

FAQ FOR THE COMMISSION

Citizen request · September 17, 2026 · NH Voter Integrity Group. Please keep with the packet.

WHAT THIS IS

A request under NH Constitution - Part I, Articles 8, 32, and 38 to exercise unused stewardship — authority already conferred.

The Commission approved the systems. RSA 656:41 and 656:42 already charge it to examine and certify them and to write the rules that keep them accurate and secure. That duty has not been used on the units towns have purchased. We do not ask for a new statute today, a ban this fall, or a finding that a named race was stolen.

THE SPLIT TO KEEP CLEAN

HAVA, EAC, and Title LXIII are not the same act.

HAVA. 2002 federal floor: paper record with manual-audit capacity, overvote notice, accessibility, error-rate limit. Created the EAC. Not a field inspection of a New Hampshire machine.

EAC. Voluntary laboratory certification of a vendor sample against guidelines. Does not inspect the unit in the town closet or confirm RSA 656:42, X on a field unit.

RSA 656:41 / 656:42. This Commission's charge. Examination, conditions of approval, testing rules, programmed media. The field test, technical advisor, bill of materials, and serial-number log are asked under these sections — not as a HAVA mandate.

QUESTIONS WE EXPECT

Short answers for the dais.

Are you alleging the machines were hacked?

No. No independent person has field-tested the New Hampshire configuration against a vendor list. ImageCast does not publish the code or the parts list. VotingWorks provides a partial list. No BLC examination exists to confirm either vendor claim, including the claim that the unit cannot reach a network. That is a process gap, not a claim about a contest.

Is approving the model enough?

EAC tests a sample of the model. 656:41 approves a model. Towns run units. Approving the model does not inspect the unit in the closet. If any part on that unit has changed, the unit must be re-approved. RSA 656:42, X requires no internet connection. RSA 656:42, X requires that no New Hampshire machine have access to the internet. Logic-and-accuracy testing validates ovals. Custody is supposed to track ballots and hardware; the file already documents years of process failure. Software, firmware, and trusted sources have not been examined. Without an examination of the unit, the BLC has no evidence the ban is met. Vendor talk or a manual is not evidence. A demo is not evidence. An EAC sample is not evidence. A clean oval tape is not evidence.

Does a demo, an EAC lab, or a morning oval test confirm no internet?

No. A demo shows ovals. EAC looks at a sample of the model. A morning oval test reads a test deck. None of those examines the unit in the closet for a radio, a modem, or an open port. RSA 656:42, X is a use ban. Without an examination of the unit, the BLC has no evidence the ban is met.

Why does a bill of materials in the field matter?

Approval and any EAC certificate attach to a specific list of hardware and firmware. ImageCast does not publish the code or the parts list. VotingWorks provides a partial list. No BLC examination exists to confirm either vendor claim, including the claim that the unit cannot reach a network. If a board, card, or chip is swapped after that, the town is counting on a machine nobody examined. L&A will still read the ovals. The Concord rescan will still recount the paper. Neither will notice the box changed.

Does HAVA require the field test?

No. HAVA requires a paper record that can be counted by hand. Congress later funded states to go further. The four asks are state-law conditions this Commission can attach now.

Do we have authority to add a technical advisor?

RSA 665 does not require one as a member. RSA 656:41 and 656:42 already authorize you to bring that expertise into the review. Declining to retain is a choice, not a lack of power.

Isn't the RSA 660:35 audit the field test?

No. After the September 8 primary the Secretary selected eight devices — 3.8 percent of total machines in 209 machine towns — after the cards were programmed, by the office that programs them. Ballots are rescanned in Concord on equipment that office procured. That checks a tape against a second count. It does not open the box. RSA 660 and RSA 656 are different duties.

Is eight devices a 99 percent statistical sample?

No. Confidence level without a margin of error does not set n. For 99 percent confidence and a five-point margin on 209 units, planning formulas call for on the order of 190 examinations. Eight is the statutory floor in 660:35, not that design.

Who pays? Must towns buy a new system?

Not this request. Use existing approval conditions and vendor cooperation. We are not asking towns to purchase a replacement this fall.

Does this undermine confidence?

Independent verification is how confidence is earned. A public written finding either way is the measure.

Are you asking us to take machines out?

Not in this request. Four items: field examination, technical capacity, parts list compared to the box, written answer in 60 days.

The voter-confidence committee already looked at machines.

The 2022 committee was appointed by the Secretary and co-chaired by this Commission's chair. Eyring's January 5, 2023 addendum asked for independent verification of machines. Neither document is a field comparison of a bill of materials to the unit in the closet.

Why not a formal HAVA complaint from the microphone?

One is already on file. It is under federal review and documents years of custody breaks: missing logs, resealable tape and seals, no serial trail. Today's four asks are RSA 656. The federal file is the multi-year custody record — not a substitute for this Commission examining the devices it approved.

The legislature has to do this.

The General Court already conferred the examination and rulemaking power. A 60-day written answer should cite the statute relied on, or include recommendations to the General Court to fix immediately. If the power sits unused, LSR-A and LSR-B go to the 2027 session.

WHAT WE ASK YOU TO PUT IN THE MINUTES

A finding, not silence. Yes, no, or taken under advisement belongs in today's minutes. A finding can be reviewed. Include whether 656:42, X has been examined.

1. Field examination on town-owned units, public selection, no vendor financial tie.
2. Independent technical capacity for the security review.
3. Vendor bill of materials compared in the field. A radio or board not on the list is an alteration.
4. Written response in 60 days, or General Court recommendations to fix immediately.