

# NEW HAMPSHIRE DEPARTMENT OF STATE

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## Interstate Voter Registration Data Crosscheck

### Report to the Ballot Law Commission on the Review of Data Resulting From the Interstate Voter Registration Data Crosscheck

“The secretary of state shall review the data resulting from its participation in the Interstate Voter Registration Crosscheck Program and forward any voter irregularities identified to the attorney general.” The Laws of 2016, Chapter 175:2. This report describes the work completed as of May 24, 2018, comparing New Hampshire voter information with that from other states received through the Interstate Voter Registration Data Crosscheck (“Interstate Crosscheck” or “Crosscheck”). This analysis is focused on identifying whether evidence exists that a person unlawfully voted in two states in the same election.

The work is ongoing, in particular working with election officials in other states to compare records beyond the limited data initially exchanged. Work with some states has been completed. Where the comparison is complete and irregularities remain unresolved, those voters have been referred to the Attorney General. These referrals are based on irregularities, records that indicate a person with a particular name and date-of-birth voted in New Hampshire and that a person with the same name and date-of-birth voted in another state. In some cases additional evidence has been found supporting the conclusion that the two voters are the same person. Future inquiry by the Attorney General may lead to a prosecution. A referral does not constitute an allegation of misconduct at this point. Future inquiry may discover evidence that these are two different people. Future inquiry may also establish that if this is the same person in both states, that the person did not vote in one of the states.

This review of the data from the Interstate Crosscheck has been valuable. Historically, when asked if the state knows whether people voting in New Hampshire also voted in another state, the answer was that we do not know. We have now substantially completed a review of who voted in 28 states, representing approximately 45% of the United States population. While the review work is ongoing, we now can provide the public with data regarding who among that population did not vote in two states. While it is unlikely that every unresolved instance will be fully resolved, we expect that our ongoing work and the work by the Attorney General will further clarify the extent to which unlawful voting in two states occurred.

Gaining a better understanding about what, if any, voter fraud exists is important. New Hampshire has many elections and a higher number of recounts than many other states. Many elections and recounts end in ties or the election is decided by one vote. Therefore, even one fraudulent voter can deprive our democracy of the choice made by the qualified voters. Equally important is the concerning evidence that many voters in New Hampshire believe that widespread fraud exists. The perception that widespread voting fraud exists threatens to undermine public confidence in elections. Concern exists that those who believe there is widespread voting fraud will eventually become less likely to vote themselves.

The University of New Hampshire Granite State Poll issued on November 16, 2017, reported that “just over half of Granite Staters (54%) believe voter fraud is a very serious (24%) or somewhat serious (29%) problem in the country as a whole . . .” A copy of the poll results is attached to this report. When asked about their perception of election integrity in New Hampshire, “a third of Granite Staters (33%) believe voter fraud is very serious (13%) or somewhat serious (20%) problem in New Hampshire, 58% believe it is not too serious (24%) or not at all serious (34%), and 9% don’t know or are unsure.”

This report on our progress analyzing whether people voting in New Hampshire have also voted using the same name in another state is the first step in providing Granite Staters with information that will allow voters and policy makers to make informed judgments about the prevalence of voting fraud. This report addresses only voting by one person using his or her own name in two states. This report does not address other forms of voting fraud. The results of future work by this office and the Attorney General’s office will be an important next step. The law prohibits publicly describing ongoing investigations. We are limited to providing aggregate information on the matched pairs of voters who we are no longer examining, the cases where the available evidence is that voting fraud did not occur. Information on the matched pairs of voters who are still being examined will be made available at the point when providing the information is legally permissible. That information will come primarily from the Attorney General’s office.

### **History & Design - Interstate Voter Registration Data Crosscheck**

The Interstate Crosscheck program was first used in 2005 by four states following the implementation of Statewide Voter Registration Databases in all states as mandated by the Help America Vote Act of 2002. States recognized that the centralized statewide database in each state created an opportunity to compare records to better identify those voters who moved from one state to another and registered to vote in the new state. Once confirmed to be the same person, these voters could be removed from the checklist in the state they moved away from. Most states have a law, similar to New Hampshire’s law that requires that the checklist be “purged” of voters who are no longer domiciled in the state. Identifying and removing voters from the checklist who have permanently moved out-of-state makes our checklists more accurate. Among other benefits, accurate checklists present the public with more accurate information on voter turnout, help avoid voting fraud, and permit candidates to focus their resources on people who are more likely to be voting in New Hampshire. Regularly updating the checklist also avoids a deluge of work when the “purge” required by law every ten years occurs. When the current effort is completed we expect to have a better understanding of how to determine with appropriate certainty which voters matched by Crosscheck are one person who has permanently moved out of New Hampshire. Combined with other sources of information, Crosscheck results may become a useful source of information for the process of identifying voters who should be sent notices asking them to confirm whether

they remain domiciled in the town or ward where registered to vote. Voters who do not confirm their New Hampshire domicile would then be removed from the checklist.

The statewide databases also contain the voting history of each voter, a record of which elections that voter participated in. This allows states to also compare the record of who voted in a particular election, to determine whether there is any evidence that one person unlawfully voted in two states. This report details New Hampshire's first effort to use Crosscheck results for this purpose.

The design of the Interstate Crosscheck program is to provide just raw data. This design allows each state to make its own determination on how to most appropriately and effectively sort out whether any voters in the results file warrant further examination. The Interstate Voter Registration Data Crosscheck 2017 Participation Guide explicitly provides:

There is no cost. Processing the duplicate registrations and researching possible double votes requires a commitment of time at the state and local levels. States make individual decisions about the amount of time and effort they will commit, and this might vary from year to year. A state that is not able to commit the resources to process the results in a given year still provides a benefit to the other states through its participation. . . .

Process the results according to your state's laws, regulations and policies. . . .

The collection of evidence to prove double votes is a considerable commitment of time and effort. It requires a high level of cooperation and communication between jurisdictions.

Each state analyzes and acts upon the results according to its own laws and regulations. No state is required by the Memorandum of Understanding to act upon the results. Experience in the crosscheck program indicates that a significant number of apparent double votes are false positives and not double votes. Many are the result of errors—voters sign the wrong line in the poll book, election clerks scan the wrong line with a barcode scanner, or there is confusion over father/son voters (Sr. and Jr.).

As is described in detail below, New Hampshire's experience with the results from the 2016 general election is consistent with this description in the program guide. The results file is not a determination that one person unlawfully voted in two states. The results file is raw data, a starting point for analysis.

New Hampshire used an additional encryption protocol when New Hampshire voter data was exchanged through the Interstate Crosscheck. The agreement with the Interstate Crosscheck required that New Hampshire voter data be deleted from the Interstate Crosscheck files once the exchange was completed.

The Crosscheck program has evolved over the years with states both joining and withdrawing from the program each year. New Hampshire's legislature authorized New Hampshire's participation in 2016. The Laws of 2016, Chapter 175:2. New Hampshire has participated in Crosscheck once, in 2017, exchanging data on registered voters and voting history for the November 8, 2016, general election.

### **Objectives of the Analysis**

This analysis is focused on whether anyone unlawfully voted in two states in the same election. The first objective of the analysis is to remove from the examination all matched pairs of voters who are not recorded in their state's database as having voted in the November 8, 2016 election.

In some instances there are two different people in the United States who have the same name and date-of-birth. The second objective of the analysis is seeking to determine from the results and other public records whether the voter in New Hampshire and the voter in the other state are two different people.

The Statewide Voter Registration Database records exchanged with other states are accurate, but, as predicted by the Crosscheck Participation Guide, do contain instances where election day checklists and other records show that a data entry error occurred. New Hampshire's Statewide Voter Registration Database is also called ElectionNet. Even though a person was listed in the database as voting, the checklist shows that person did not vote. While New Hampshire and other states have found these data entry errors, New Hampshire has found no evidence that the Interstate Crosscheck data exchange process caused or introduced any of these errors.

Were New Hampshire to participate in the Electronic Registration Information Center ("ERIC") or to exchange data directly with individual states, these data entry errors in the individual state's statewide voter databases would exist and would need to be resolved.

For the November 8, 2016 election, local election officials reported on their election night reports that 755,850 voters cast ballots. Of necessity this report will provide information on the number of database records where data entry errors were found. It is important to keep in mind while reviewing that information that local election officials do an excellent job assisting over three quarter of a million of their neighbors to cast a vote in one day. Recounts have proven over the years that these local officials are highly accurate in counting those votes. Our analysis also demonstrates that our local election officials are highly accurate in documenting which voters participate in each election.

### **Who Was Analyzed**

The results file from the Interstate Crosscheck lists names and dates of birth for a voter in New Hampshire where a person with the **same first and last name and date of birth** is recorded as being registered to vote in another state that exchanged data using crosscheck. In 2017, 28 states, including New Hampshire, participated. The exchange of information on voters was a collaborative effort by the following states: Alabama, Arizona, Arkansas, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, North Carolina, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Virginia, and West Virginia.

According to the US Census population estimates, the total 2016 population of these states was 147,317,746. The estimated 2016 US population was 322,311,308. Therefore, this analysis compared voters from states that contained approximately 45% of the US population in 2016.

The results file listed 94,610 records where a New Hampshire voter and a voter in another state have the same **first name, last name, and date of birth**. In the records that are exchanged, each state also reports middle name data, the date of registration, and whether that person is recorded in their database as having voted in the November 8, 2016, election in that state.

For the purposes of identifying which voters need to be examined further, a record is treated as a “matched pair of voters” if the **first name, last name, and date of birth** are identical. This review started with 94,610 voters, who were on the New Hampshire checklist on January 18, 2017, who were identified as having the same first name, last name, and date of birth as a person on the checklist of another state. January 18, 2017, is the date the data was extracted from ElectioNet to submit to other states through the Interstate Crosscheck. This date was used because towns and cities require time after the election to enter the voting history of those who voted in the November election and to add into ElectioNet the people who registered on election day.

A total of 991,635 New Hampshire voters were submitted to the exchange of voter lists with other states through the Interstate Crosscheck. Between election day, November 8, 2016, and January 18, 2017, some voters were removed from their checklists by local officials because the voter moved and registered to vote out-of-town or died, these voters were not submitted to the Interstate Crosscheck. New voters who registered on election day, November 8, 2016, and who were otherwise added to checklists after the election but before January 18, 2017, were submitted.

The US Census estimates that as of November 15, 2016 the Citizen Voting-Age Population of New Hampshire was 1,035,684.

[https://www.census.gov/library/visualizations/2016/comm/citizen\\_voting\\_age\\_population/cb16-tps18\\_nh.html](https://www.census.gov/library/visualizations/2016/comm/citizen_voting_age_population/cb16-tps18_nh.html) (last visited 3/30/2018)(Citizen voting age population estimates seek to identify those people who are United States Citizens and at least 18, years of age. Estimates from some sources try to also exclude those disqualified from voting, for example incarcerated felons in New Hampshire may not vote during their incarceration. Therefor citizen voting age population estimates from different sources vary.)

The New Hampshire voter records submitted were therefore approximately 96% of the citizen voting age population. However, the best available information suggests that some people who have moved out-of-state remain on the checklist.

A comparison of the voters on the checklist on December 5, 2017, with the United States Postal Service National Change of Address file indicates that within the prior 4 years 32,723 of the voters had informed the Postal Service that the voter had permanently moved to an address outside New Hampshire.

A voter has no duty to inform local election officials when he or she permanently moves away from their voting domicile. The voter registration system in New Hampshire and in almost all other states assigns responsibility to election officials to identify who has permanently moved and to remove those individuals from the checklist when that permanent move is verified.

New Hampshire law does require a person registering to vote to identify on the voter registration form the place where he or she was last registered to vote. The findings of these examinations indicate that while many voters do provide this information, that many do not. The Secretary of State works with local election officials to encourage applicants to provide this information.

Currently, New Hampshire law requires that, if the voter reports being last registered to vote in Vermont, Maine, Massachusetts, Connecticut, or Rhode Island, the local officials send a copy of the voter registration form to election officials in the jurisdiction where the voter was last registered to vote.

The Secretary of State’s Office routinely receives and forwards to local election officials notices from election officials from across the United States that a person has registered to vote in that state and reported that he or she was last registered to vote in New Hampshire. Not all jurisdictions send notices.

The law provides that Supervisors of the Checklist shall remove a voter from the checklist upon receipt of a notice of the voter’s death through the New Hampshire Vital Records Information System. The Secretary of State implemented a system that provides these notices of death to local election officials through the Statewide Voter Registration Database, ElectioNet.

Voters may also be removed when the Supervisors receive notice from the United States Postal Service or the New Hampshire Department of Safety, Division of Motor Vehicles that the voter has reported a permanent move away from their voting domicile. The Secretary of State is currently working with the Statewide Voter Registration Database vendor to develop a system to forward reports that a voter has reported a permanent move to an address out-of-state obtained from the United States Postal Service, National Change of Address system.

Supervisors of the Checklist can send a voter a notice (30-day letter) if the Supervisors have cause to believe the person has permanently moved from where he or she was domiciled when he or she registered to vote. If the voter does not respond to the letter within 30 days affirming that he or she remains domiciled at the address listed in their voting record, the Supervisors of the Checklist remove the voter from the checklist.

### **Summary of Analysis and Results**

The table below provides an overview of the process used to determine which voters were examined further and results of analysis from the initial 94,610 matched pairs of voters. A detailed step by step description, including the Excel formulas used and logic applied, is provided later in this report.

Records in the Interstate Cross check result	94,610		Remaining to Examine Further
1. Did not vote in either state	20,094		74,516
2. Database indicated did not vote in New Hampshire, did vote in other state	39,708		34,808

3. Database indicated did not vote in other state, did vote in New Hampshire	30,229		4,579
Of the remaining 4,579:			
4. Both states provided full middle name and the middle names are different	1,466		3,113
5. NH provided full middle name, the other state provided a middle initial, and the first letter of the middle name is different from the initial	786		2,327
6. Other state provided full middle name, NH provided a middle initial, and the first letter of the middle name is different from the initial	778		1,549
7. Both states provided only a middle initial and the middle initials are different	591		958
Of the remaining 958			
8. Both states provided a suffix and the suffixes are different	3		955
Of the remaining 955			
9. These reasons for removal are not exclusive. Multiple reasons applied to some matched pairs of voters, therefore the listed reasons for removal total to more than the number of pairs of matched voters removed from examination. For example for a given pair there are cases where the two voters have different social security numbers and have different middle names. <ul style="list-style-type: none"> <li>• 612, individual members of the pair had different social security numbers</li> <li>• 304 individual members of the pair had different middle names found in public records</li> <li>• 33 had other circumstances, such as one voter in the pair, but not both, having died following the election.</li> <li>• 82 were not marked as voting on the copy of the paper checklist used at the polls on election day or there was a checklist marking error.</li> <li>• 83 were reported by out-of-state election officials as not marked as voting on their checklists or there was a checklist marking error.</li> </ul>	813		142

Of the remaining 142			
51 matched pairs have been referred to the Attorney General	51		91
91 matched pairs of voters remain under examination by the Secretary of State			

Using this process, 955 records from the 94,610 records received in the Interstate Crosscheck results, approximately 1%, were initially identified as needing further examination. 93,655 matched pairs, approximately 99%, were removed from further examination using just the voter registration record data that was exchanged between the states.

### **Detection of Unlawful Voting in Two Polling Places in New Hampshire**

Interstate Crosscheck and this analysis compares the voting history of New Hampshire voters with the voting history of a person who has the same name and date of birth who voted in another state. This process does not address unlawful voting in two polling places in New Hampshire. If one person is marked on the checklists as voting in two polling places in New Hampshire, the process of entering voter registration data and voting history data into the database following an election allows election officials to detect the possible unlawful voting. Local election officials typically consult with the officials in the other town to verify records. When the records support doing so, these cases are referred to the Attorney General’s Office.

### **Alternatives to the Interstate Crosscheck**

The other interstate data exchange program, the Electronic Registration Information Center (“ERIC”), which shares some of the goals of the Interstate Crosscheck program, purposely conducts significant additional analysis before providing participating states with a results file. While the Interstate Crosscheck charges nothing to participate, ERIC charges an annual fee and imposes significant data comparison and mailing costs, described further below. In part, ERIC, for a fee, does some of the work done in New Hampshire by the Secretary of State’s office in reaching this step.

ERIC also requires participating states to provide the program with a copy of the state’s Division of Motor Vehicles’ (“DMV”) database on every United States citizen in the licensing files, including all data related to voter eligibility. This data must be provided upon entering the program and at least every sixty (60) days thereafter. Current New Hampshire law does not allow such non-public information to be provided. ERIC also requires that a participating State submit a copy of specified data elements on voters in the Statewide Voter Registration System database at least every 60 days. Finally, ERIC requires the state to routinely contact at least 95% of the people ERIC identifies as possibly eligible to vote, but not registered. The state must also contact at least 95% of the people ERIC identifies as having inaccurate or out-of-date records (i.e. their domicile has changed – they have moved) within 90 days of receiving the results file from ERIC.

The ERIC program appears to be designed around the voter registration process in states that are subject to the federal National Voter Registration Act, the motor-voter law, which registers people to vote at DMV when they obtain or renew a driver’s license. These states have already invested in

the systems necessary to register to vote US Citizens obtaining or renewing a driver's license or non-driver ID. For these states, DMV data disclosure is already occurring in the voter registration process. Providing ERIC with data is therefore less expensive and onerous in motor voter states. See <http://ericstates.org/> Electronic Registration Information Center, Inc. Bylaws, Exhibit A, last updated December 16, 2016.

New Hampshire is exempt from the motor-voter law because we have election day registration.

The greatest number of matched pairs of voters came from nearby states. The 2017 Interstate Crosscheck included both Maine and Massachusetts, but not Vermont. If all nearby states are not participants in future Interstate Crosschecks, we will explore alternative means of exchanging data. It may be possible to make direct state-to-state exchanges with states in our region.

### **Review Using Public Records/Other Sources of Information**

From the 955 matched pairs of voters, an additional 813 were removed following the examination of their records in the Lexis "Public Records" database, examination of copies of the marked checklists used on election day November 8, 2016, examination of absentee voting records in ElectionNet, examination of United States Postal Service, National Change of Address data, and based on information received from other state's election officials. The remaining 142 matched pairs of voters are approximately .15% (.0015), one and one-half tenths of one percent) of the starting list of 94,610 matched pairs of voters.

The Secretary of State has referred 51 of the 142 matched pairs of voters to the Attorney General. We have exhausted efforts to establish that these are two different people or that a person with the pair's name and date of birth did not vote in one of the two states. As required by New Hampshire law, when an irregularity is unresolved the case is referred to the Attorney General. Referral is transferring the matter to an agency authorized to utilize additional tools and to whom the law assigns law enforcement responsibility and authority. In accordance with the Law of 2016, Chapter 175:2, these referrals are based on irregularities and do not constitute an allegation of misconduct.

Further work is ongoing, primarily awaiting responses to requests seeking information from other state election officials, to see if evidence can be found establishing whether the remaining 91 matched pairs of voters consist of two different people or if they are the same person. Election officials in other states have also been asked to confirm that voters listed in their database as voting on November 8, 2016 are also marked on the out-of-state checklist or that state's equivalent record system as having voted.

### **Examination Process Detail**

This section describes the formulas/logic used to assess which matched pairs of voters should be examined further for the possibility that one person voted in more than one state in the November 8, 2016 general election. We sought to determine whether the available evidence makes it more likely than not that the matched voters are two different people. We also sought to determine whether the evidence rules out the possibility of one person voting in two states.

## Excel Formulas and Logic

A matched “pair of voters” is a row in the data set that has information on a voter listed on a New Hampshire checklist and a voter listed on the checklist of another state, where the first name, last name, and date of birth (“DOB”) are identical. The objective is to determine whether the available evidence makes it more likely than not that the voter in New Hampshire is a different person than the voter on the checklist in another state.

Each step answers the question:

“Should this pair of voters be removed from the list of voters who will be examined further?”

Therefore, the logic is designed so that a “Yes” results in removing the pair of voters from the list. A “No” keeps the pair on the list for further examination. Some steps do not analyze every pair, therefore at some steps the result may also be “N/A” for some pairs of voters. Where the step does not apply to a pair of voters, that pair of voters remains on the list for further examination.

### **94,610 pairs of votes**

#### **Step 1 – Voters who the database indicates did not vote in either state**

Identify pairs of voters who did not vote in either New Hampshire or the other state where a person with the same first name, last name, and DOB is reported to be on their checklist.

Column AY Excel formula: =IF(T24="N",IF(AN24="Y","No","Yes"),"No")

T24, is the cell in column T, row 24 which has a “Y” if the voter identified in row 24 from New Hampshire participated (voted) in the November 8, 2016 general election and a “N” if the voter did not participate.

AN24, is the cell in column AN which has a “Y” if the voter identified in row 24 from the other state participated in (voted) in the November 8, 2016 general election in that state and an “N” if the voter did not participate.

The Excel formula enters a “Yes” in column AY, in the row for the New Hampshire voter and other state voter being analyzed, if NH reported an “N” and the other state did not report a “Y”. The formula enters a “No” in that cell if NH reported an “N” and the other state reported a “Y” or NH did not report an “N”.

The result is that of the 94,610 rows, 20,094 showed that the voters in that row did not vote in either state.  $94,610 - 20,094 = 74,516$

### **74,516 pairs of voters**

#### **Step 2 – Voters who the databases indicates did not vote in New Hampshire, but did vote in the other state**

Identify pairs of voters where a voter did not vote in New Hampshire, but did vote in the other state.

Column AW Excel Formula =IF(T24="N",IF(AN24="Y","Yes","No"),"No")

T24, is the cell in column T, row 24 which has a “Y” if the voter identified in row 24 from New Hampshire participated (voted) in the November 8, 2016 general election and a “N” if the voter did not participate.

AN24, is the cell in column AN which has a “Y” if the voter identified in row 24 from the other state participated in (voted) in the November 8, 2016 general election and an “N” if the voter did not participate.

The Excel formula enters a “Yes” in column AW, in the row for the New Hampshire voter and other state voter being analyzed, if New Hampshire reported an “N” and the other state reported a “Y”. The formula enters a “No” in that cell if NH reported an “N” and the other state did not report a “Y” or NH did not report an “N”.

The result is that of the 74,516 rows, 39,708 showed that the voters in that row did not vote in New Hampshire but did vote in the other state. The voters remaining after step 1, 74,516 minus those removed from further examination by step 2, 39,708, leaves 34,808 for further examination.

### **34,808 pairs of voters**

#### **Step 3 – Voters who the databases indicates did vote in New Hampshire, but did not vote in the other state**

Identify pairs of voters where one voted in New Hampshire, but did not vote in the other state.

Column AX Excel formula: = IF(AN24="N",IF(T24="Y","Yes","No"),"No")

AN24, is the cell in column AN which has a “Y” if the voter identified in row 24 from the other state participated in (voted) in the November 8, 2016 general election and an “N” if the voter did not participate.

T24, is the cell in column T, row 24 which has a “Y” if the voter identified in row 24 from New Hampshire participated (voted) in the November 8, 2016 general election and an “N” if the voter did not participate.

The Excel formula enters a “Yes” in column AX, in the row for the New Hampshire voter and other state voter being analyzed, if the other state reported an “N” and New Hampshire reported a “Y”. The formula enters a “No” in that cell if the other state reported an “N” and New Hampshire did not report a “Y” or the other state did not report an “N”.

The result is that of the 34,808 rows, 30,229 showed that the voters in that row did vote in New Hampshire, but did not vote in the other state. The voters remaining after step 2, 34,808 minus those removed from further examination by step 3, 30,229, leaves 4,579 for further examination.

### **4,579 pairs of voters**

#### **Step 4 – Different full middle names**

Identify pairs of voters where both New Hampshire and the other state provided a full middle name and those middle names do not match.

For all steps involving analysis of the middle name field, the excel “trim” function was used to ensure that there were no extra spaces before or after the data. When excel determines if two cells have equal values, if one cell has “a” and the other cell has “a” plus a blank space, the cells are not equal. Use of trim removes or trims the extra space to ensure two cells that have the same name or that have the same initial are determined to be equal.

Column BC Excel formula:

```
=IF(LEN(E24)>1,IF(LEN(Y24)>1,IF(E24=Y24,"No","Yes"),"NA"),"NA")
```

The Microsoft Excel LEN function returns the length of the specified string.

E24, is the cell in column E which contains the full middle name or initial of the New Hampshire voter identified in row 24.

Y24, is the cell in column Y which contains the full middle name or initial of the voter from the other state in row 24.

The formula first limits analysis to cells where there is more than 1 letter in the cell. For this step, this excludes from the analysis a cell containing either only a middle initial or where the state reported no value for a middle name. Those circumstances will be analyzed in a future step.

If both the New Hampshire middle name cell and the other state middle name cell has more than one letter in it:

If the letters are the same (equal) the formula enters a “No” (Are the middle names different? NO)

If the letters are different, the formula enters a “Yes” (Should this pair of voters be removed from further consideration because they have a different middle name? Yes)

If either cell has 1 or fewer letters in the cell, the formula enters “NA” (a case where either cell is blank or contains only a middle initial is not being analyzed at this step, it is Not Applicable).

The result is that of the 4,579 rows remaining, 1,466 showed that the voters in that row have full middle names that are different. Even though each person is recorded as having voted in his or her state, they are different people – no voting by the same person in two states in the November 8, 2016 election occurred. The voters remaining after step 3, 4,579 minus those removed from further examination by step 4, 1,466, leaves 3,113 for further examination.

### **3,113 pairs of voters**

#### **Step 5 – First letter of full middle name in New Hampshire different than middle initial in other state.**

Identify pairs of voters where the New Hampshire voter has a full middle name and the voter in the other state has only a middle initial, where the first letter of the New Hampshire full middle name is different from the middle initial of the voter in the other state.

Column BD Excel formula:

```
=IF(LEN(E24)>1,IF(LEN(Y24)=1,IF(LEFT(E24,1)=Y24,"No","Yes"),"NA"),"NA")
```

The Microsoft Excel LEN function returns the length of the specified string.

E24, is the cell in column E which contains the full middle name or initial of the New Hampshire voter identified in row 24.

Y24, is the cell in column Y which contains the full middle name or initial of the voter from the other state in row 24.

The formula first limits analysis of the cell for the New Hampshire voter to where there is more than 1 letter in the cell. In other words this step analyzes only where we have a full middle name for the New Hampshire voter.

The formula then limits analysis to the cell for the voter from the other state to where there is just one letter, a middle initial.

The Microsoft Excel LEFT function allows you to extract a substring from a string, starting from the left-most character. Here the formula extracts just the first letter of the full middle name in the New Hampshire voter's middle name cell.

If the first letter of the middle name for the New Hampshire voter and the middle initial for the voter from the other state:

- Are the same (equal) the formula enters a "No" (Are the middle names different? NO)
- Are different, the formula enters a "Yes" (Should this pair of voters be removed from further consideration because they have a different middle name? Yes)

If either cell has fewer than 1 letter in the cell, the formula enters "NA" (a case where either cell is blank is not being analyzed at this step, it is Not Applicable). The formula also enters "NA" if the New Hampshire voter has only a middle initial, comparing where both states provided a middle initial occurs at step 7.

The result is that of the 3,113 rows remaining, 786 showed that the voters in that row have middle names that are different. Even though each person is recorded in the database as having voted in his or her state, they are different people – no voting occurred by the same person in two states in the November 8, 2016 election. The voters remaining after step 4, 3,113 minus those removed from further examination by step 5, 786, leaves 2,327 for further examination.

### **2,327 pairs of voters**

#### **Step 6 – First letter of full middle name in other state different than middle initial in New Hampshire.**

Identify pairs of voters where the other state voter has a full middle name and the voter in New Hampshire has only a middle initial, where the first letter of the other state full middle name is different from the middle initial of the voter in New Hampshire.

Column BE Excel formula:

```
=IF(LEN(E24)=1,IF(LEN(Y24)>1,IF(E24=LEFT(Y24,1),"No","Yes"),"NA"),"NA")
```

The Microsoft Excel LEN function returns the length of the specified string.

E24, is the cell in column E which contains the full middle name or initial of the New Hampshire voter identified in row 24.

Y24, is the cell in column Y which contains the full middle name or initial of the voter from the other state in row 24.

The formula first limits analysis to the cell for the New Hampshire voter where there is exactly 1 letter in the cell. In other words, we analyze cells where we have only a middle initial for the New Hampshire voter.

The formula then limits analysis to the cell for the voter from the other state where there is more than one letter, in other words where the voter in the other state has a full middle name.

The Microsoft Excel LEFT function allows you to extract a substring from a string, starting from the left-most character. Here the formula extracts just the first letter of the full middle name in the other state voter's middle name cell.

If the first letter of the middle name for the other state voter and the middle initial for the voter from New Hampshire:

- Are the same (equal) the formula enters a "No" (Are the middle names different? NO)
- Are different, the formula enters a "Yes" (Should this pair of voters be removed from further consideration because they have a different middle name? Yes)

If either cell has fewer than 1 letter in the cell, the formula enters "NA" (a case where either cell is blank is not being analyzed at this step, it is Not Applicable). The formula also enters "NA" if the other state voter has only a middle initial, comparing rows where both states provided a middle initial occurs at step 7.

The result is that, of the 2,327 rows remaining, 778 showed that the voters in that row have middle names that are different. Even though each person is recorded in the database as having voted in his or her state, they are different people – no voting occurred by the same person in two states in the November 8, 2016 election. The voters remaining after step 5, 2,327 minus those removed from further examination by step 5, 778, leaves 1,549 for further examination.

### **1,549 pairs of voters**

#### **Step 7 – Both New Hampshire and the other state provided only a middle initial and the middle initials are different.**

Identify pairs of voters where New Hampshire and the other state provided only a middle initial and the middle initial of the voter in New Hampshire is different from the middle initial of the voter from the other state.

Column BF Excel formula:

```
=IF(LEN(E24)=1,IF(LEN(Y24)=1,IF(E24=Y24,"No","Yes"),"NA"),"NA")
```

The Microsoft Excel LEN function returns the length of the specified string.

E24, is the cell in column E which contains the full middle name or initial of the New Hampshire voter identified in row 24.

Y24, is the cell in column Y which contains the full middle name or initial of the voter from the other state in row 24.

The formula first limits analysis of the cell for the New Hampshire voter to where there is exactly 1 letter in the cell. In other words where we have only a middle initial for the New Hampshire voter.

The formula then limits analysis of the cell for the voter from the other state to where there is exactly 1 letter in the cell. In other words, where we have only a middle initial the voter in the other state.

If the middle initial for the voter from New Hampshire equals or is identical to the middle initial for the voter from the other state the formula enters a “No” (Are the middle names different? NO)

If the middle initial for the voter from New Hampshire is different from the middle initial for the voter from the other state the formula enters a “Yes” (Should this pair of voters be removed from further consideration because they have a different middle name? Yes)

If either cell has fewer than 1 letter in the cell (it is blank) or more than one letter in the cell (there is a full middle name) the formula enters “NA”. In either case the voter pair was analyzed at an earlier step.

The result is that of the 1,549 rows remaining, 591 showed that the voters in that row have middle names that are different. Even though each person is recorded in the database as having voted in his or her state, they are different people – no voting occurred by the same person in two states in the November 8, 2016 election. The voters remaining after step 6, 1,549 minus those removed from further examination by step 7, 591, leaves 958 for further examination.

### **958 pairs of voters**

#### **Step 8 – Both New Hampshire and the other state provided a suffix and the suffixes are different.**

A small number of rows (records) have a suffix for both the New Hampshire voter and the voter from the other state. A manual count disclosed that 3 of the remaining pairs had a suffix in one state that was different from the suffix in the other state.

The result is that of the 958 rows remaining, 3 showed that the pair of voters in that row have suffixes that are different. Even though each person is recorded in the database as having voted in his or her state, they are different people – no voting occurred by the same person in two states in

the November 8, 2016 election. The voters remaining after step 7, 958 minus those removed from further examination by step 8, 3, leaves 955 for further examination.

### **955 pairs of voters**

#### **Step 9 – External public records provide evidence the members of the pair of voters are different people or did not vote in two states.**

Examination of copies of the individual's voter registration form in New Hampshire and in the other state, "public records" in the subscription Lexis Advance "Public Records" database, copies of the marked checklists used at the election, and information received from election officials in other states yielded evidence that either the voter in New Hampshire is a different person than the voter in the other state, that the voter did not vote in the November 8, 2016 election in New Hampshire, or did not vote in the other state. The result is that of the 955 rows of matched pairs of voters remaining, examination showed that 813 of the voters are different people or did not vote in two states. The voters remaining after step eight, 955 minus those removed from further examination by step nine, 813, leaves 142 pairs of voters. For 51 of those pairs, efforts to resolve whether the pair consists of one or two people and to verify that the person voted in both states has been exhausted, we have completed all the steps appropriate for this office. Those pairs of voters have been referred to the Attorney General's office. For 91 pairs of voters the examination is ongoing. A request for information has been made to each of the other states or their local election officials where these voters may have also voted in the November 8, 2016 election. We await responses.

The examination is being closed when the information received shows that either the voter from the other state is a different person or that the voter from the other state did not vote in that state. When the information received does not rule out that the same person voted in two states, a referral will be made to the Attorney General's Office.

Voter's social security numbers are not collected during the voter registration process in New Hampshire, except when a person does not have a driver's license from any state, then in accordance with federal law the voter is asked to provide just the last four digits of his or her social security number. Step 9 used the Lexis Advanced "Public Records" subscription database which does provide government users who are seeking to detect or deter fraud access to view the social security number and full date of birth of an individual who is in their records. For most, but not all, of the voter pairs Lexis had a record for the voter and all but a few included a social security number, a history of addresses associated with the individual, a record of voter registration in states where that is public data, vehicle registration, driver's license, real property records, some utility records, and other records. Unlike New Hampshire, many states make public or release under limited circumstances these types of data.

Step 9 included looking up the New Hampshire voter in the public records database, using the New Hampshire address and then looking up the out of state voter, using the out of state address, separately. The records were viewed on-line, minimal notes taken, and closed without preserving any record of the full public records database record.

When the voter's "Public Record" database record with their New Hampshire address included a social security number that was different than the social security number in the database for the voter from the other state, that evidence was considered sufficient to make it more likely than not

that the pair of voters consisted of two different people. These pairs were removed from further examination.

When the “Public Record” database provided additional middle name information which, when combined with the elections database record, showed the members of the pair of voters had different middle names/initials, therefore were two different people, the pair was removed from further examination.

New Hampshire’s voter registration form asks for a full middle name, however, not all voters provide this information or the full name is not recorded in the Statewide Voter Registration Database. Some voters do not have/use a middle name and others use only a middle initial. The absence of a full middle name or initial on the voter registration form is not a basis to reject the application. Where the opportunity exists, local officials registering voters can verbally seek to confirm that the applicant’s full middle name, if the voter has a full middle name, has been provided.

There were a few cases where the voter database records had middle initials that matched, but the public database records revealed that the full middle names, although starting with the same first letter, were different. These pairs were removed from further examination.

Step 9 included reviewing the address history in each voter’s public records. When the New Hampshire voting address and the out of state voting address both were reported as part of one individual’s address history in the public records, this is considered evidence supporting the conclusion that the voter pair consists of one person. It is evidence showing the person either moving from the voting address in one state to the voting address in the other state or in some cases indicating the voter has a simultaneous presence at both addresses.

Step 9 also includes seeking information from election officials in other states. Those officials are asked to examine their equivalent of the checklist marked on election day in their state to confirm that the person voted. As was the case in New Hampshire, some of these examinations revealed that voters listed in their Statewide Voter Registration Database as having voted in the November 8, 2016 election were not marked as voting on the election day checklist or equivalent record. These pairs of voters are removed from further examination, because the voter did not vote in the other state.

The first steps removed voters from further examination whose database record indicated the pair of voters did not vote in two states in the November 8, 2016 election. In this step, a photocopy of the checklist used on election day and marked when each person voted, was examined to ensure that record shows that the voter did vote in that election. For 82 voters the New Hampshire checklist was not marked to indicate that the person voted or a checklist marking error was found, this is approximately 8.6% of the 955 voters examined.

In a few cases, checklist marking errors were found. Errors were found where a person was marked on the checklist as having voted by absentee ballot, but that Voter’s ElectioNet record contained no record of the voter requesting, being sent, or returning an absentee ballot. In most, but not all, of these cases another voter was found who was not marked as voting, but whose ElectioNet record contained the date the voter requested, was sent, and returned an absentee ballot. Most cases involved people with some elements of their name being identical and who were located near each other on the checklist. In these cases the evidence shows that it is more likely than not that the

wrong person was marked on the checklist as the absentee ballot was processed and deposited into the ballot box or ballot counting machine. The most common case was were two family members with common names are listed on the checklist one above the other, for example a father and son, and the wrong one was marked. Most of these errors were identified or confirmed by local officials.

The Secretary of State's office has audited the entire checklist for a non-random sample of four towns/wards to further assess the extent and nature of these errors. These audits suggest the overall error rate (looking at all voters in the selected towns/wards) is less than one percent.

Of the 955 pairs of voters examined:

- 612 had different social security numbers
- 304 had different middle names
- 33 had other circumstances, such as one, but not both, voters in the pair having died following the election.
- 82 were not marked as voting on the copy of the paper checklist used at the polls on election day or checklist marking errors were found.
- 83 were reported by out of state election officials as not marked as voting on their checklists or checklist marking error were found.

For most pairs of voters more than one of these reasons for making no further examination of the voter applied. For example, the examination of public records disclosed that a pair of matched voters had different social security numbers and different middle names. Therefore, the total of the different categories is greater than the total number of examinations that were closed.

### **Conclusion**

We will not know with certainty how many, if any, people wrongfully voted in two states in the November 8, 2016 election until the Attorney General's Office completes its work on the pairs of matched voters referred to them. It is expected that the Attorney General's Office will obtain additional evidence that will make it more likely than not that some of the remaining pairs of voters are two different people. We also anticipate that evidence may be found where the matched pair of voters is one person in both states, that he or she did not vote in both states.

This review is focused only on unlawful voting by one person in two states, it does not address any other forms of possible voting fraud. The Secretary of State has in the past and will continue to refer cases to the Attorney General when, in the course of completing statutory duties and when working with local election officials, it comes to light that there is reason to believe that a person is voting who is not eligible, or that other election law violations have occurred. A separate report accompanies this report on the Secretary of State's work and referrals to the Attorney General arising from the Voter Affidavit Follow-up required by RSA 654:45.

The Attorney General's Office has advised that at this time it is legally inappropriate to provide additional information. Matched pairs of voters that have been or may be referred to the Attorney General's Office are or may become the subject of open investigations. The Attorney General's Office has indicated they will provide additional information when it becomes legally appropriate to do so.