

New Hampshire Secretary of State Electronic Ballot Counting Devices

October, 2011

Statutory Requirements

This article is to remind city/town Clerks and moderators about the statutory requirements for securing and testing electronic ballot counting devices and memory cards which are used during each election at your polling place.



Electronic Ballot Counting Device - EBCD

New Hampshire elections have traditionally served as a model of efficiency and purity for other states to follow. In order to maintain this impressive status, it is important for election officials, in towns and cities that use these counting devices, to comply with the provisions of RSA 656:42.

Securing the Counting Devices and Memory Cards

Prior to placing counting devices into service in any election, moderators are required to verify that all seals on the device are intact. RSA 656:42 VIII (d)(4)


Town or city clerks are responsible for making sure that the counting devices used in their polling places are sealed in the following areas: RSA 656:42 VIII (d)(1)


- a. The connections of the 2 zippers on the closed canvas cover of the counting device.
- b. The metal bar in front of the inserted memory card.
- c. Counting device housing:
 - i. The seam connecting the 2 hard shell covers on the front of the counting device.
 - ii. The seam connecting the 2 hard shell covers on the rear of the counting device.
 - iii. The 3 communication ports in the rear of the counting device




Electronic Ballot Counting Device tamper evident labels and wire wind-up seals are available through the counting device vendor.


Town or city clerks are required to update activity logs supplied by the Secretary of State each time a seal is broken and a new one installed. The clerk must also record the reason for which the seal was broken. Activity logs must be maintained for the counting devices, the canvas bags that the devices are stored in, and the memory cards. RSA 656:42 VIII (d)(2)


 State of New Hampshire
 SOS Electronic Ballot Counting Device Activity Log
 City/Town of _____ Ward ()


Counting Device	EBCCD Serial Number _____ Model - Circle One A-Global B C D																																																																																																										
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 State of New Hampshire
 SOS Electronic Ballot Counting Device Activity Log
 City/Town of _____ Ward ()

Canvas Bag	EBCCD Serial Number _____ Model - Circle One A-Global B C D																																																																																																										
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Electronic Ballot Counting Device Activity Logs are available on-line at nhvotes.sos.nh.gov in the glossary section and also at nhctca.com.

No person shall break a counting device seal without the presence of 2 witnesses. Whoever breaks a seal must update the activity log, obtain the signatures of each witness, record the reason for breaking such seal, ensure that it is resealed with a new seal immediately, and properly record the new seal number on the activity log. RSA 656:42 VIII (d)(3)

Before counting devices can be used on Election Day, moderators must verify that any broken seals have been promptly resealed and that the activity log has been properly recorded and signed. RSA 656:42 VIII (d)(4)

If, on Election Day, a moderator notices that any seal on the counting device appears tampered with or broken without an adequate record in the activity log, the moderator shall refrain from using the counting device in that election, and shall report the apparent tampering to the attorney general, the secretary of state, the town or city clerk, and the selectmen. RSA 656:42 VIII (d)(5)

You should be aware that pursuant to RSA 656:42 VIII (d)(6), officials from the Attorney General's Office and the Secretary of State's Office have the authority to review all counting devices and activity logs at any time. Officials from the Attorney General's Office routinely inspect polling places across the state during State Primary and General Elections as well as during Presidential Primary Elections. If such an inspection reveals a lack of a required seal or a seal that appears broken or tampered with, the counting device may be pulled out of service for the remainder of the election. Such a result would result in the hand counting of all ballots, including those cast prior to the counting device being placed out of service.

Whenever the town or city clerk receives a memory card from the vendor, they must break the memory card seal, insert the memory card in the electronic ballot counting device and apply a new seal. RSA 656:42 VIII (d)(7)



Pre-election tests shall be conducted as follows:

The Secretary of State's Office recommends that fifty ballots be used for a pre-election test.

Upon receipt of the official ballots from the secretary of state, the town or city clerk shall remove the number of ballots needed to test the electronic ballot counting device from among the official ballots and keep them separate and secure from the remaining official ballots thereafter.

The town or city clerk shall mark any ballots used for testing with the words “**TEST**”.

The town or city clerk shall mark the test ballots in such a way as to demonstrate a vote for each candidate on at least one test ballot, as well as votes for less than and more than the number of candidates that may be voted for an office, write-ins, multiple votes for a candidate who appears in more than one party column for the same office on a general election ballot, and ballots on which there are no votes.

The clerk shall mark as many of the combinations of choices that a voter may indicate on the ballot as possible.

The town or city clerk shall run each of the test ballots through the counting device in the following orientations: Top first with side one face up, bottom first with side one face up, top first with side one face down, and bottom first with side one face down.

The town or city clerk shall count the votes marked on the test ballots that were run through the electronic ballot counting device, multiply the results by 4 to account for the 4 different orientations, and check these results against the tally from the electronic ballot counting device. RSA 656:42 VIII (e)(2)-(6)

If a counting device's tally does not match the tally of the hand count of the town or city clerk, the clerk shall notify the moderator, who shall order that the electronic ballot counting device not be used at the election. RSA 656:42 VIII (e)(7) If this occurs, the clerk should contact the vendor and make an appointment for the counting device to be examined.

Town or city clerks are required to document the pre-election test that they conducted by preserving the test ballots, the results of the hand count of the votes on the test ballots made by the town or city clerk, and the results from the electronic ballot counting device that was tested. RSA 656:42 VIII (e)(9)

It is recommended that the test results certified by the moderator on Election Day be kept in the front pouch of the canvas bag used for that counting device.



The Secretary of State's Office appreciates your dedication to this state's election process. It is because of the hard work by election officials that our elections continue to be a model for other states to follow. Should you have any questions regarding these instructions or the electronic ballot counting devices in general, please call the Secretary of State's office @ 271-3242 or the HAVA Help Desk @ 271-8241.

**Comments / Questions?
Call the HAVA Help Desk @ 1-800-540-5954**