

Special Committee on Voter Confidence Meeting Minutes

Approved August 15

Meeting date: July 26, 2022 at 1:00 P.M.

Location: Laconia Public Library
695 N Main St.
Laconia NH 03246

In Attendance:

Committee: Richard Swett (Co-chair), Bradford E. Cook (Co-chair), Ken Eyring, Amanda Merrill, Jim Splaine, and Douglass Teschner

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

Committee Co-Chair Richard Swett opened the meeting at 1:06 P.M., stating Committee members Andrew Georgevits and Olivia Zink were excused. Secretary of State Staff Anna Fay presented corrections to the minutes from the July 12 meeting. Committee member Jim Splaine presented an amendment to the minutes that reads as follows:

“Committee member Jim Splaine asked Ms. Piecuch when she refers to elected officials, is she referring to Secretary of State Staff or people who live in that community? Ms. Piecuch said she is referring to locally elected volunteers at the polling place – the moderator and whomever they designate for the election process. Mr. Splaine asked if these volunteers are residents of the polling district. Ms. Piecuch confirmed they are.”

Mr. Splaine said it was important to add this to the minutes so it is clear for the record. Jim Splaine motioned to add his amendment to the 07/12/2022 draft minutes, seconded by Committee member Ken Eyring. All in favor. None opposed. Co-Chair Brad Cook made a motion to approve the amended minutes, seconded by Committee member Amanda Merrill. All in favor. None opposed. Co-Chair Swett read off the names of testimony received since the 7/12/2022 meeting. Co-Chair Cook made a motion to accept the written testimony, seconded by Committee member Merrill. All in favor. None opposed.

Andrew Smith, Director of University of New Hampshire Survey Center and a political science professor, described his background and experience with elections. He discussed the idea of voting, pointing out we seldom ask why people vote. Mr. Smith discussed the economic costs and benefits of voting, including the psychological benefit. He mentioned concerns about legal components, whether the voter feels their vote counts, and voter turnout. Mr. Smith said he focuses on voter perception, which he says is more important than reality because eventually it becomes a person's reality. He discussed the perception of how elections are run, both before and after the election. He pointed out that NH elections are run largely by volunteers. Mr. Smith talked about how NH elections are different from other states. He testified that NH's turnout rate is about 20% higher than the country as a whole.

Mr. Smith emphasized the importance of trust in the election process. He stated that a lack of constitutional understanding and how our national elections are run affect this. Mr. Smith also mentioned concerns about machine counting and inaccurate results. He said trust in NH elections is actually quite high and the percentage has remained stable over the years. However, there have been significant drops within both parties regarding voter confidence, according to the polls. Mr. Smith highlighted the partisan divide in the results and importance of perception.

Mr. Smith described the difference in confidence levels between counting methods. He said people in hand counting towns are less confident but pointed out this is more likely due to party affiliation. Mr. Smith said voting in NH is considered easy by most voters, summarizing his data and how it affects voter sentiment. He pointed out concerns of voter fraud are much higher nationally. Mr. Smith stated that there is a party divide, concern is bleeding into politics, and perception among a sizeable minority is something to be concerned about.

Committee member Merrill asked if voters are aware of different voting machines and ballot counting methods. Mr. Smith said people are likely responding to their own situations, in their own polling place. Secretary of State Dave Scanlan said there are only two methods used to count ballots in NH, either hand counting or optical scan (Accuvote machine). Ms. Merrill asked Mr. Smith about the methodology used to gather data. Mr. Smith described the randomized method used in relation to panels and sampling. Committee member Splaine mentioned the Committee's mission statement, stating that SOS Scanlan has asked it to come up with ideas on increasing voter confidence. Mr. Splaine asked Mr. Smith for ways to improve voter confidence locally. Mr. Smith said one thing that election officials can do locally is invite residents to observe and volunteer to see how elections are run. He also said the lack of civic education in high school is a big concern.

There was a discussion about perception vs. reality, social media influences, and where people get their information on elections.

Mr. Smith said his presentation, data, and press releases are publicly available on the UNH website.

Public Comment Period

Brad Winslow, Auburn, discussed a forensic study done by Professor White from the University of California — Berkley. Mr. Winslow talked about the law of large numbers and used a coin flip analogy to discuss election results and how outcomes can change in specific precincts. He stated he found some anomalies in machine data from the 2020 Presidential elections in Windham and Merrimack. Mr. Winslow said his inability to explain anomalies affects his voter confidence. Co-Chair Swett asked if Mr. Winslow looked at machines receiving absentee ballots vs. others. Mr. Winslow said the absentee ballots were evenly spread between machines in Windham.

Committee member Splaine asked if Mr. Winslow talked to poll workers in the two towns to get an idea on how they assign voters to machines. Mr. Winslow stated that he did not speak to poll workers. Committee member Ken Eyring confirmed that mail-in ballots were distributed evenly across all machines in Windham. Mr. Eyring cited Harry Hursti's documentary on statistical anomalies and said it's something that should be looked at.

Co-Chair Swett announced that due to time constraints, the remaining speakers would be limited to 10 minutes each.

Daniel Werman, Campton, gave testimony on his experience as a poll challenger during the 2020 Presidential election. Mr. Werman read a letter he sent to the SOS Office, Attorney General, Governor Sununu, and Republican Chair Stepanek. He stated he witnessed many issues at the polling place in Campton. Co-Chair Swett asked Mr. Winslow what solutions he had to the concerns presented. Mr. Winslow said to let people do their job. He stated that Campton knew he was a challenger and what his responsibilities were, but didn't let him do his job. He suggested looking at the list of duties and responsibilities of poll challengers.

There was a discussion about the town checklist, counting accuracies, and voting integrity.

Linda Molinaro, Campton, stated she does not have confidence in NH elections, claiming it is unconstitutional to use machines. Ms. Molinaro discussed various counties and towns that have had issues with ballot counting machines as well as other incidents. She spoke about voting during the 2020 Presidential elections and how her rights were violated. Co-Chair Swett asked Ms. Molinaro what can be done to change the system. Ms. Molinaro asked for accountability and said as a veteran who has mailed absentee ballots from overseas, voters have a personal responsibility to send their ballots in on time.

Nancy Cuning, Lincoln, mentioned Brenda Towne and Marilyn Todd and their research on machines. Ms. Cuning said NH should get rid of ballot counting machines.

Kathleen Powers, Laconia, testified that she would also like to get rid of ballot counting machines. Committee member Teschner brought up NH's tradition of same-day counting and asked if she had any concerns about delayed results with hand counting. Ms. Powers said that she is concerned about uncounted ballots.

Ellen Farnum, Tamworth, said she has a high degree of trust in elections. Ms. Farnum said her experience as a poll worker in Tamworth was positive and procedures were carried out with integrity. She said she is disheartened by conspiracy theories on voter fraud as past election results have not been changed by voter fraud. Ms. Farnum stated safe guards in place work and urged the Committee to speak up for election officials.

Judith Ackerson, Franklin, was a poll worker and now supervisor of the checklist. Ms. Ackerson said she has confidence in how her local elections are run but said towns who have complaints of voter fraud should be addressed. She testified that a great deal of effort goes into investigating voter fraud. Ms. Ackerson says there will be errors but there is no evidence of fraud. She said she hopes the Committee's work does not result in legislative restrictions. Ms. Ackerson mentioned it's hard to find volunteers to work polls. Co-Chair Swett clarified that members of the Committee are not paid. Mr. Swett asked how they can make the election process even better than it is now. Ms. Ackerson said if inappropriate procedures occur, they should be investigated thoroughly.

Ruth Larson, Alton, has been involved in elections as a supervisor of the checklist. Ms. Larson said the SOS Office should assure voters that NH elections are sound. She stated that although

she has respect and applauds the Committee, its creation undermines voter confidence because it suggests that there is a serious lack of voter confidence in NH. Ms. Larson mentioned Andrew Smith's comment on repetition and how it has an effect. She says if you ask a person if they believe fraud has taken place enough times, they will start to believe it. Ms. Larson said an emphasis on and expansion of voting rights would be time better spent. Co-Chair Cook said that Secretary Scanlan has stated on many occasions that NH elections are fair, full of integrity, secure, and are the best in the country.

Sue Nastasi, Rollinsford, NH League of Women Voters and a supervisor of the checklist, discussed the Committee's mission statement and said when the Committee was first formed, many didn't know it was needed. Ms. Nastasi quoted Secretary Scanlan's previous comments on voter confidence. She said NH voters do have confidence in their election and says all elections (local to national) are important. Ms. Nastasi spoke about SB418, the first-in-the-nation primary, the ballot counting process, and party challengers.

Al Brandano, Kensington, mentioned his request to investigate Kensington activity logs. He said the Department of Justice found problems but stated only a 50-ballot test of machines in test mode is required to hold an election in any town. Mr. Brandano said this information is troubling. He discussed machine testing, audits, the chain of custody, and the response from the DOJ Office. Mr. Brandano spoke about requests for absentee ballots by email and whether those who request one have to prove they are US citizens. Secretary Scanlan said a person who requests an absentee ballot must already be on the checklist, and to get on the checklist they need to prove their US citizenship. Co-Chair Swett said that Al Brandano has exposed errors in the system and presented importance of transparency. Co-Chair Cook stated that NH has a complicated system according to statute and asked Mr. Brandano if he thinks it would be helpful to ask the Legislature to simplify election laws. Mr. Brandano agreed and described the confusion with RSAs related to ballot counting machines. Committee member Splaine said the SOS cannot change legislation and suggested Mr. Brandano contact the Legislature directly.

Bob Perry, Strafford, suggested the state make maximum use of HAVA funds and other grants to inform voters of the basic requirements for voting. Mr. Perry also suggested that the state needs to secure and utilize federal funding offered to states to improve election infrastructure, offering opportunities to enhance security, and to replace outdated equipment. He also suggested NH join the Election Registration Information Center (ERIC) and reform campaign finance. Committee member Teschner mentioned ERIC and partisan criticism. Mr. Perry brought up Kansas' version and said ERIC is much more robust.

Co-chair Swett announced the next SCVC meeting is scheduled for August 15th at 5pm in Nashua.

Co-Chair Cook made a motion to adjourn the meeting, Committee member Teschner seconded it. All voted in favor. None opposed.

Meeting adjourned at 4:01pm.