

**Report of Investigation Regarding  
Domicile and Qualified Voter Affidavits from May 9, 2016 and January 3, 2017**

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

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April 20, 2018

Gene G. Chandler  
Speaker of the House of Representatives  
State House, Room 311  
Concord, New Hampshire 03301

Chuck Morse  
President of the Senate  
State House, Room 302  
Concord, New Hampshire 03301

Barbara Griffin  
Chair, House Committee on Election Law  
Legislative Office Building, Room 308  
Concord, New Hampshire 03301

Regina Birdsell  
Chair, Senate Committee on Election  
Law and Internal Affairs  
Legislative Office Building, Room 102  
Concord, New Hampshire 03301

Dear Mr. Speaker, Mr. President, and Committee Chairs:

Enclosed please find the Report of Investigation Regarding Domicile and Qualified Voter Affidavits.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anne M. Edwards".

Anne M. Edwards  
Associate Attorney General

Enclosure

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF JUSTICE

**REPORT OF INVESTIGATION REGARDING  
DOMICILE AND QUALIFIED VOTER AFFIDAVITS**

RSA 654:12, V (f) requires a report summarizing the results of the investigation into domicile affidavits and qualified voter affidavits.<sup>1</sup> This report details the investigation with respect to those affidavits signed by voters during elections which occurred between May 9, 2016 and January 3, 2017.

**BACKGROUND**

In order to register to vote in New Hampshire, a prospective voter is required to be at least 18 years of age, a United States citizen, domiciled in the ward or town in which the applicant seeks to register, and must not be otherwise unqualified to vote. RSA 654:7, I.<sup>2</sup> The prospective voter must provide proof of these qualifications. RSA 654:7, II. The law applicable during the time period under investigation details the acceptable proof. In the absence of approved identification, a voter could submit a qualified voter affidavit. *See e.g.* RSA 654:12, III. To establish domicile, a voter may submit a domicile affidavit. RSA 654:12, I(c). The Secretary of State is required to send letters to voters submitting affidavits. Letters which are returned as undeliverable are to be referred to the Attorney General who “shall cause an investigation to be made to determine whether fraudulent registration or voting occurred.” *See* RSA 654:12, V(c) and (e).

The Attorney General has the responsibility to enforce New Hampshire’s election laws. *See, e.g.*, RSA 7:6-c. For many years, one attorney spent one-half of his time on election-related issues. In mid-2017, a free-standing Election Law Unit was established in the Attorney General’s

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<sup>1</sup> This report does not address the Attorney General’s Office’s ongoing investigation into 2016 challenged voter affidavits pursuant to RSA 659:13, IV (c).

<sup>2</sup> The statutory references in this report refer to the statutes as they existed in 2016.

Office (“AGO”) staffed by one full-time attorney, Assistant Attorney General Matthew Broadhead. Also in 2017, the Legislature authorized the funding of a full-time elections investigator. Chief Investigator Richard Tracy now has that assignment.

Even with these additional dedicated resources of the Election Law Unit, the scope of the investigation necessarily required drawing on other available personnel. The Election Law Unit called on attorneys and investigators from other units within the AGO, including from the Criminal Justice, Civil Law, Environmental Protection, and the Transportation and Construction Bureaus. The attorneys and investigators from the AGO dedicated at least 582 hours on this investigation. In addition, upon the Attorney General’s request, Department of Safety Commissioner John Barthelmes and State Police Colonel Christopher Wagner provided two State Troopers who worked approximately 155 hours on this investigation. The combined total hours worked on this investigation is at least 817 hours.<sup>3</sup>

Although the AGO conducted affidavit investigations in 2012 and 2014, the addition of these dedicated resources to direct and oversee these investigations plus the addition of substantial resources from law enforcement and the Department of State permitted a more robust investigation. It has also allowed the AGO, for the first time, to file a report such as this.

### **INVESTIGATIVE STEPS**

To conduct this inquiry, the AGO initially contacted the town or city clerk of each jurisdiction associated with an unverified voter. The clerks were asked to verify the domicile and qualifications of voters either based on their own personal knowledge or based upon public documents on file with the town or city such as tax records, dog or vehicle registrations, marriage licenses, etc. If the clerk verified the domicile and/or qualifications of a voter, the voter

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<sup>3</sup> The Department of State devoted significant resources as well. We also do not have time records for the work done by the municipal officials.

was reported as verified in the investigation. If the clerk was unable to verify the voter's identity, the AGO attempted to contact the voter directly.

The AGO reviewed publicly available sources, including college directories, to try to locate contact information for these voters and attempted to speak with them directly. For any voter they were unable to contact directly, the AGO reviewed other public records and utilized law enforcement databases to obtain or verify addresses and contact information of the voter. An investigator traveled to the voters' listed residences in an attempt to speak with the voters, landlords or neighbors. Additionally, investigators reached out to local police departments to see if they had contact information or verification that voters resided at the addresses provided. While investigators were successful in verifying the identity or domicile of many voters, they ran into various obstacles including people who refused to answer questions that would verify or support the information provided by the voter. Investigators noted that several individuals were suspicious of their motives and assumed that they were working on the part of the federal government or some other entity in order to gain personal information about the voters.

After the investigation was complete, the AGO referred the remaining un-verified names back to the Secretary of State's Office, which ran those names through updated databases, including ElectionNet, a LexisNexis database, and National Change of Address records, in an attempt to verify the qualifications of the remaining individuals. The results of the investigation are summarized below.

### **DOMICILE VOTER AFFIDAVITS**

On February 15, 2017, the AGO received a report from the Secretary of State's Office indicating that 6,033 individuals signed domicile affidavits as they registered to vote during the period from May 9, 2016 to December 31, 2016. The Secretary of State's Office sent, via U.S.

Mail, an address verification letter to each of these individuals, 458 of which were returned as “undeliverable.”

Of the 458 voters who were referred to the AGO by the Secretary of State’s Office, the investigation has verified the domicile of 392 individuals. Three separate inquiries into possible violations of RSA 659:34 (wrongful voting) have been opened as a result of this investigation, which are still pending at the time of this report.

As for the remaining voters referred to the AGO by the Secretary of State’s Office, the investigation was unable to confirm the domicile of 66 voters in elections from May 9, 2016 to January 3, 2017. This information should be interpreted with caution. After exhausting all reasonable investigative tools available to the AGO, it has been unable to verify the domicile at the time of the election of these 66 voters. Please note that this does not necessarily indicate that in any of these 66 cases an unlawful vote was cast; rather, the AGO is without sufficient information to form a conclusion about the voters’ domicile. Having exhausted investigative resources, the investigation is suspended. Of course, if new information develops, the AGO will pursue it.

RSA 654:31-a exempts from disclosure information contained in these affidavits. However, in the interests of transparency, enclosed as Table A is a breakdown of the number of unverified domicile voters by town or city.

#### **QUALIFIED VOTER AFFIDAVITS**

On March 2, 2017, the AGO received a report from the Secretary of State’s Office indicating that 764 individuals signed qualified voter affidavits as they registered to vote during the period from May 9, 2016 to January 3, 2017. The Secretary of State’s Office informed the

AGO that they were unable to verify the qualifications of 440 voters and referred these individuals for investigation pursuant to RSA 654:12, V (c).

Of the 440 voters who were referred to the AGO by the Secretary of State's Office, the investigation has verified that 276 individuals were qualified to vote. As for the remaining 164 voters, the investigation was unable to confirm their identities or eligibility to vote. As with the domicile affidavits, this information should be interpreted with caution. After exhausting all reasonable investigative tools available, the investigation has been unable to verify the identities or eligibility of these 164 voters at the time of the election. Please note that this does not necessarily indicate that in any of these 164 cases an unlawful vote was cast; rather, the AGO is without sufficient information to form a conclusion about the voters' identities or eligibility. It does, however, lead to the suspension of any further investigation of these voters. If new information develops, the AGO will pursue it.

Again, RSA 654:31-a exempts from disclosure information contained in these affidavits. However, enclosed as Table B is a breakdown by town or city of the number of unverified voters who executed a qualified voter affidavit.

**Table A.**  
**Number of Unverified Voters Who Signed Domicile Affidavits By City/Town**  
**(5/9/16 and 12/31/16)**

This table lists the number of voters, by city/town, who completed Domicile Affidavits in elections occurring from May 9, 2016 to December 31, 2016 that the AGO has been unable to verify their domiciles.

Concord	5
Durham	2
Franklin	11
Hanover	5
Henniker	1
Jaffrey	1
Keene	12
Lebanon	1
Manchester	15
Nashua	5
New London	1
Newmarket	2
Portsmouth	2
Rochester	2
Somersworth	1
<b>Total:</b>	<b>66</b>



**Table B.**  
**Number of Unverified Voters Who Signed Qualified Voter Affidavits By City/Town**  
**(5/9/16 and 12/31/16)**

This table lists the number of voters, by city/town, who completed Qualified Voter Affidavits in elections occurring from May 9, 2016 to December 31, 2016 that the AGO has been unable to verify their qualifications.

Allenstown	1
Barrington	1
Boscawen	1
Bow	1
Canaan	2
Chester	1
Chesterfield	1
Claremont	1
Concord	19
Derry	4
Dublin	1
Durham	1
Franklin	5
Goffstown	21
Hampstead	1
Hampton	5
Hanover	1
Harrisville	1
Haverhill	3
Henniker	6
Hillsborough	4
Hinsdale	1
Holderness	1
Hudson	6
Jaffrey	3
Laconia	2
Lebanon	5
Londonderry	3
Marlborough	1
Meredith	5
Merrimack	4
Milford	2
Mont Vernon	1
Nashua	12

New Ipswich	2
New London	3
Newmarket	1
Plainfield	1
Plymouth	1
Portsmouth	6
Rindge	1
Rochester	5
Rumney	3
Salem	7
Sanbornton	1
Springfield	1
Stratford	1
Sutton	2
Webster	1
Wolfeboro	1
<b>Total:</b>	<b>164</b>