

Special Committee on Voter Confidence

(Working Session)

December 13, 2022, at 1:00 P.M.

Amended and approved minutes

The Special Committee on Voter Confidence working session started at 1:07 p.m. in the State Archives Research Room. Committee member Kenneth Eyring joined the meeting on Zoom; all other members were in attendance. Three members of the public were also present.

Committee member Amanda Merrill moved to accept the minutes from the 12/1 session, Committee member Douglass Teschner seconded it. All voted in favor, none opposed.

Co-Chair Cook distributed the latest draft of the report and one which was received from Member Eyring.

Co-Chair Swett led the group through changes proposed by Member Merrill, most of which had been integrated into the draft report distributed to the meeting. Member Teschner reviewed his suggested changes with the Committee. Changes were accepted by consensus.

Ken Eyring presented his proposed edits to various sections of the report to the Committee. Co-Chair Richard Swett proposed the Committee go through each of Mr. Eyring's edits and vote on whether or not to accept them. The Committee proceeded to do so in detail and voted on including or not including the proposals as follows:

- On pg. 2 of the report, Mr. Eyring proposed revising the 2nd sentence of the 4th paragraph to read: "This report, and the recommendations in it, focus on the present New Hampshire system, *why some citizens have concerns and how it might be improved to increase confidence.*" Mr. Eyring voting in favor of the change. All other Committee members voted against it.
- On pg. 4, Section B of the report, Mr. Eyring proposed changing the title of the section from "Most New Hampshire Voters Have Confidence in Our Elections" to "Positive Aspects of New Hampshire's Voting System". He also proposed moving the last sentence of Section E, which reads "Many attested to the faith they have in our local officials because they are our neighbors", to Section B. Mr. Eyring and Mr. Georgevits voted in favor of this change. All other members voted against it.
- Mr. Eyring voted in favor of deleting Section C on pg. 4 of the report. All other members voted against the deletion.
- On pg. 4, Section D of the report, Mr. Eyring proposed changing the last sentence to read: "The election security unit at the Attorney General's Office handles complaints about election law infractions, but *some people raised concerns related to the AG's refusal to answer their questions or meaningfully address complaints.*" Mr. Eyring voted in favor of this change. All other members voted against it. However, all eight members

voted in favor of revising the end of the sentence to read "... and needs to be transparent".

- Mr. Eyring voted in favor of his proposed deletion of Sections E & F on pg. 4. All other members voted against the deletions.
- On pg. 5, Section I, Mr. Eyring proposed adding the sentence: "Some citizens want the ability to easily perform their own investigations to independently validate election results". Mr. Eyring and Mr. Georgevits voted to make the change. All other members voted against it.
- On pg. 5, Section I, Mr. Eyring proposed deleting part of the first sentence and adding to the end of the section: "There are multiple reasons that are covered in this report". Mr. Eyring voted in favor of the change. All other members voted against it.
- Mr. Eyring voted to delete Section J of the report. All other members voted against the deletion.
- On pg. 5, Section L, Mr. Eyring voted to delete the first sentence, which reads: "Studies of counts, evidence from recounts, and academic research all support the fact that ballot counting devices are more reliable than hand counts when used correctly." All other members voted against the deletion.
- On pg. 5, Section N, Mr. Eyring proposed adding the sentences: "Many people want to ensure that only those who live permanently in New Hampshire are allowed to vote in New Hampshire. This concern identified out-of-state voters, including out-of-state students." Mr. Eyring and Mr. Georgevits voted in favor of the addition. All other members voted against it. In the second sentence of Section N, which reads "It needs to be administered carefully to avoid abuse", Ms. Merrill, Ms. Zink and Mr. Splaine voted to delete "avoid abuse". All other members voted against the deletion.
- On pg. 6 of the report, Mr. Eyring voted to add sections on "Modernization of Election System"; "Voting Machine Concerns Identified During Testimony"; and "Statutory Documentation Concerns". All other members voted against adding the sections on pg. 6 and voted to add them to the "Summary of Testimony" at the end of the report instead.
- On pg. 7, Section G, Mr. Eyring proposed deleting the word "preferably" and adding "independent technology experts" to the last sentence which reads: "Purchase new ballot counting devices that are safe and secure as verified by *independent technology experts, preferably using open-source software [...]*" Mr. Cook, Mr. Swett, Ms. Merrill, Ms. Zink, Mr. Teschner and Mr. Georgevits voted against deleting the word "preferably" and in favor of the inclusion of "independent technology experts".
- On pg. 8, Section H, Mr. Eyring proposed adding: 7) "Many believe the ability to vote via absentee ballot is being abused, and want restrictions based on need, not convenience. Better controls need to be in place regarding the number of absentee ballots provided to each voter" and 8) "Others would like to expand the ability to vote via absentee ballot and called for "no-fault" absentee voting." There was a counter proposal to delete number 8 and change the wording of 7) to: "Controls need to be in place insuring that only one absentee ballot is provided to each voter." Ms. Zink voted against the proposed revision. All other members voted in favor of it.

- On pg. 8, Section L, Mr. Eyring proposed adding the following paragraph: “Town clerks and Supervisors of the Checklist should access the USPS publicly available database that tracks permanent address changes and send out 30-day letters to verify voters have moved. This process should be performed on a monthly basis in order to help keep the voter rolls up to date.” Mr. Eyring voted in favor of the change. All other members voted against it.
- On pg. 8, Section N, Mr. Eyring proposed the following wording: “Legislation should be changed to make it easier for citizens to perform their own audits to validate election results, e.g. free and easy access to digital voter rolls, and make ballot public documents. Modify the chain of custody records form to add a space for names to be printed, in addition to mandatory training for election officials who are responsible for maintaining chain of custody records.” Mr. Teschner suggested changing the title of the section from “Citizen ‘Audits’” to “Citizen Access to Voter Information”. There was also a counter proposal to reword the section to read as follows: “Legislation should be considered to make it easier for citizens to obtain appropriate voter information. Mr. Splaine and Mr. Eyring voted against the newly proposed changes. Mr. Swett, Mr. Cook, Mr. Teschner, Mr. Georgevits and Ms. Zink voted in favor of them.
- The whole Committee agreed to move section O “Additional Recommendations the Committee Heard During Public Testimony” to the “Summary of Testimony” section of the report.
- On pg. 8, the Conclusion, Mr. Eyring proposed deleting the first two paragraphs and revising the wording of what remains. Mr. Eyring voted in favor of the deletion. All other Committee members voted against the deletion of the first two paragraphs. Some revisions were made by the Committee to the wording of these paragraphs.

There was some discussion on the absentee ballot process and how to address it within the report. Other topics of discussion included voter information access, chain of custody and training for election officials.

The subcommittee of members Olivia Zink, Co-Chair Swett and Mr. Eyring agreed to meet on Zoom on Friday, December 16, at 4p.m. They will discuss additional findings from public testimony proposed by Mr. Eyring and determine how to include them in the exhibit to the report.

Co-Chair Cook proposed the subcommittee send out the final edit of the report to the rest of the Committee for a final review before the next meeting.

After discussion, the SCVC agreed to meet once more to accept the final report before presenting it to the public.

The Committee will meet for the last time on December 22nd at 1 p.m. in the State Archives Research Room to accept the final report, followed by a press conference at 2 p.m.

Ms. Zink moved to adjourn the meeting; Co-Chair Cook seconded it. All voted in favor.

Meeting adjourned at 4:43 p.m.