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Exhaustive investigation reveals little evidence of possible voter fraud in NH

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CONCORD, N.H. — An exhaustive review by state election officials, including a first-time comparison of voter information shared with 27 other states, has turned up virtually no evidence of possible voter fraud in New Hampshire, those officials said Tuesday.

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Secretary of State William Gardner, other officials from his office and a top election law attorney from the attorney general's office made a more than two-hour presentation to the state Ballot Law Commission, which is charged with resolving disputes related to election laws. The review consumed 817 work hours by members of the attorney general's office with help from the Department of Safety.

The key results were:

-- Out of more than 94,000 names of people with the same first and last names and dates of birth who voted in New Hampshire and at least one of the other 27 states in the Interstate Voter Registration Crosscheck program, all but 142 were accounted for as being different voters in each state

-- In New Hampshire, out of 86,952 people who registered to vote on state primary or general election day in 2016, a total 6,033 did not present photo IDs and as a result signed affidavits swearing that a New Hampshire community was their domicile.

-- The secretary of state's office verified that all but 458 cases were legitimate New Hampshire voters, and referred those 458 cases to the attorney general's office. The attorney general's office was able to verify that 392 of those voters were in fact domiciled in New Hampshire and registered and voted properly.

-- The attorney general's office was unable to verify the domiciles of the remaining 66 after exhausting all investigative resources, but a top attorney in the office said it does not mean an unlawful vote was cast in any of those 66 cases.

During the wide-ranging meeting, the officials also addressed well-known unverified claims of "busloads" of people from other states illegally voting in New Hampshire and the chances of the state's election results being hacked.

"Various public statements by public officials, starting with the assertion by the president that somehow, his loss of the electoral vote in New Hampshire was due to 'massive voter fraud,' and other expressed concerns about voter fraud, Russian interference in elections and voter suppression make it desirable for this commission, which is charged with a role in assuring compliance with election laws in New Hampshire, be informed about that is going on," Cook said at the start of the data-filled meeting.

Cook, after hearing a presentation from Associate Attorney General Anne Edwards on cases of unverified voters, said, "It does not sound like a pattern of activity. It sounds like a bunch of idiosyncratic issues, and not, quote, massive voter fraud, but just kind of idiosyncratic events. Would that be a fair characterization?"

Edwards agreed.

“There doesn’t appear to be any widespread pattern of voting fraud in New Hampshire,” she said. “I do believe there are times when people misunderstand where they should vote, which still fascinates me, but they do.

“Certain people believe that if they own property in two towns, they should be able to vote in different elections in different towns,” Edwards said. “We have conversations with them about in fact, what a domicile is and where they have to establish their domicile, and that they only get one domicile.”

Ballot Law Commission member David Campbell said the reviews by Edwards and Gardner’s office showed that “the number of cases of possible wrongful voting, of possible voter fraud, is really statistically miniscule.”

Edwards said the secretary of state's office reported that 764 people signed affidavits swearing to their identities and domiciles as they registered to vote between May 2016 and January 2017. The secretary of state's office was unable to verify the identities of 440 of those cases and referred them to the attorney general's office.

But Edwards cautioned, “Those unverified voters do not indicate that those individuals cast an unlawful vote.”

“We we just don’t see a widespread situation of voter fraud,” she said.

Crosscheck data

According to Gardner’s presentation, New Hampshire joined the Interstate Voter Crosscheck Program in 2016 and participated in it for the first time in 2017, exchanging data on registered voters for the Nov. 8, 2016, general election with 27 other states, including Massachusetts and Maine, which also participated.

Involvement in Crosscheck allowed state officials for the first time to obtain data on whether people are voting in New Hampshire and also voting in another state in the same election, Gardner said.

Comparing voter data from the 28 states, which include about 45 percent of the entire U.S. population, the initial check found 94,610 records in which a New Hampshire voter and a voter in another state had the same first name, last name and date of birth.

But Gardner said the number was quickly reduced to 4,579 when those who did not vote in either state, or did not vote in New Hampshire, or did not vote in another state, were accounted for and eliminated from the review.

Comparing middle names, middle initials and Social Security numbers, and undertaking several other steps, including taking into account clerical errors by local election officials and whether one of the voters in the “matched pairs” had died, resulted in only 142 of the 94,610 "matched pairs" of voters remaining under examination.

Gardner’s office has referred 51 of the 142 cases to the attorney general, and his office continues to examine 91 pairs of matched voters.

some of the other states check the signatures for our comparison.

“Does that mean that these are all improper voters? It does not,” Gardner said.

“There might be something that we are not aware of, but that’s why they are sent to the attorney general’s office, because they have the ability to do other things that we do not. We’ve exhausted our review.

“And of the 91 others that make up the 142, those are still some that we haven’t gotten a certain piece of information from another state,” he said. “We are waiting on that.

“They don’t’ necessarily constitute an allegation of misconduct,” Gardner said. “We’re not saying that. But they are in the attorney general’s office, and we’ll find out.”

Gardner: Crosscheck proves to be 'valuable'

After the meeting, Gardner told WMUR in an interview that he was confident in the value of the Crosscheck program.

“That is exactly the kind of thing that I was hoping that the president’s integrity commission was going to do at the federal level,” he said, referring to President Donald Trump’s now-defunct Presidential Advisory Commission on Election Integrity, on which Gardner served.

“This is valuable,” he said of Crosscheck.

Gardner said he will pursue trying to have reciprocal voter information agreements with Connecticut, Vermont and Rhode Island, which are not in the Crosscheck program.

"But I don’t envision giving up on Crosscheck or saying that we don’t need to continue,” he said.

names.

“It’s a daunting task to try to make the effort that we did to narrow it down,” Gardner said. “Some released that initial information and were embarrassed by it. We were going to explain from the beginning how we did this.”

Edwards: Five of 28 wrongful voting claims 'founded'

Edwards described probes her office has undertaken between Sept. 1, 2016, and last week. She said her office received 28 allegations of wrongful voting, “and of those 28 complaints, five of them were founded for some type of wrongful voting.” But not all of those cases were the fault of the voter.

Among those five, she said, in the November 2016 general election, an elderly woman filed her husband’s absentee ballot even though he died four days prior to her mailing the ballot. In that case, a $500 civil penalty was imposed, with no criminal charges.

A student who resided in a dormitory at Southern New Hampshire University was incorrectly told by an election official in Manchester to go to Hooksett to register to vote, because the dormitory was located in that town -- when in fact it was located in Manchester. The student should have been allowed to register in Manchester. Edwards said this was a case of “the confusion of election officials” who told the student to vote in the wrong location.

A third case involved a person who voted in Hampton and Salem in the general election. The person was fined $2,500 and was told he would be criminally prosecuted if he did it again. The person had voted twice in separate towns in a prior election as well, Edwards said.

Two people who voted in Dixville Notch in the Feb. 9, 2016, first-in-the-nation presidential primary -- an event that draws national media attention -- were later determined to have neither residence nor domicile there. They were ordered to cease and desist and told they would be criminally prosecuted in the future if they voted in Dixville Notch again.

In February 2017, less than a month after taking office, President Trump, in a private meeting with officials, including former Sen. Kelly Ayotte, claimed without evidence that he and Ayotte lost in New Hampshire in the 2016 general election because thousands of people were "brought in on buses" from Massachusetts to "illegally" vote in New Hampshire.

That claim and others by Trump alleging there were of "millions" of illegal voters in other states – which, he claimed, was the reason he lost the popular vote to Hillary Clinton -- was viewed as the impetus for Trump's formation of the election integrity commission, which was disbanded in January.

Gov. Chris Sununu, as a candidate in October 2016, charged in an interview with Boston radio talk show host Howie Carr that Democrats "gamed the system to their advantage" because, he charged, "when Massachusetts elections are not very close, they're busing them in all over the place" to the Granite State.

Sununu, after being elected, later walked back the claim and said there was no voter fraud in the 2016 election.

At the meeting Tuesday, Edwards was asked about such claims. Commission Chairman Cook wanted to know if her office received complaints of "busloads of people being brought across the border to vote."

She answered that in fact there were buses from out-of-state in the 2014 midterm election, but the people they carried were legitimate New Hampshire voters.

"I don't believe we had any complaints of busloads of voters in 2016, mostly because we had serious conversations with the major political parties in 2015 to stop renting buses from other states," Edwards said.

"That is what the problem was. At college campuses, the political parties will rent buses to move the college students around to the polling places so that they can vote. And the buses are

“Each time we have sent an investigator out to the polling place, they have been able to determine that the bus company is from Maine or Vermont or Massachusetts, but not the voters on the bus.”

She also said that in 2016, her office sent investigators to Salem to follow up on reports from the town that the voting place parking lot was “full of” vehicles with Massachusetts license plates.

“The report was correct,” she said. “What it turned out was that it was individuals from Massachusetts who were coming up and were holding campaign signs. It wasn’t an exciting election in Massachusetts, so they came up to hold signs in New Hampshire. But they weren’t trying to vote.”

Gardner: Hacking virtually impossible

Questioned by Cook about the possibility of hacking into the state's election system, Gardner said the state’s requirement that paper ballots are used in all communities is the best insurance against it.

“See this pencil here?” Gardner asked. “Do you want me to give it to you and see if you can hack this pencil?

“We have this pencil. This is how people vote in this state, and you can’t hack this pencil,” he said.

Deputy Secretary of State David Scanlan added that while New Hampshire has a centralized voter database on a computer, “It’s not tied into a bunch of other networks that expand that access.

“The voting machines we use in New Hampshire, the optical scanning counting devices, are stand-alone,” Scanlan said. “They do use a program memory card, but to hack those would

"Any type of electronics can be hacked," Scanlan said. "So, it's just a matter of management procedures you put in place to protect them, and we have system of seals and logs and secure access requirements, which would make it very, very difficult."

Gardner said that a group of computer scientists known as "Anonymous" vowed in 2012 to hack New Hampshire presidential primary because, he said, it was viewed as a "prize," but measures taken by his office prevented it from happening.

"We're keenly aware of this and take it seriously," Gardner said. "But we make sure that we have a way that they are not going to be able to tamper with our election."

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