NEW HAMPSHIRE SECRETARY OF STATE
David M. Scanlan

October 28, 2026

Dear Members of the Legislature, Governor Ayotte, and Attorney General Formella,

I write to respond to an email sent on October 26, 2026, related to concerns about the electronic ballot counting devices that the Ballot Law Commission (BLC) approved for use in New Hampshire elections. The email ignores the reams of evidence my office has put forth showing that the two devices used in New Hampshire do not contain network functionality. Neither the law nor the evidence warrants the State to examine every single device in use in the State as demanded in the letter, especially considering all of the protections in use surrounding the approved ballot counting devices.

The State has always worked to ensure ballot counting devices continue to be secure and reliable. That is why the State enacted substantial, redundant procedures and controls to ensure these devices remain safe and secure against tampering. As stated at the October 19 Ballot Law Commission hearing, those procedures and controls include the following:

1. **Safeguards Already in Place**

New Hampshire law already has a host of safeguards in place to ensure devices are secure and transparent, and that any anomalies would be quickly discovered. To name just a few:

- Paper Ballots: New Hampshire uses a paper ballot, that is why we do not call them "voting machines" but rather "counting devices." The paper ballot allows us to audit the devices, conduct recounts, and trust that there is always a physical record of the election results.
- No Internet Connectivity: New Hampshire law and the Ballot Law Commission's conditions of approval prohibit ballot counting devices from being connected to the internet or having network capacity.
- Public & Transparent Device Approval Process: The process of obtaining conditional approval from the BLC of the two ballot counting devices used in New Hampshire was transparent and open to the public.
- Independent Testing of Software & Hardware: The federal Election Assistance Commission certified independent testing labs, which reviewed device software and hardware before certifying that the devices do not have network functionality.
- Election Cybersecurity Expert Consultants: My office frequently reviews ballot counting device technology with independent and nationally recognized cybersecurity experts, including Jason Ingalls and Harri Hursti.

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- Public Pre-Election Testing: Every municipality tests each device prior to each election, using ballots that are marked and hand counted to compare with the machine count. If the hand count does not match the machine count, New Hampshire law prohibits the devices from being used. These tests are conducted in public, and any member of the public can watch.
- Secure Storage between Elections: Ballot counting devices are securely stored in municipal clerks' offices, and the devices have seals to detect any attempt to tamper with the device. Clerks maintain activity and custody logs for the devices and seals.
- Secure Custody during Elections: During elections, ballot counting devices remain behind the guardrail and are supervised by election officials to prevent unauthorized access.
- Attorney General's Office Polling Place Inspections: During state elections, representatives from the New Hampshire Attorney General's Office inspect polling places and, as part of that inspection, they ensure ballot counting devices were tested, have proper seals, and have custody logs.
- Public Voting & Counting: All New Hampshire elections are public, and any member of the public can observe voting and tallying from outside the guardrail.
- Public Random Device Audits: New Hampshire conducts audits of randomly selected ballot counting devices after each state election. These audits regularly confirm the accuracy and reliability of ballot counting devices.
- Public Candidate Recounts: New Hampshire conducts recounts of numerous races after each state election. Each recount involves a hand count of every single ballot, and observers from involved candidates can observe every ballot as it is counted. The recounts regularly confirm the accuracy of machine counts.
- Public Top-of-the-Ticket Audits during Recounts: During general elections, New Hampshire audits top of ticket races when conducting recounts of state representative races. These audits regularly confirm the accuracy of machine counts.

2. **Ballot Counting Devices Used in New Hampshire Are Not Capable of Internet Access**

RSA 656:42, X provides that "No electronic ballot counting device shall have access to or be connected to the Internet." Both the Liberty Votes and VotingWorks devices that were conditionally approved by the BLC were required to comply with New Hampshire laws, including this one.

The President of Liberty Votes—Scott Leiendecker—and Executive Director of VotingWorks—Ben Adida—attested ahead of the October 19 BLC hearing that every device delivered to New Hampshire cities and towns comply with the law, including that they do not contain any network functionality.

Additionally, independent testing as part of a federal approval process has confirmed that neither device contains network capability or functionality. The federal Election Assistance Commission operates a voting system testing and certification program, run through accredited third-party test laboratories. Known as the Voluntary Voting System Guidelines (VVSG), both the Liberty Votes and VotingWorks devices were certified under the VVSG 1.0 standards. VotingWorks is also certified under the 2.0 standards, and Liberty Votes has finished the testing portion for the 2.0 standard and expects to be certified.

Through this testing, both independent laboratories confirmed that networking functionality is not present in the software or physical systems of either device.

3. **Our Cybersecurity Expert Testified that a Radio Frequency Scanner Cannot Show Network Functionality in a Device at a Polling Place**

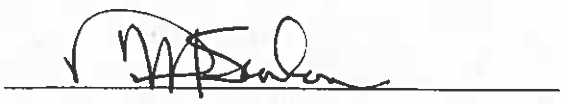
My office engaged a third-party and nationally recognized election and cybersecurity expert who reviewed the report from Nashua that the moderator used a radio frequency (RF) scanner which emitted readings from the ballot counting device in the polling place. The expert testified that RF energy exists throughout the world in increasing amounts as technology is deployed. As an example, he testified that cell phones (which would be ever present at the Nashua polling place where the moderator used an RF scanner) with WIFI capabilities emit strong RF signals.

He went on to say that although an RF scanner such as the one used by the Nashua moderator can detect RF energy and frequency generally, it cannot determine whether there is a logical circuit transiting that frequency that might transfer information much less whether that is a network connection much less whether that network connection is even enabled to access the internet.

In sum, our expert reviewed the allegations from Nashua and concluded that neither device has the ability to connect to the internet and the RF scanner experiment attempted at the polls does not change that.

4. **Municipalities Maintain Local Control Over Use of Ballot Counting Devices**

New Hampshire law does not force municipalities to use ballot counting devices. In New Hampshire, 110 towns and cities still hand count their ballots. This process allows local communities to maintain control over whether they wish to use one of the devices approved by the BLC or continue hand counting their ballots. And, if they wish, the law permits them to go back to hand counting after having decided to use devices.



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Secretary of State