

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Brenda Towne

Plaintiff

vs.

CIVIL ACTION NO.

William Gardner,

David Scanlan,

136 New Hampshire township clerks, in their official and private capacity.

Harri Hursti.

LHS Associates

Defendants

COMPLAINT FOR DECLARATORY AND
EMERGENCY INJUNCTIVE RELIEF

Evidence destruction date 9/3/22

DEMAND FOR JURY TRIAL

1. Plaintiff – Brenda Towne, 23 Sunset Rd, East Wakefield, NH.

2. **Defendant** William Gardner who has held the title of New Hampshire Secretary of State for 46 years, making him the longest serving Secretary of State in the nation's history. 107 North Main Street Room 204, Concord, NH 03301.
3. **Defendant** David Scanlan who is currently the acting New Hampshire Secretary of State and who previously was the New Hampshire Deputy Secretary of State for the past 20 years, in his official capacity. 107 North Main Street Room 204, Concord, NH 03301.
4. **Defendant** Harri Hursti a world-renowned election machine hacker. Featured in multiple documentaries including "Hacking Democracy" showcasing his expertise in compromising optical scanning machines identical those used in New Hampshire in the 2020 election. 237 E. 10th St. Apt 7B, New York, NY 10003.
5. **Defendant** LHS Associates is a company contracted by the New Hampshire Secretary of State and/or the New Hampshire town clerks to be the custodian responsible for managing all election records and papers which come into their "possession" relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State [...] designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.¹⁰ Manor

Park Way, Salem. NH 03079.

6. **Defendant Clerks** As defined as the “position holder” of town clerk from the election in November 2020 through September 3, 2022 of the townships in the State of New Hampshire, in their official capacity. The list below is a representative list but may not be all inclusive of those holding the position during the 22 month evidence requirements window:

Deborah Ziemba	7 Atwell Hill Rd, Wentworth,NH 03282
Donna Decotis	10 Central Rd, Rye, NH 03870
Nicole Merrill	3 N Lowell Rd, Windham, NH 03087
Jodi Scanlan	780 Rte 63, Westmoreland, NH 03467
Debbie Deaton	661 Turnpike Rd, New Ipswich, NH 03071m
Lisa Claire	3 Market Pl, Hollis NH 03049
Lauralei Knight	30 Payson Hil Rd, Rindge, NH 03461
Jane Farrell	42 Main St, Wilton, NH 03086
Kathleen Pelissier	16 School St, Allenstown, NH 03275
Lisa Noyes	1 Monument Sq, Alton, NH 03809
Nancy Demers	2 Main St., Amherst, NH 03031
Diane Chauncey	66 Main St., Antrim,NH 03440
Patricia Tucker	20 Highland St., Ashland, NH 03217
Julianna Hale	21 Academy Ave, Atkinson, NH 03811
Kathleen Sylvia	47 Chester Rd., Auburn,NH 03032

Jessie Fifield	108 S Barnstead Rd, Center Barnstead, NH 03225
Kimberly A. Kerekes	333 Calef Hwy, Barrington, NH 038255
Cheryl Neally	56 Town Hall Rd, Intervale, NH 03845
Sally Kellar	24 N Amherst Rd, Bedford, NH 03110
Cynthia Deroy	143 Main St., Belmont, NH 03220
Shelli Fortin	168 Main St, Berlin, NH 03570
Mary Jackson	2155 Main St, Bethlehem, NH 03574
Nicole Hoyt	12 High St, Boscawen, NH 03303
Mridula Naik	10 Grandview Rd, Ste 2, Bow, NH 03304
Erica Gross	75 W Main St, Bradford, NH 03221
Daphne Woss	1 Dalton Rd, Brentwood, NH 03833
Raymah Simpson	230 Lake St Ste A, Bristol, NH 03222
Patricia Howard-Barnett	1 Main St, Brookline, NH 03033
Hannah Joyce	12 Gearty Way, Campton, NH 03223
Vicky J. McAlister	1169 Us Route 4, Canaan, NH 03741
Donna Hetzel	74 High St, Candia, NH 03034
Sam Papps	10 Hackleboro Rd, Canterbury, NH 03224
Rebecca Pederson	92 School St, Whitefield, NH 03598
Patricia Chaffee	233 Main St, Charlestown, NH 03603
Liz Lufkin	84 Chester St, Chester, NH 03036
Gwendolyn R. Melcher	58 Opera House Sq, Claremont, NH 03743
Janice Bonenfant	41 Green St Ste 2, Concord, NH 03301

Louise Inkell	1634 E Main St, Center Conway, NH 03813
Chris Tracy	210 Main St, Danville, NH 03819
Kelly Roberts	8 Raymond Rd, Deerfield,NH 03037
Daniel Healey	14 Manning St, Derry, NH 03038
Susan Mistretta	288 Central Ave Ste 1, Dover, NH 03820
Judy C. Marcou	75 Hill Rd, Dummer, NH 035588
Lorrie Pitt	8 Newmarket Rd, Durham, NH 03824
Barbara A. Clark	24 Depot St, East Kingston, NH 03827
Sandy Romano	23 Main St, Enfield, NH 03748
Erika Robinson	157 Main St, Epping, NH 03042
Laura Searbo	940 Suncook Valley Hwy, Epsom, NH 03234
Andrea Kohler	10 Front St, Exeter, NH 03833
Rebecca Dickie	356 Main St, Farmington, NH 03835
Heidi Wood	13 Templeton Turnpik E, Fitzwilliam, NH 03447
Michelle Stanyan	21 Summer St, Northfield, NH 03276
Nicole Cloutier	295 Main St, Fremont, NH03044
Danielle LaFond	47 Cherry Valley Rd, Gilford, NH 03249
Maura Thomas	503 Province Rd, Gilmanton, NH 03237
Cathy Ball	16 Main St, Goffstown, NH 03045
Carol Porter	20 Park St, Gorham, NH 03581
Bonnie Haubrich	7 Library Rd, Grafton, NH 03240
Kenneth Story	300 Rte 10 S, Grantham, NH 03753

Marguerite Morgan	11 Town Sq. Greenland, NH 03840
Patricia Curran	11 Main St, Hampstead, NH 03841
Shirley Doheny	100 Winnacunnet Rd, Hampton, NH 03842
Stephanie Grant	1 Drinkwater Rd, Hampton Falls, NH 03844
Betsy McClain	41 S Main St, Hanover, NH 03755
Kimberly I. Johnson	2 Depot Hill Rd, Henniker, NH 03242
Deborah J. McDonald	29 School St, Hillsborough, NH 03244
Todd Ranier	35 Main St, Hooksett, NH 03106
Carol Harless	330 Main St, Contoocook, NH 03229
Roger Ordway	12 School St Ste 1, Hudson, NH 03051
Kelly Rollins	10 Goodnow St, Jaffrey, NH 03452
Patricia Little	3 Washington St, Keene, NH 03431
Sarah Wiggin	95 Amesbury Rd, Kensington, NH 03833
Tammy Bakie	163 Main St, Kingston, NH 03848
Cheryl Hebert	45 Beacon St. E, Laconia, NH 03246
Kristin Kenniston	51 N Park St, Lebanon, NH 03766
Linda Reinhold	7 Mast Rd, Lee, NH 03861
Kristyn Brophy	148 Main St, Lincoln, NH 03251
Theresa Briand	2 Liberty Way, Litchfield, NH 03052
Judith F. White	125 Main St Ste 200, Littleton, NH 03561
Sherry Farrell	268a Mammoth Rd, Londonderry, NH 03053
Ashley Simonds	29 S Village Rd, Loudon, NH 03307

Lisa Amarosa	13 Town Hall Rd, Madbury, NH 03823
Michael R. Brooks	1923 Village Rd, Madison, NH 03849
Matthew Normand	1 City Hall Plz, Manchester, NH 03101
Ellen J. Orkins	236 Main St, Marlborough, NH 03455
Kerri A. Parker	41 Main St., Meredith, NH 03253
Diane Trippett	6 Baboosic Lake Rd, Merrimack, NH 03054
Janelle Guarino	182 Kings Hwy, Middleton, NH 03887
Cynthia Woodward	20 Bridge St, Milan, NH 03588
Joan Dargie	1 Union Sq, Milford, NH 03055
Melissa Viel	424 White Mountain Highway, Milton, NH 03851
Belinda Yeaton	2 South Main St, Mount Vernon, NH 03057
Julia Marchand	6 Holland St, Moultonborough, NH 03254
Susan Lovering	229 Main St Ste 102, Nashua, NH 03060
Kimberly I. Colbert	7 Meetinghouse Hill Rd, New Boston, NH 03070
Shannon Feger	4 Main St, New Durham, NH 03855
Regina Adams	6 Pinnacle Hill Rd, New Hampton, NH 03256
Will Kidder	375 Main St, New London, NH 03257
Linda Plunkett	937 Rte 103, Newbury, NH 03255
Sue Mckinnon	65 Main St, Newfields, NH 03856
Laura Coleman	205 Nimble Hill Rd, Newington, NH 03801
Terri Littlefield	186 S Main St, Newmarket, NH 03857
Liselle Dufort	15 Sunapee St, Newport, NH 03773

Mary-Jo McCullough	2 Town Hall Rd, Newton, NH 03858
Susan Buchanan	233 Atlantic Ave, North Hampton, NH 03862
Marisa Russo	818 1st Tpke, Northwood, NH 03261
Lori Anderson	139 Stage Rd, Nottingham, NH 03290
Kellie J. Skehan	55 Main St, Center Osipee, NH 03814
Dorothy Marsden	6 Village Grn, Pelham, NH 03076
James F. Goff	311 Pembroke St, Pembroke, NH 03275
Linda Guyette	1 Grove St, Peterborough, NH 03458
Erica Anthony	85 Main St, Pittsfield, NH 03263
Martha Fowler	145 Main St, Plastow, NH 03865
Josie Girona Ewing	6 Post Office Sq Ste 1, Plymouth, NH 03264
Kelli Barnaby	1 Junkins Ave, Portsmouth, NH 03801
Alyssa Richard	4 Epping St, Raymond, NH 03077
Kelly Walters	31 Wakefield St Ste 105, Rochester, NH 03867
Daniel Cullity	667 Main St, Rollinsford, NH 03869
Susan Wall	33 Geremonty Dr, Salem, NH 03079
Juliana (Julie) Lonergan	573 Sanborn Road, Sanbornton, NH 03269
Dawn Nicolaisen	320 Main St, Sandown, NH 03873
Cheryl Bowen	99 Lafayette Rd, Seabrook, NH 03874
Johnathan Slaven	1 Government Way, Somersworth, NH 03878
Pixie Hill	750 Main St, Springfield, NH 03284
Karen E. Bell	1450 Route 123, North Stoddard, NH 03464-4153

Kitty Kerner	12 Mountain View Dr, Strafford, NH 03884
Deborah Bakie	10 Bunker Hill Ave, Stratham, NH 03885
Betty H. Ramspott	23 Edgemont Rd, Sunapee, NH 03782
Heather Estrella	620 Old Homestead Hwy, Swanzey, NH 03446
Kimberly I. Noyes Tram	84 Main St, Tamworth, NH 03886
Pamela White	16 Merrill Access Rd, Thornton, NH 03285
Kimberly Sowles	257 Main St, Tilton, NH 03267
Valerie J. Ward	2 High St, Sanbornville, NH 03872
Megan Hansson	34 Elm St, Walpole, NH 03608
Maureen Billodeau	15 Flanders Memorial Rd, Weare, NH 03281
James Tetreault	1 Richmond Rd, Winchester, NH 03470
Patricia Waterman	88 S Main St, Wolfeboro, NH 03894
Judy Welch	165 st River Rd, North Woodstock, NH 03262

Statement of Claim:

- 1) A legislative act in 2021, SB43, required an audit of the New Hampshire 2020 elections in the town of Windham New Hampshire after a hand recount revealed vote flipping on four candidate races. An audit of the Accuvote machines was to take place in May 2021. Memory cards are a critical component of the Accuvote election machines and retain tabulated results of all election related records. They were to be part of the audit to validate their tabulation performance and the presence of potential malware. The potential to place malware on an Accuvote memory card was personally demonstrated by lead Auditor Harri Hursti in the documentary *Hacking Democracy* whereby with just the memory card in his possession prior to being placed in the Accuvote machine, Hursti was able to manipulate vote totals.

The New Hampshire memory cards are programmed by LHS Associates independent of state programming review, are unique by town and contain all race history. Memory cards being the central calculator of ballot counts are the foundation for determining the race position of every candidate in New Hampshire. Succinctly, the memory cards memorialize the winners and the losers in towns that use LHS Associates owned or managed voting machines. The preservation of this election data and evaluation of the memory card of its programming details during the Windham audit was critical for confidence in the results of the Windham as well as all other towns counted by Accuvote machines within New Hampshire.

During a Windham selectman meeting on March 1, 2021, Jeff Silvestro, CEO of LHS Associates confirmed to the town selectman that the audit plan was to make copies of the

four machine memory cards to preserve the data from the 2020 election through the 22 month retention window ending September 3, 2022. Without a copy, there would be no other way to preserve the election data. Jeff Silvestro's video testimony is in Exhibit A. In May of 2021, Jeff Silvestro, an agent of the town of Windham and an agent of the State of New Hampshire provided instructions to the lead auditor, Harri Hursti, who knowingly deleted and destroyed the data from the 2020 election by resetting the - memory cards to "pre- election status" *without* making a copy of the cards. Hursti was aware that resetting the memory cards in the Windham audit would in fact remove the data and any malware present that may have played a part in manipulating vote totals. Exhibit B is Hursti's sworn affidavit used in a 2016 Wisconsin hearing where he states *"Manipulation of memory card can be persistent or "one- time" meaning if the card is reset but not reprogrammed, the card will be "clean" and the hack will not work until the card is reprogrammed again."*

LHS Associates, an agent of the State of New Hampshire, defined the audit process and specifications for the devices to be audited (a brazen conflict of interest in any industry). During the audit, Harri Hursti, the contracted voting machine "expert" and lead auditor, instructed the Windham audit team to use the LHS directions during the machines audit. These instructions were to reset the memory cards to pre-election status and to refrain from making a copy of the memory cards which would have preserved the election history. The video showing Hursti instructing the audit team with the LHS instructions is found in Exhibit C. An image of the auditors utilizing the LHS supplied instructions can be found in Exhibit D.

LHS procedures and Hursti's direction caused the complete erasure of Windham election data without preservation. This instruction was given for all four machines used in Windham for the 2020 election. Exhibit D is a photo of the machine tapes from the Windham audit demonstrating the memory cards were reset wiping the election data from the card.

The willful act detailed above violated 42USC1974 and 52 USC20701, for the required preservation of election evidence through September 3, 2022 and also was the willful destruction of election evidence, a violation described in 52USC20702.

42 USC §1974. Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation

Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

([Pub. L. 86-449, title III, §301, May 6, 1960, 74 Stat. 88.](#))

Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

([Pub. L. 86-449, title III, §301, May 6, 1960, 74 Stat. 88.](#))

52 USC §20701. Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation

Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of

President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

[\(Pub. L. 86-449, title III, §301, May 6, 1960, 74 Stat. 88.\)](#)

52 USC 20702: Theft, destruction, concealment, mutilation, or alteration of records or papers; penalties

Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by section 20701 of this title to be retained and preserved shall be fined not more than \$1,000 or imprisoned not more than one year, or both. [\(Pub. L. 86-449, title III, §302, May 6, 1960, 74 Stat. 88.\)](#)

- 2) The State of New Hampshire government defendants consisting of the Governor, the Prior Secretary of State, Current Secretary of State, Named Town Clerks and LHS Associates did not retain the election records for the federally required 22 months through September 3, 2022 and allowed the destruction of the digital election records of the 2020 election by :
 - a. Physically returning the voting machine memory cards statewide to LHS Associates who subsequently wiped the cards clean of the 2020 election data. Exhibit F is a sample of the 138 emails received from the town clerks confirming the memory cards which held the 2020 election data were returned to LHS and not retained by the town.
 - b. Overwriting the 2020 election data on an election machine memory cards does not absolve the responsibility of maintaining the election evidence for twenty two months as detailed in 42USC1974 and 52 USC20701. Exhibit G is an email exchange between Lavern Fucci

Deputy Town Clerk and Dean Shankle, Town Administrator and Nancy Demers Town Clerk of Amherst New Hampshire where she explains that LHS associates had wiped 2020 election data from the memory cards the town had returned to them after calling for confirmation that it had been preserved per the 22 month federal requirements.

Exhibit H includes 91A email exchange with a Deputy Town Clerk Fucci including memory card images displaying identical serial numbers used for three successive elections starting with the 2020 primary and two subsequent elections proving the data for those elections had been erased and replaced by LHS Associates. The action of resetting and overwriting the election machine memory cards state wide, and deleting all digital election data is clearly the destruction of election evidence and a violation of Federal retention laws 42USC1974 and 52 USC20701 and the destruction of record statute 52USC20702.

Exhibit H is an email from Secretary of State Attorney “Bud” Orville Fitch indicating it is the position of New Hampshire is that printed paper tapes are the only 22 month record requirement for the Accuvote election machines. It is clear in the federal statute the intent is for election officials to retain and preserve “*records and papers all which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election,*” per 53 USC20701 & 42 USC1974 and hence is not limited to printed tapes.

7. **Jurisdiction** is proper in this Court since all defendants except defendant Harri Hursti are government officials in the state of New Hampshire. Jurisdiction is proper in this court for defendant Harri Hursti since his unlawful action occurred within New

Hampshire. In the case of defendant clerks jurisdiction since their official title is found in New Hampshire Title LXIII ELECTIONS Chapter 652, General Provisions, and “652:14 Election Officer. – "Election officer" shall mean any moderator, deputy moderator, assistant moderator, *town clerk*, deputy town clerk, city clerk, deputy city clerk, ward clerk, *selectman*, supervisor of the checklist, registrar, or deputy registrar.”

8. **Venue** is proper because each defendant is an election officer (Officer of Elections) or a “custodian” as enshrined in 42USC1974 and 52USC20701 or an individual acting as agents of an Election Officer(s) (Officer of Elections) within the State of New Hampshire or a subdivision thereof.

RELIEF SOUGHT

A.

Plaintiff seeks to EMERGENCY IMJUNCTIVE RELIEF to preserve all remaining election records from the November 3, 2020 election, which includes but not limited to physical ballots, physical memory cards and all stored information related to the conduct of/chain of custody for the 2020 New Hampshire federal election, digital scans of all ballots and records used to tabulate the 2020 New Hampshire federal election. Plaintiff seeks access to physical memory cards that stored information related to the results and tabulation of the 2020 election.

B.

Plaintiff seeks declaration by this court that defendants violated federal retention laws

42USC1974, 52USC20701, 52USC20702.

C.

Plaintiff seeks declaration by this court to order a full physical and cyber forensic examination of machines, ballots and peripheral objects related to the conduct of the 2020 New Hampshire federal election by a qualified expert of plaintiff's choice.

D.

Plaintiff seeks the removal of all electronic voting machines and devices from all future New Hampshire elections.

E.

Plaintiff seeks any such other relief that the court may deem necessary or proper.

Date: _____

Signature: _____

Name: _____

(Typed or Printed)

Address: _____

Telephone No. _____

Jury Demand:

☒ Check this box if you are requesting a jury trial (if you want a jury of your peers to decide your case).

☐ Check this box you are NOT requesting a jury trial (if you want the assigned judge to decide your case).

Date

Signature of Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

Brenda Towne

v.

William Gardner et al

Case #

EXHIBITS

Offered By

<u>Number/Letter</u>	<u>Description</u>
<u>Exhibit A</u>	Jeff Silvestro, CEO of LHS Associates testifying to the Windham town selectman the intention to make copies of the memory cards to preserve the 2020 election data- Video
<u>Exhibit B</u>	Affidavit Harri Hursti Wisconsin court case 2016
<u>Exhibit C</u>	Voting machines being reset to pre-election status using the LHS instructions at the direction of Harri Hursti – Video
<u>Exhibit D</u>	Image of LHS instructions being used to direct the Windham audit
<u>Exhibit E</u>	Image of the Windham machine tapes showing the reset of the memory cards at the onset of the Windham Audit
<u>Exhibit F</u>	Summary of emails from town clerks confirming Accuvote memory cards had been
<u>Exhibit G</u>	Email exchange – Amherst Town Clerk and Administrator with Deputy Town Clerk returned to LHS and not retained by the town
<u>Exhibit H</u>	New Hampshire Secretary of State Attorney “Bud” Orville Fitch advising a Deputy Clerk the paper tape is the only legal requirement for preserving Accuvote election results for the 22 months.
<u>Exhibit I</u>	91A email exchanges including memory card images displaying identical serial numbers used for primary election in 2020, General election 2020 and subsequent election in January 2021.

USDCBH-25(2-96)

EXHIBITS

Exhibit A: VIDEO

Provided in separate media via USB

Exhibit B

Harri Hursti Affidavit

AFFIDAVIT OF HARRI HURSTI

I declare under penalty of false swearing under the law of Wisconsin that the foregoing is true and correct, and that I am physically located outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

1. In 2005, I developed the Hursti Hack(s), a series of four tests in which I demonstrated how voting results produced by the Diebold Election Systems voting machines could be altered. I submit this Affidavit in support of a hand recount of all ballots in Wisconsin.

2. I have been a consultant and a co-author of several studies commissioned or funded by various U.S. states and the federal government on computer security. In the area of election security, I am the co-author of several peer-reviewed and state-sponsored studies of election system vulnerabilities. Most notably, I was a co-author of the EVEREST commissioned by the Secretary of State of Ohio (<http://hursti.net/docs/everest.pdf>), a study of vulnerabilities in Sequoia AVC voting machines (<http://hursti.net/docs/princeton-sequoia.pdf>), and a study of the Estonian Internet voting system (<http://hursti.net/docs/ivoting-ccs14.pdf>). I have served as an expert on electronic voting issues in consultations to officials, legislators, and policy makers in five countries. I received the EFFI Winston Smith Award 2008, and the EFF Pioneer Award 2009 for my research and work on election security, data security and data privacy. I recently founded Nordic Innovation Labs to advise governments around the world on election

vulnerabilities. My qualifications and experience are further detailed at the following website:

<https://nordicinnovationlabs.com/team/harri-hursti/>.

Opinion

3. Many of the models of voting machines and other election infrastructure used in Wisconsin were previously analyzed by state-sponsored security reviews, including the EVEREST report (<http://hursti.net/docs/everest.pdf>) commissioned by the Secretary of State Ohio, and were shown to be vulnerable to demonstrated attacks. Due to the shortness of time, I have not been able to verify which of these attacks are feasible on the systems used in one or many of the Wisconsin jurisdictions. It is possible that critical parts of the election infrastructure are processed with equipment which has never been submitted for certification.

4. Optical scan machines can be hacked in a manner that changes election results, and such an attack would likely go undetected during normal pre- and post-election testing. If the scanners are hacked, using them as part of the recount process is likely to result in the same fraudulent election outcome. The only reliable way to detect attacks on the scanners is to recount the paper ballots by hand and compare the results to the electronic tallies.

5. The following attack vectors expose optical scan election results to potential hacking

Attacks on Precinct Scanners

6. Optical scan voting machines can be manipulated by attackers who are able to modify the election-specific settings on the memory card (sometimes called the “mobile ballot box”). Manipulation of the memory card can either be persistent or “one-time”, meaning that if the card is reset but not reprogrammed, the card will be “clean” and the hack will not work until the card is reprogrammed again.

19. When the scanner is directly connected to the central tabulator, at least one vendor uses special bar codes on the ballots which are commands to the tabulator. Typical commands are “begin batch”, “end batch”, and “override precinct code”. These commands can be transmitted to the machine by ballots that appear under casual human inspection to be normal votes. If an attacker injects them into the set of ballots to be scanned, this can cause real ballots to not be counted, or to be reported in an incorrect jurisdiction.

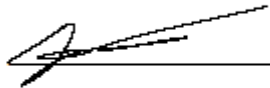
Attacks on Central Tabulators

20. Central tabulators are normal PCs and are subject to a wide array of attacks, including vote-stealing malware.

21. Tabulator software typically has many features to adjust the vote totals, and these software interfaces can be manipulated by malicious software to alter the reported results.

22. For all these reasons, optical scan votes face a serious threat of being hacked in ways that can alter the outcome of an election. Ballots that are recounted using optical scanners face most of the same threats. The only way to reliably detect such attacks on the election results is to recount the ballots manually, without reliance on potentially hacked election equipment.

Executed on the 28th day of November, 2016 in Helsinki, Finland.

A handwritten signature in black ink, appearing to be 'Harri Hursti', written over a horizontal line.

HARRI HURSTI

Exhibit C

Video Supplied on USB

Exhibit D

Image of LHS instructions being used to direct the Windham audit



Exhibit E

Image of the Windham machine tapes showing the reset of the memory cards at the onset of the Windham Audit.

OT REPORT06:30
UNT START07:01
ON START 20:27
11/03/20
RESTARTED20:27
CARD 20:27
COUNT START20:27
COUNT END 20:27
ION START 20:30
E: 11/03/20
SION START 10:51
E: 05/12/21
IT REPORT 10:52
PERVISE MODE 10:53
PERVISE MODE 10:53
M CARD RESET 10:53
SESSION START 10:54
ATE: 05/12/21
REP FOR ELECT 10:54
CLEAR COUNTERS 10:54
SESSION START 10:56
DATE: 11/03/20
ZERO TOT REPORT15:17
BAL COUNT START15:37
SESSION START 11:41
DATE: 11/04/20
COUNT RESTARTED11:41
BAL COUNT START11:41
1 ENDER CARD 12:50
2 BAL COUNT END 12:50
3 TOTALS REPORT 12:52
44 SESSION START 12:52
DATE: 11/05/20
45 TOTALS REPORT 12:55

DATE: 11/03/20
26 SESSION START 12:29
DATE: 11/05/20
27 SESSION START 11:46
DATE: 05/12/21
28 AUDIT REPORT 11:47
29 INCORRECT PIN 11:48
30 SESSION START 11:48
DATE: 05/12/21
31 SUPERVISE MODE 11:49
32 SUPERVISE MODE 11:49
33 MEM CARD RESET 11:49
34 SESSION START 11:50
DATE: 05/12/21
35 PREP FOR ELECT 11:50
36 CLEAR COUNTERS 11:50
37 SESSION START 11:52
DATE: 11/03/20
38 ZERO TOT REPORT16:04
39 BAL COUNT START16:08
40 ENDER CARD 13:31
41 BAL COUNT END 13:31
42 TOTALS REPORT 13:33
43 SESSION START 13:33
DATE: 11/05/20
44 TOTALS REPORT 13:36

14 SESSION START 11:34
DATE: 10/26/20
15 SESSION START 11:35
DATE: 10/26/20
16 SESSION START 10:37
DATE: 10/26/20
17 CLEAR COUNTERS 10:37
18 BAL TEST START 10:37
19 ENDER CARD 10:38
20 TOTALS REPORT 10:42
21 PREP FOR ELECT 10:43
22 CLEAR COUNTERS 10:43
23 SESSION START 11:12
DATE: 10/26/20
24 SESSION START 06:18
DATE: 11/03/20
25 ZERO TOT REPORT06:22
26 BAL COUNT START07:08
27 ENDER CARD 20:02
28 BAL COUNT END 20:02
29 SESSION START 20:06
DATE: 11/03/20
30 SESSION START 10:44
DATE: 05/12/21
31 SESSION START 10:44
DATE: 05/12/21
32 AUDIT REPORT 10:46
33 SUPERVISE MODE 10:46
34 SUPERVISE MODE 10:47
35 MEM CARD RESET 10:47
36 SESSION START 10:48
DATE: 05/12/21
37 PREP FOR ELECT 10:48
38 CLEAR COUNTERS 10:48
39 SESSION START 10:51
DATE: 11/03/20
40 ZERO TOT REPORT15:17
41 BAL COUNT START15:33
42 ENDER CARD 12:36

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38 SUP
39 SUP
40 MEM
41 SESS
DATE
42 PREP
43 CLEAR
44 SESSI
DATE
45 ZERO T
46 BAL C

Exhibit G

From: Lavern Fucci <lfucci@amherstnh.gov>
Sent: Thursday, January 27, 2022 12:32 PM
To: Dean Shankle; Nancy Demers
Subject: FOIA

Hi Dean and Nancy,

I would like to clarify , how I share information with citizens in our town when I receive a FOIA. I emailed Bud Fitch last week about a conversation I had with a citizen in our town. I would like to share the conversation with you. Back in late January to February 2021 Lynn Briggs came into my office and asked me about the 2020 General Election memory cards and if we had them. I told her I returned them back to LHS by certified letter so I can get ready for the next election. She told me the federal law says we are supposed to keep them for 22 months. I was concerned about the procedure and if we were supposed to keep the memory cards. While Lynn was here I called LHS and I think I put it on speaker phone for us to hear. I asked them if they still had the Amherst memory cards for the 2020 General Election with the data still on them. They said they did and I asked them if they would hold the memory cards so I could call the state for clarification regarding LHS memory cards data. LHS said they would hold them for us. After the conversation Lynn left. I believe that afternoon or the next day LHS called and told me they were sorry but the memory cards had already been wiped. I called Lynn and told her what LHS said and she was disappointed. Because of the LHS answer that the memory cards data was gone. I ended up not calling the state.

LaVern Fucci
Deputy Town Clerk
Town of Amherst, NH
2 Main Street
Amherst, NH 03031
603.673.6041 x208

Exhibit H

From: Orville Fitch <Orville.Fitch@sos.nh.gov>
Sent: Sunday, January 16, 2022 2:18 PM
To: Lavern Fucci
Cc: David Scanlan; Patricia D. Piecuch
Subject: RE: Amherst

[External Sender]: =/div>

Lavern,

I recommend that you consult with your town legal counsel. Generally, some court process or statute is required to compel a public official to make an affidavit. Generally, an election official is prudent to have advice from the attorney that will represent them, should litigation ensue, before signing an affidavit.

The Right-to-Know law provides public access to existing governmental records, it does not compel government officials to create written answers to questions when no document exists that is responsive to the request. We believe the law requires preserving the paper results tape from the AccuVote for 22 months, that is the official record of the device results. It is what the Moderator relies on.

Bud

Orville B. Fitch II
Elections Legal Counsel, Assistant Secretary of State
Secretary of State's Office
State House Room 204
107 N. Main St.
Concord, New Hampshire 03301
Bud.Fitch@sos.nh.gov
(603) 271-5335

From: Lavern Fucci <lfucci@amherstnh.gov>
Sent: Sunday, January 16, 2022 2:07 PM
To: Orville Fitch <Orville.Fitch@sos.nh.gov>
Subject: Amherst

Hi Bud,

I was asked to write an affidavit for one of our citizens in our town. This is what happened. Last year after the 2020 General Election I think it was January or February 2021 one of our citizens came in to talk to me. She was inquiring about the memory cards for the 2020 General Election. I told her I sent them back to LHS to get ready for the town election. She said we were supposed to keep them for 22 months. I called LHS and they told me they had the cards and didn't think they were wiped. I told our citizen and she was excited that they were there and hadn't been wiped. Then I got a call

back from LHS, (I think the next day) saying that they were wiped. Now she wants me to do the affidavit, I was wondering if I have to do it.

Thanks,

LaVern Fucci
Deputy Town Clerk
Town of Amherst, NH
2 Main Street
Amherst, NH 03031
603.673.6041 x208
lfucci@amherstnh.gov

The Right-To-Know law (RSA-91-A) provides that most email communications, to or from Town Employees regarding the business of the Town of Amherst, are government records available to the public upon request. Therefore, this email communication may be subject to public disclosure.

Exhibit I

91A email exchanges including memory card images displaying identical serial numbers used for primary election in 2020, general election 2020 and Amherst town election June 2021.

Amherst Town Clerk
2 Main Street,
Amherst, NH 03031

FOIA Request.....2020 Election Cycle

Date: Jan. 19. 2022

I am requesting copies of the memory cards and corresponding, dated Post Office Receipts for the mailing of same memory cards from the Accurate DiBold Dominion Voting Machines.

I understand the Clerk makes a copy when returning and receiving them from LHS along with a copy of the Amherst Post Office receipt.

I am requesting :

1. Sept. 2020 Primary Memory Card Copies and Post office receipt
2. Nov. 3 2020 Presidential Election Memory Card Copies and Post office receipt
3. June 2021 Town Election Memory Card copies and Post Office receipt.

Could you respond to the request and affirm the dates match with the returned received memory cards and let me know when I can pick up the copies.

Thank you,

Lynn Briggs
4 Golden Pond Lane
Amherst, NH 03031



TOWN OF AMHERST

2 Main Street, PO Box 980
Amherst, NH 03031
www.amherstnh.gov
Tel. (603) 673-6041 Fax (603) 673-4138

1/26/2022

Dear Lynn,

I received your letter requesting copies of the memory cards and Post Office Receipts for mailing the memory cards back to LHS. I have attached the following:

1. Sept. 2020 Primary memory card copies and post office receipt.
2. Nov. 3 2020 Presidential Election memory card copies and post office receipt
3. June 2021 Town Election memory card copies and post office

Let me know if you have any questions.

A handwritten signature in cursive script, reading "LaVern Fucci".

LaVern Fucci
Deputy Town Clerk Amherst NH
2 Main St, Amherst NH 03031
603-673-6041 ex. 208

from Amherst NH
mailed 10/2/20

TOWN OF AMHERST
2 MAIN STREET
AMHERST, NH 03031

TITLE:
**AMHERST, NH
PCT 2**

DATE: _____

CAUTIONS

- USE ONLY IN Assu-Vote™
- DO NOT TOUCH THE CONTACTS
- DO NOT BEND

20085762

TITLE:
**AMHERST, NH
PCT 1**

DATE: _____

CAUTIONS

- USE ONLY IN Assu-Vote™

20082890

TITLE:
**AMHERST, NH
SPARE**

DATE: _____



0004730

TITLE:
**AMHERST, NH
PCT 3**

DATE: _____

CAUTIONS

- USE ONLY IN Assu-Vote™
- DO NOT TOUCH THE CONTACTS
- DO NOT BEND

20085764

COMPLETE THIS SECTION ON DELIVERY

A. Signature <i>X Kennedy</i>	<input type="checkbox"/> Agent
B. Received by (Printed Name)	<input type="checkbox"/> Addressee
C. Date of Delivery	<input type="checkbox"/> Yes <input type="checkbox"/> No
D. Is delivery address different from item 1? If YES, enter delivery address below:	

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
L.H.S. Associates Inc.

of Amherst NH
main ST Amherst NH

Return memory cards

Returned
1/15/21

AMHERST, NH
PCT 2

DATE: _____

CAUTIONS

USE ONLY IN Assu-Vote™
DO NOT TOUCH THE CONTACTS
DO NOT BEND

0085762

TITLE:

AMHERST, NH
PCT 1

DATE: _____

CAUTIONS

20082890

AMHERST, NH
PCT 3

DATE: _____

CAUTIONS

USE ONLY IN Assu-Vote™
DO NOT TOUCH THE CONTACTS
DO NOT BEND

20085764

TITLE:

AMHERST, NH
SPARE

DATE: _____



0004730

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent ☐ Addressee

B. Received by Printed Name

C. Date of Delivery

1/15/21

D. Is delivery address different from item 1? ☐ Yes ☒ No

If YES, enter delivery address below:

3. Service Type

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

☐ Insured Mail™

☐ Insured Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

☐ Insured Mail™

☐ Insured Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

☐ Insured Mail™

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☐ Signature Confirmation™

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☐ Insured Mail™

☐ Insured Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

☐ Insured Mail™

☐ Insured Mail Restricted Delivery

SENDER: COMPLETE THIS SECTION

1. Complete items 1, 2, and 3.

2. Print your name and address on the reverse

so that we can return the card to you.

3. Attach this card to the back of the mailpiece,

or on the front if space permits.

4. Article Addressed to:

LHS ASSOCIATES INC

10 Manor Parkway Unit B

Salem NH 03079



9590 9402 4849 9032 3125 06

7019 2260 0001 5658 0000

PS Form 3811, July 2015 PSN 7530-02-000-9003

COURTESY BACKUP-CITY/TOWN:

Amherst, NH

PLEASE RETURN TO LHS
AFTER YOUR ELECTION

CAUTIONS

USE ONLY IN Assu-Vote™
DO NOT TOUCH THE CONTACTS
DO NOT BEND

20081724



U.S. Postal Service
CERTIFIED MAIL® RECEIPT



Postage and Fees \$1.60 USPS

LHS ASSOCIATES INC
10 Manor Parkway Unit B
Salem NH 03079

11/01/21
Return New York card

TITLE:
AMHERST, NH
PCT 1

DATE: _____

CAUTIONS
■ USE ONLY IN Association
■ DO NOT TOUCH THE CONTACTS
■ DO NOT BEND

20082890

TITLE:
AMHERST, NH
PCT 2

DATE: _____

CAUTIONS
■ USE ONLY IN Association
■ DO NOT TOUCH THE CONTACTS
■ DO NOT BEND

20085762

TITLE:
AMHERST, NH
SPARE

DATE: _____

0004730

AMHERST, NH
PCT 3

DATE: _____

CAUTIONS
■ USE ONLY IN Association
■ DO NOT TOUCH THE CONTACTS
■ DO NOT BEND

20085764

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

11/01/21

AMHERST, NH

Postmark Here

NOV 30 2021

9.16

Sent To: LHS Associates
10 Manor Parkway Unit B
Salem NH 03079

9590 9402
7020 3160

1. Article Addressed to
LHS Associates
10 Manor Parkway
Salem

2. Article Number (Trace)

PS Form 3811, July 2015 PSN 7530-02-000-9053