Chair Cook announced the next SCVC meeting is scheduled for August 23th at 1pm in Berlin and there will be a presentation by the Attorney General's office.

Committee member Eyring stated that he takes offense when people say the Committee does not listen to their concerns. He said that he asks questions when he has some about testimony, including Brenda Towne's, and he takes his position on the Committee very seriously.

Committee member Georgevits moved to adjoin the meeting, Committee member Eyring seconded it. All voted in favor. None opposed.

Meeting adjourned at 8:31 P.M.