

Special Committee on Voter Confidence Meeting Minutes

(Approved 9/28)

Meeting date: September 6, 2022 at 1:00 P.M.

Location: Keene Public Library, Heberton Hall
60 Winter St
Keene, NH 03431

In Attendance:

Committee: Richard Swett (Co-chair), Bradford E. Cook (Co-chair), Ken Eyring, Andrew Georgevits, Amanda Merrill, 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 1:06 P.M. The Committee members and Secretary of State Staff introduced themselves. Committee members Jim Splaine and Douglass Teschner joined on Zoom. Committee member Olivia Zink moved to approve the 08/23/2022 draft minutes, seconded by Committee member Andrew Georgevits. All in favor. None opposed. Committee member Amanda Merrill moved to accept written testimony, seconded by Committee member Georgevits. All in favor. None opposed.

Committee member Merrill introduced presenters Professor Charles Stewart III, Professor Brendan Nyhan, and Professor Michael Herron. She described their experience researching and teaching election administration and voter confidence.

Professor Michael Herron, Dartmouth College, described his research on election administration, which he defined as the mechanics and conduct of elections. He said he uses the term voter fraud in an academic rather than legal sense, and said there are two categories: narrow and systematic fraud. Professor Herron said narrow fraud claims focus on specific jurisdiction and groups of people, and are most common in close election outcomes. He said systematic claims can do significant damage and the press is not always equipped to cover systematic fraud claims investigated by legal proceedings and accompanied by mathematical documents. He said the data available differs by state. Professor Herron talked about the focus on vote by mail in New Hampshire, the lack of a necessary breakdown and partisan patterns in data and how they are interpreted. He mentioned the Attorney General's biannual report on election integrity and how unusual it is compared to other states. He suggested making it clear in reports how many allegations of fraud are dismissed based on clerical errors.

Professor Charles Stewart III, Massachusetts Institute of Technology, described his research and consultation work on improving elections. Professor Stewart discussed the importance of using caution when creating voter reform to boost voter confidence and suggested improving transparency and following best practices. He mentioned the survey on the Performance of

American Elections, which focused on voter confidence, and shared his takeaways: abstract questions tend to increase respondents' grumpiness and voter confidence is greatest on the local level, lowest on the national level. He cited the difference in responses locally vs nationally. Professor Stewart added voters are more confident when their candidates win, citing data from 2016 and 2020. He also stated that voter confidence is greater when the voter has a great experience. Professor Stewart said there is no proof that changes in voter ID laws increase confidence and said people who support the laws that are passed have higher confidence while people opposed have less confidence. He talked about how emotions have risen and the media reinforces dissatisfaction. Professor Stewart said before 2020, despite attacks against electronic voting machines, they were still the most popular method for counting votes and said partisanship played only a small role in how respondents viewed different voting machines up until 2020. He stated the change itself in how ballots were counted changed confidence. He spoke about a study that compared hand-counted ballots vs scanners for accuracy and said that while logic and accuracy studies are done on ballot counting machines, they are not done on human beings. Professor Stewart suggested auditing could increase voter confidence but cautioned against overestimating the effect of technological change.

Professor Brendan Nyhan, Dartmouth College, studies political science and psychology, with a focus on public opinion. Professor Nyhan stated not everyone is attentive to the details of politics but they do respond to messages that they receive from political elites. Professor Nyhan said there is extensive evidence from public opinion surveys and scientific experiments that demonstrate the effects of messages from partisan elites, stating voter confidence plummeted after the 2020 election following claims the election was "stolen." He also said the results of an experiment showed that describing the results of an official audit modestly increased voter confidence. Professor Nyhan stated that unified elite messages will increase voter confidence and an attack of election results decreases confidence. He also said studies show prolonged exposure to baseless claims of voter fraud decrease voter confidence. Professor Nyhan said what we need is both parties on the local and state levels to reaffirm elections are trustworthy.

There was discussion about acknowledging fraud and discrepancies, how confident NH voters are and the importance of bipartisanship relating to confidence. The Committee also discussed addressing concerns about evidence presented to them, voter ID laws, and affidavits.

Public Comment Session

Samantha Buckley, Secure Democracy USA, said NH should prioritize allowing the pre-processing of absentee ballots, adding illness as an excuse for absentee voting, establishing post-election audit requirements, expanding access to voter registration for eligible residents and protecting voter rolls.

Alex Tischenko, Institute for Responsive Government, spoke about the Electronic Registration Information Center (ERIC) and the importance of joining it.

Lisa Danetz, Brennan Center of Justice, testified on what NH does well and what could be improved. She suggested modernizing ballot counting machines, updating the voter registration process, using Help America Vote Act (HAVA) funds to purchase new Election Assistance

Commission-certified (EAC) tabulators, and adopting post-election tabulation audits. Ms. Danetz highlighted the *Election Infrastructure Insider Threat Mitigation Guide* published by the Cybersecurity & Infrastructure Security Agency (CISA).

John Segedy, Hillsborough, spoke about his participation in recounts. He said only a couple of figures changed, most due to double markings, but no results/outcomes changed. Mr. Segedy said he has not seen a lack of confidence until recent years with repeated attempts by politicians to address supposed problems that didn't actually exist in any great number. He said, in his opinion, changes have made it harder for citizens to have confidence in voting and measures that make it harder to vote just as much if not more of a concern. Mr. Segedy affirmed he has received training as a moderator by the Local Government Center and requested more information on the Secretary of State's training sessions.

John Therriault, Keene, Ward 5 Clerk, testified on his own behalf and thanked the Legislature and Secretary of State's office for incorporating post-election audits. He spoke about the AccuVote counting machine and said it does a reasonably good job counting votes. Mr. Therriault said the AccuVote machines will be outdated in 2 years and if a suitable machine cannot be found, he suggests NH go back to hand-counting votes.

Tina Barton, Committee for Safe and Secure Elections, testified about violence and threats against election officials and touched upon her personal experience with receiving threats. Ms. Barton stated that election officials need protection and need to be amplified as trusted sources of information.

Matt Mooshian, Claremont City Councilor and 603 Forward member, explained his experience volunteering at polls and how it showed elections are well run and fair. Mr. Mooshian cited a poll that said over 80% of NH voters think elections are fair. He said if the SOS office provided a template for town websites, improved voter access and enrolled in ERIC, it would have a positive impact on the election system.

McKenzie St. Germain, Manchester, NH Campaign for Voting Rights, presented the Committee a poll on voter confidence in NH and said NH voters have a high level of confidence in elections. Ms. St. Germain suggested modernization and improving election access would increase confidence in NH.

Connie Boyles Lane, Concord, D-12, described her involvement with the House Election Law Committee and being one of the bi-partisan co-authors of SB43. Ms. Lane said imperfection in voter registration and tougher voter laws, along with campaign finance loopholes, lead to lack of voter confidence. She called for modernization and said we must continuously refute conspiracy theories. Ms. Lane said NH has an election system that is trustworthy. She said redistricting has led to gerrymandering and she has lost her faith in the process of redistricting over the past year. Ms. Lane called for an independent redistricting commission.

Patricia Little, Keene City Clerk, stated there is strong independence on the local level but volunteer election officials must adapt to frequently changing election laws. Ms. Little emphasized that NH elections are run by citizens. She said election officials will have more work this coming cycle but she supports the underlying objective of more transparency. Ms. Little

mentioned a bill that would take away an elected official's right to vote if they were found to have committed misconduct. She also called for the modernization of voting equipment.

Suzy Krautmann, Keene, asked if the NH Primary was included in the Professors' data and if both political parties need to agree on the format of the Presidential primary. She said super delegates decrease voter confidence.

Ed Haas, Keene, said the voter registration process and how secure it is should be emphasized. He suggested joining ERIC to maintain the voter rolls and asked the Committee to market the report outside of news publications.

Chuck Redfern, Keene, a former city councilor, discussed out-of-state college students and requirements for voting. He said at Keene State College, freshman orientation packets are given out and suggested the same should be done for election information. Mr. Redfern supports the use of ballot-counting machines with paper ballots.

Joseph Marzoff, Keene, said he prefers the term election integrity over voter confidence. He talked about the 2016 primary, cited a report that compared exit polls and actual results, and said there was a large deviation between exit polls and results. Mr. Marzoff said he supports election audits but thinks the two-party system has a lot of control. He would like to see four parties on the ballot.

Kristi St. Laurent, Windham, discussed in-person/absentee voting trends in the 2020 General Election. She said no fraud was found and that the discovery of anomalies in the 2020 Windham election are harshly worded in the audit, which affects how people view absentee voting. Ms. St. Laurent emphasized ballot counting machines are dated and cannot be connected to the internet because they predate Wi-fi and Bluetooth. She stated evidence of systematic fraud was not discovered in the Windham audit. She said this information needs to be communicated, emphasizing the lapses did not change the result. Ms. St. Laurent said trusted sources should be used to promote the trustworthiness of elections. Committee member Eyring said it is important not to downplay the 2020 Windham audit, the report from the AG's office and SOS, emphasizing errors were made. Ms. St. Laurent said the machines worked properly.

The Committee discussed when they would meet again to start writing the report.

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

Meeting adjourned at 4:51 pm.