



**NEW HAMPSHIRE SECRETARY OF STATE**  
**David M. Scanlan**

January 19, 2024

Michael Bean  
112 Grove Rd  
Rye, NH 03870  
Via e-mail: [beanmi@gmail.com](mailto:beanmi@gmail.com)

Mr. Bean,

The Secretary of State's Office has received your follow up letter of January 18, 2024.

For each polling place, the absentee ballots are identical to the election day ballots, except that the absentee ballot has the word "Absentee" printed in the header and the printer adds score marks, an indent, to facilitate folding the ballots so that the ballot folds into 1/3rds for mailing and the folds do not cross through an oval. The ballot counting device "reads" the timing marks at the top and bottom of the ballot to verify it is the correct ballot for that polling place. Otherwise, the device does not examine the words written in the header, therefore the presence or absence of the word "Absentee" has no impact on ballot counting or testing.

The primary purpose of testing a ballot counting device is to ensure that it counts a filled in oval for the associated candidate (or write-in) and that the device accurately reports the total number of votes each person receives on the ballots tested.

A test using election day ballots is effective at confirming that the device is correctly programed to read each completed oval and, provided the ballot is not overvoted, to credit the correct candidate with a vote where the oval associated with that candidate was filled in. Because the absentee ballot has the candidates and ovals in exactly the same position on the ballot as on the election day ballot, the test of one type of ballot is effective to test how the device will count both types of ballots. RSA 656:42, VIII (e), which requires testing, does not require that absentee ballots be used in the testing. Your statement that a test with election day ballots "is zero evidence to support the accuracy of the machine or predict how a folded ballot will be read" is inaccurate.

We continue to conclude that there is no basis to change the guidance previously issued to local election officials.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Orville B. Fitch II".

Orville B. Fitch II  
General Counsel,  
Assistant Secretary of State  
Secretary of State's Office