

**NEW HAMPSHIRE BALLOT LAW COMMISSION**  
**MINUTES OF COMMISSION MEETING**  
**April 5, 2023**

The New Hampshire Ballot Law Commission met at the State Archives building in Concord, on April 5, 2023, at 10 a.m., according to notice. Those Commissioners attending and voting were Chairman Cook, and regular members Campbell, Eaton, LeTourneau and Sullivan. Alternate members Hess and Messier also attended.

Chairman Cook called the meeting to order at 10:05 a.m. He reviewed the agenda. The first order of business was approval of the minutes of the January 11, 2023 meeting. After motion duly made and seconded, it was, unanimously

**VOTED: To approve the minutes of the January 11, 2023 meeting, as distributed.**

Chairman Cook explained the plan for continued review and approval of new vote counting devices, which included the provisional use of four different devices at last fall's elections, and at recent municipal elections. He introduced Secretary of State Scanlan, who further explained the process, and introduced the audit team from his office, Eric Forcier and Jennifer Cote. They presented written reports on the audits performed after the use of different devices, the ES&S device in Winchester, Dominion ImageCast device in Londonderry and Milford, and Clear Ballot device in Ashland, all in municipal elections held in the last two weeks. The reports indicated that all devices operated well, and any variations found in the audits were within normal ranges, for explainable reasons. Questions from the Commission members followed.

Town moderators from Milford and Londonderry presented their observations from the use of the Dominion device in their towns, and indicated success and satisfaction with the operation of the devices. Questions followed.

Secretary Scanlan and Mr. Cook indicated that they would work out a proposed schedule of meetings to move the process of selection of new devices forward with the hope of making a decision this calendar year.

Secretary Scanlan presented the need for the Commission to authorize the use of two different devices in municipal elections to be held in Hanover and Moultonborough in May. After motion duly made and seconded, it was, unanimously

**VOTED: To approve draft decisions BLC 2023-1 and BLC 2023-2, as presented to the Commission, authorizing the provisional use of the ES&S device in Hanover's election on May 9, 2023, and the VotingWorks device in Moultonborough's election on May 9, 2023.**

The next order of business was a presentation by Lou Gargiulo, candidate for New Hampshire Senate District 24 in 2022, who requested a recount after the initial vote count, and appealed from the results of the recount. At a prehearing conference with Chairman Cook, it was agreed he could present his concerns about irregularities in election process to the Commission, but was not contesting the result of the election, which is what led to his presentation.

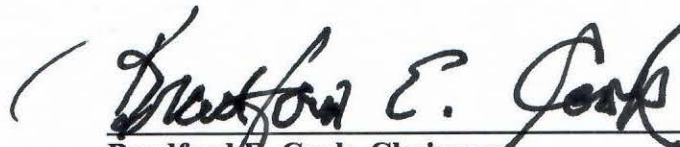
Candidate Gargiulo and his counsel presented extensive materials to the Commission regarding many alleged failures to follow processes and requirements during the election, making clear they were not seeking to cast blame on individuals, but to see how the system could be improved. After the presentation, Secretary Scanlan explained what his office was doing to improve training and adherence to legal required procedures. Chairman Cook explained that the Commission lacked jurisdiction to provide a remedy, but could refer the matter to the Attorney General's office and the Secretary of State. After motion duly made and seconded, and after discussion, it was

**VOTED: To refer the materials presented to the Attorney General's Office and the Secretary of State. (Commissioner Sullivan voted against the motion.)**

There being no further business to come before the meeting, and after motion duly made and seconded, it was, unanimously

**VOTED: To adjourn, at 11:50 a.m.**

**A true record, attest.**

  
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Bradford E. Cook, Chairman