

## Checks and Balances in New Hampshire: The Post-Election Day Process

American elections are run by local and state officials alongside tens of thousands of our friends and neighbors from both political parties. These bipartisan teams count, canvass, and audit every ballot — whether in person or by mail — verifying identities, inspecting ballots, and ensuring each is counted as intended. This rigorous process leads to the final step: certification. This is the straightforward phase of the process, in which election officials declare the winners.

**This memo outlines the checks and balances in New Hampshire that ensure all state and local rules are followed.** Importantly, this is nonpartisan educational research intended for 501(c)(3)-compliant purposes only. It is not to be used for any partisan, political, or electioneering activities by any organization.

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### Counting: Technology and Bipartisan Oversight Work to Triple-Check Results for Accuracy

New Hampshire law mandates specific processes for counting ballots using automatic tabulation equipment. This process requires participation by a team of bipartisan election workers and includes equipment testing and periodic reconciliation of results.

#### Quality-Tested Technology Leads to Trustworthy Results

Ballots can be counted using automatic tabulation equipment at each polling location. New Hampshire law requires logic and accuracy testing of tabulation machines no later than the Wednesday before Election Day.<sup>1</sup> Logic and accuracy testing ensures that voting equipment functions as expected and accurately counts votes as marked.

#### Transparent Processes Instill Confidence

Voters insert their own ballot into the tabulation equipment at the polling location, and the equipment must be programmed to return any ballot with an overvote — when a voter has marked more choices for a seat than permitted.<sup>2</sup> Automatic tabulation at a polling location

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<sup>1</sup> RSA 656:42

<sup>2</sup> RSA 656:42

occurs once polls close. Once polls close, the tabulation equipment totals the results and provides a results tape which, along with multiple election night results documents, must be certified and signed by the town or ward clerk before being sent to the secretary of state.<sup>3</sup>

In New Hampshire, officials must transmit election night returns to the secretary of state the night of the election, but no later than 8 a.m. on the day following the election. Clerks make a copy of the statement of the vote totals for their office and another copy to be sent to the secretary of state.<sup>4</sup>

Towns have the authority to determine how they want to count their ballots. Currently, over 100 towns hand count their ballots.<sup>5</sup> There are no statutory requirements related to the methods for hand counting ballots.

## **Canvassing: Secretary of State Examines and Totals Local Returns**

Canvassing is the process of compiling vote totals reported in returns from throughout a jurisdiction. In New Hampshire, canvassing occurs at the state level. The secretary of state conducts the state canvass for all general state elections and ballot measures. Upon receiving all returns for an office, the secretary of state must “examine, record, and total such returns.”<sup>6</sup> The secretary of state declares the winning candidate.

## **Certification: The Voters have Selected Their Leaders**

Once canvassing is completed — and the time to file for a recount or appeal has lapsed, or all candidates for an office have waived their right to a recount or appeal in writing — winning candidates receive a certificate of election.<sup>7</sup> For electors of the president and vice president or for United States senators and representatives, the governor issues certificates of election.<sup>8</sup> For state senators and representatives or county officers, the certificate of election is issued by the secretary of state.<sup>9</sup>

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<sup>3</sup> RSA 658:32 and 659:75

<sup>4</sup> RSA 659:75

<sup>5</sup> Hand Count Ballots, <https://www.sos.nh.gov/hand-count-ballots>

<sup>6</sup> RSA 659:81

<sup>7</sup> RSA 659:84

<sup>8</sup> RSA 659:84

<sup>9</sup> RSA 659:84