

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

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JOHN M. FORMELLA
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

June 16, 2021

Sent via email only:

Re: Multiple Right to Know Requests re Windham Audit

To Whom This May Concern

We received your right-to-know requests for documents related to the Windham Audit. The response being provided in this letter is on behalf of the Secretary of State and the Attorney General's Offices (collectively referred to in this response as "the State") and includes all documents in the possession of either Office.

1. Your first request is:

"I request a detailed timeline of exactly any and all involvement of Harri Hursti and/or Nordic Innovation Labs regarding New Hampshire's accuvote machines. Please also send all email or text message communications between the secretary of State's office and the AG's office involved with Harri Hursti and/or (sic). Please send a thorough detailed timeline of any involvement of Mr. Hursti and our accuvote machines. I am requesting information dated 2010 through 2021."

Response: RSA 91-A only requires the State to produce documents that exist. It does not require the State to create documents. The State does not have a timeline document that is responsive to your request. The State has documents that constitute communications between our Offices, Harri Hursti, and/or Nordic Innovation Labs. Those documents are being collected and reviewed to determine if they are responsive.

The collection and review of those documents will take more than 5 business days. The State will provide those documents to you by July 15, 2021. As documents become available, the State will provide, on a rolling basis, documents that are responsive to your request.

2. Your second request is:

“In 2016, James O’Keefe was served a subpoena from Richard (Dick) Tracy. Pursuant to article 91A, I request any and all the information James O’Keefe supplied to the NH’s AG office as well as the NH Secretary of State’s office for this subpoena.”

Response: There are no records responsive to your request that are available under RSA 91-A from either Office.

3. Your third request is:

“I request any and all invoices paid to LHS paid by the State of NH.”

Response: The Attorney General’s Office does not have any documents responsive to this request. The Secretary of State’s Office has documents that we believe would constitute invoices paid by the State to LHS. Those documents are being collected and reviewed to determine if they are responsive.

The collection and review of those documents will take more than 5 business days. The State will provide those documents to you by July 15, 2021. As documents become available, the State will provide, on a rolling basis, documents that are responsive to your request.

4. Your fourth request is:

“In 2010 all NH machines received a "firmware update." Please send any and all information pertaining to this update. Also who actually did the updates. Who performed the updates?”

Response: RSA 91-A only requires the State to produce documents that exist. It does not require the State to answer questions. The State is reviewing to see if it has documents, from 2010, showing a “firmware update.” If there are documents, those documents will be collected and reviewed to determine if they are responsive.

The collection and review of those documents will take more than 5 business days. The State will provide those documents to you by July 15, 2021. As documents become available, the State will provide, on a rolling basis, documents that are responsive to your request.

5. Your fifth request is:

“There are five (sic) towns whose town clerks state either the SOS has their machine tapes from the 2020 election or they are locked in their ballot boxes. Bud Fitch sent me an email last week basically stating I would have to go through the court process to receive this public information. Does it sound logical knowing a judge would obviously grant me access to this PUBLIC INFORMATION that I need to spend my own money on obtaining a lawyer? I'm hoping we can receive this information lawfully without wasting hard earned tax paying money. The five (sic) towns are as follows:

- A. Hollis
- B. New Ipswich
- C. Rindge
- D. Westmoreland
- E. Wilton
- F. Milford

Response: Despite the language of your request stating that there are “five towns,” you identified 6 towns in your request that had recounts involving the 2020 General Election. At the end of each recount, the boxes were sealed. Whether the ballot counting devices’ tapes are inside those sealed boxes is unknown.

However, in accordance with RSA 660:16, II, those sealed boxes cannot be re-opened without a court order or a duly enacted law allowing those boxes to be re-opened.

6. Your sixth request is:

“According to Harri Hursti the reason why he is not being supervised while continuing the audit is due to copyright infringements? Please provide who released those copyrights to Harri and what the process is for us to receive released copy rights as well. Who has the exclusive access to these copyrights?”

Response: RSA 91-A only requires the State to produce documents that exist and does not require the State to respond to questions. The State does not have any documents responsive to your request. By way of additional response, and without waiving RSA 91-A’s limitation on only providing documents, the State does not know who holds the copyrights on the memory cards and the software used in the ballot counting devices.

7. Your seventh request is:

“I request any non-disclosure agreements between Harri Hurst and or Nordic Innovation labs and the State of New Hampshire and its affiliates and Diebold Premier.”

Response: The State is reviewing to see if it has documents related to any non-disclosure agreements. If there are documents, those documents will be collected and reviewed to determine if they are responsive.

The collection and review of those documents will take more than 5 business days. The State will provide those documents to you by July 15, 2021. As documents become available, the State will provide, on a rolling basis, documents that are responsive to your request.

8. Your eighth request is:

“Who prints New Hampshire’s Ballots? Please list whether hand counting towns (NH State Prison?) ballots are printed independently from machine ballot towns? Please also list whether absentee ballots are printed independently of walk-in ballots? Please list any and all companies that are involved in way with processing our ballots.

Response: RSA 91-A only requires the State to produce documents that exist and does not require the State to respond to questions. The State does not have any documents responsive to your request. By way of additional response, and without waiving RSA 91-A’s limitation on only providing documents, the State election ballots are printed by Evans Printing.

9. Your ninth request is:

Please provide the most current manual for the NH Accuvote machines.

Response: The Attorney General’s Office does not have any documents responsive to this request. The Secretary of State’s Office is reviewing to see if it has documents related to this request. If there are documents, those documents will be collected and reviewed to determine if they are responsive.

The collection and review of those documents will take more than 5 business days. The State will provide those documents to you by July 15, 2021. As documents become available, the State will provide, on a rolling basis, documents that are responsive to your request.

10. Your tenth request is:

“Logs of chain of custody logs for Windhams (sic) machines memory cards as well as the chain of custody records for the town of Windaham (sic) ballots.”

Response: These documents are available on the Department of Justice’s website at:

[Ballot Counting Device Possession Tracking Sheets \(nh.gov\)](#)

[20210519-windham-ballot-chain-of-custody.pdf \(nh.gov\)](#)

11. Your eleventh request is:

“A copy of the “exact electronic record of the data written to each memory card” used in Windham for the November 3, 2020 election per RSA 656:42 VIII. (a) -

Before each election, the vendor for any electronic ballot counting device shall provide the secretary of state with an exact electronic record of the data written to each memory card to be used in the election.”

Response: The Secretary of State’s Office has the data for the Windham memory cards for the 2020 General Election. The data is included in the record that was produced from the vendor. The record is attached to this Response.

Sincerely,

/s/ Anne M. Edwards

Anne M. Edwards

Associate Attorney General

AME/jt
Enclosure