October 30, 2026

Attorney General John M. Formella
New Hampshire Department of Justice
Election Law Unit
1 Granite Place South
Concord, NH 03301

U.S. Election Assistance Commission
(HAVA Title III Complaint)

Re: Supplemental to Chain-of-Custody Complaints – Misleading Ballot Box Demonstration and Official One-Seal Instructions

Dear Attorney General Formella and the U.S. Election Assistance Commission:

This is a supplemental filing to the chain-of-custody complaints previously submitted by Al Brandano (NH Attorney General complaint and HAVA Title III complaint). It addresses a material discrepancy between the demonstration given to a New Hampshire senator at the Secretary of State's office and the actual written instructions provided to town clerks for securing the 2026 ballot containers.

On or about October 30, 2026, a New Hampshire senator visited the Secretary of State's office regarding the ballot box concerns raised in the complaints. The Secretary of State's office demonstrated the boxes using three zip seals. Even with three seals applied, the senator was able to insert his hand into the box. This demonstration was misleading. The official written instructions issued to town clerks specify only one zip seal, placed through the front of the lid into a hole and affixed to the box. No additional seals are authorized. Clerks were provided only one security tag per box and were instructed that they were forbidden to add any additional security tags.

The official instructions (Ballot Box Instructions, November 2026) state, in relevant part:
"c. With the green security seal secured, it is now time to attach the sticker label. Do NOT put the label over the front of the box… You are not required to use red tape to secure the seal onto the box—the back side of the label is a sticker."
The accompanying photographs in the instructions show a single green security seal through the front of the lid. A screenshot of these instructions is enclosed.

A training video distributed to clerks demonstrates the same single-seal procedure. The video is available at:
https://drive.google.com/file/d/1pLusk1OhbT6ZWn_FST5sc9KI3kIHjbGo/view?usp=drivesdk

A contemporaneous text message exchange between Senator Gannon and a constituent confirms that clerks were instructed to use only one zip tie and were told they were forbidden to add additional security tags. The constituent further reported that even with zip ties on both ends and the middle, ballots could still be inserted through the handle-hole area after the handle was pushed in. Screenshots of the exchange are enclosed.

The use of three seals in the demonstration to the senator created a false impression of security. Under the actual instructions given to clerks, the boxes are secured with only one seal. The physical design of the boxes (scored lines and cut-out slots on the side flaps) allows the ends of the lid to flex open even when the middle is sealed. The single-seal instruction leaves the boxes less secure than the three-seal demonstration suggested. This discrepancy is material to the chain-of-custody complaints already filed. Ballots stored in containers that can be opened without breaking the single authorized seal cannot be reliably tracked from the polling place to the archive building, contrary to the auditability requirement of HAVA Title III § 301 and New Hampshire chain-of-custody standards.

We respectfully request that this supplemental information be made part of the record of both the New Hampshire Attorney General chain-of-custody complaint and the HAVA Title III complaint. We further request that the Attorney General and the Election Assistance Commission require the Secretary of State to restore continuous chain-of-custody documentation (time, date, and signature fields) and to require additional security tags in the existing end holes of the boxes before the November election.

Respectfully,

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Enclosures:
1. Screenshot of Ballot Box Instructions showing single green security seal
2. Screenshots of text message exchange with Senator Gannon