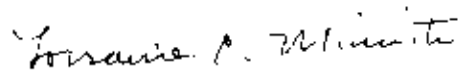


Expert Report of Lorraine C. Minnite, Ph.D.

Case No. 1:24-cv-00312-SE-TSM
United States District Court
District of New Hampshire

A handwritten signature in black ink that reads "Lorraine C. Minnite". The signature is written in a cursive, flowing style.

Lorraine C. Minnite

Executed on July 23, 2025.

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I. Summary of Opinions¹

I have been retained by counsel for the Plaintiffs in the above captioned case to provide expert analyses and opinions on (1) the incidence of voter fraud in general, and specifically, in New Hampshire; (2) within the question of fraud, generally, the incidence of voter fraud committed by non-citizens in New Hampshire; and (3) whether House Bill 1569's removal of the Challenged Voter Affidavit (CVA) and Qualified Voter Affidavit (QVA) have any meaningful impact on preventing voter fraud in New Hampshire.²

Voter fraud is the intentional corruption of the voting process by voters. As discussed in detail in this report, I have extensive experience researching and analyzing voter fraud in U.S. elections. Based on that research and analysis, as well as additional research and analysis that I have conducted related to New Hampshire, in particular as part of my work on this case, I conclude the following:

1. The incidence of voter fraud in recent U.S. elections, nationally and in New Hampshire, is exceedingly rare.
2. The incidence of voter fraud attributable to non-citizens in New Hampshire is even rarer. I was able to identify only eight cases of non-citizens registering and casting ballots over the last twenty-six years, a period in which more than 8.3 million ballots were counted in just the fourteen New Hampshire federal general elections alone. In nearly every one of the eight cases, confusion or human error, not fraud, accounts for how non-citizens were able to cast an infinitesimal number of illegal ballots.³
3. Given the demonstrable record of almost no non-citizen fraud in New Hampshire, the prior law's requirement that registrants swear to their qualifications under penalty of perjury, subject to thorough investigation by the Department of Justice, was an effective deterrent to voter fraud. House Bill 1569 (H.B. 1569), and specifically, its removal of the Challenged Voter Affidavit and the Qualified Voter Affidavit for eligible voters who do not present or may not possess documentary proof of citizenship will not further reduce the incidence of voter fraud in New Hampshire. The reason for this is simple: if there was almost no fraud under the prior affidavit rules, requiring documentary proof of citizenship will not prevent more of it because there is so little more of it to prevent. Instead, H.B. 1569 is much more likely to prevent legitimate votes from being cast and therefore, citizens from participating in elections.

¹ This report is based on information that is currently available for my review. I reserve the right to update my report and opinions upon review of any additional documents or information that is provided to me.

² I am being compensated for my work in this matter at the rate of \$300 per hour. My compensation does not depend on the conclusions that I reach or the outcome of this litigation.

³ As noted in more detail below, at the time of writing, the New Hampshire Department of Justice announced charges against an alleged non-citizen for wrongful voting in three elections. See Press Release, N.H. Dep't of Just., Off. of the Att'y Gen., Non-U.S. Citizen Arrested for Voting in New Hampshire, (July 22, 2025), <https://www.doj.nh.gov/news-and-media/non-us-citizen-arrested-wrongful-voting-new-hampshire>.

The facts and data I considered in forming my opinions are set forth below. In Section II, I discuss my educational and professional background and qualifications. Section III defines voter fraud and discusses the social scientific methods and reasoning underlying my opinions; Section IV reviews New Hampshire material and the state's practically non-existent record of voter fraud; Section V puts the New Hampshire findings in context of the record of voter fraud at the national level, including so-called non-citizen fraud. I then conclude the report.

I submit my expert report, which incorporates all of the research I have conducted on the subject of voter fraud and voter identification laws over the last twenty-five years, including research conducted for expert testimony as noted above, and published in peer-reviewed books and journals⁴ to assist the court in its analysis of the instant case. I rely here on research I have conducted in preparing expert reports in litigation in other states, such as Kansas, in which the issues have been substantially the same. I have also reviewed new materials specific to New Hampshire and documents provided to me by Plaintiffs' counsel. All sources I relied upon to form my opinions are cited in the footnotes.

II. Background and Qualifications

I am a political scientist and associate professor in the Department of Public Policy and Administration at Rutgers University-Camden. I received a Bachelor of Arts degree in History from Boston University, and two Master's degrees and a Ph.D. in Political Science from the City University of New York. One of my areas of expertise is American Politics with a specialization in elections and the political process.

As is relevant to my work in this matter, I have studied the incidence and effect of voter fraud in U.S. elections for more than twenty years. In 2003, I co-authored a study of voter fraud with David Callahan for the public policy research and advocacy organization, Dēmos, titled, "Securing the Vote: An Analysis of Voter Fraud."⁵ I updated this study with new material in 2007.⁶ At that time, Dēmos published a preliminary report I wrote on voter fraud and same-day registration,⁷ and in March 2007, I published a report, "The Politics of Voter Fraud," for Project Vote, a national nonpartisan, nonprofit voting rights organization.⁸

In 2010, Cornell University Press published *The Myth of Voter Fraud*, my scholarly treatment of the subject and the politics surrounding the uses of voter fraud allegations to shape

⁴ A complete list of my peer reviewed publications is set forth in my curriculum vitae in Appendix A of this report.

⁵ Lori Minnite & David Callahan, *Securing the Vote: An Analysis of Voter Fraud*, New York: Dēmos (2003), <https://www.demos.org/research/securing-vote-analysis-election-fraud>.

⁶ Lorraine C. Minnite, *An Analysis of Voter Fraud*, New York: Dēmos, <http://www.demos.org/publication/analysis-voter-fraud-united-states-adapted-2003-report-securing-vote>, (last accessed May 24, 2025).

⁷ Lorraine C. Minnite, *Election Day Registration: A Study of Voter Fraud Allegations and Findings on Voter Roll Security*, New York: Demos (2007), <https://www.issueclab.org/resource/election-day-registration-a-study-of-voter-fraud-allegations-and-findings-on-voter-roll-security.html>.

⁸ Lorraine C. Minnite, *The Politics of Voter Fraud*, Project Vote (2007), https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwjctPstYPmAhXNvZ4KHXTUC8AQFjAAegQIBRAC&url=http%3A%2F%2Fwww.projectvote.org%2Fwp-content%2Fuploads%2F2007%2F03%2FPolitics_of_Voter_Fraud_Final.pdf&usg=AOvVaw1jUdV8sW1HtHfxbtXsm66W.

electoral policy. The book was the first and only peer-reviewed book that has been published on the incidence of voter fraud in U.S. elections. It has been described by the *Election Law Journal* as “excellent” and one that “should be read by political scientists, those interested in election administration, and policymakers at the state and federal levels.” In it, I methodically analyze the evidence of voter fraud using decades of data. I conclude that the widespread allegation that voter fraud is a rampant problem of unknown proportions is unsupported by evidence, and that actual voter fraud is extremely rare. I provide evidence to show that not only do claims that voter fraud is a great threat to American elections have no basis in fact, but these allegations are motivated by political interests and are designed to make voting harder for certain populations such as low-income voters, voters of color, seniors, young voters and new citizens. *The Myth of Voter Fraud* has been repeatedly cited by leading political scientists in papers published in peer reviewed journals that tackle questions related to allegations of voter fraud.⁹ As discussed further below, *The Myth of Voter Fraud* was also one of only five studies of voter fraud that the U.S. Government Accountability Office (GAO) found methodologically sound in its own performance audit of issues related to state voter identification laws.¹⁰

My other publications include an analysis of the role of the voter fraud myth in the voter identification debate in “Voter Identification Laws: The Controversy over Voter Fraud,” published by Routledge in a 2012 book edited by Matthew J. Streb titled, *Law and Election Politics*. I was invited to write a chapter on “the voter fraud myth” for the Third Edition (2016) of *America Votes! Challenges to Election Law and Voting Rights*, a publication of the American Bar Association; and a chapter on “voter suppression” in the Second Edition (2021) of a reader for college undergraduates, titled, *Power and Inequality: Critical Readings for a New Era*.¹¹

I have testified as an expert witness on the question of voter fraud in ten federal voting rights cases,¹² and four voting rights cases before state courts, including in New Hampshire (as well as Pennsylvania and two cases in state court in Missouri).¹³ My testimony has consistently been found credible and has been relied upon by courts. I have also testified on the same subject before Congress and the U.S. Commission on Civil Rights.¹⁴ I have written or been a party to

⁹ See, e.g., Nicolas Berlinski et al., *The Effects of Unsubstantiated Claims of Voter Fraud on Confidence in Elections*, 10 J. Experimental Pol. Sci. 34, 37 (2023), doi:10.1017/XPS.2021.18.

¹⁰ U.S. Gov’t Accountability Off., Elections: Issues Related to State Voter Identification Laws, Report to Congressional Requesters, GAO-14-634 (2014), <https://www.gao.gov/assets/gao-14-634.pdf> (last updated Feb. 2015).

¹¹ Lorraine C. Minnite & Frances Fox Piven, Voter Suppression: The Attack on Rights, pp. 144-157 in Levon Chorbajian, ed., *Power and Inequality: Critical Readings for a New Era*, 2nd Ed., (New York: Routledge, 2021).

¹² *Democratic National Committee, et al. v. Republican National Committee, et al.*, No. 81-3876-DRD (D.N.J. 2009); *Frank v. Walker/LULAC (formerly Jones) et al. v. Deininger*, No. 2:12-cv-00185-LA (E.D. Wis. 2013); *Veasey v. Perry*, No. 2:13-cv-193-NGR (S.D. Tex. 2015); *North Carolina State Conference of the NAACP v. McCrory*, No. 1:13-cv-00658-TDS-JEP (M.D.N.C. 2016); *Ohio Democratic Party v. Husted*, No. 2:15-cv-1802 (S.D. Ohio 2015); *One Wisconsin Institute v. Nichols et al.*, No. 15-cv-324 (W.D. Wis. 2015); *Lee v. Virginia State Board of Elections*, No. 3:15-cv-357 (E.D. Va. 2016); *Fish v. Schwab (formerly Kobach)*, 2:16-cv-02105-JAR-JPO (D. Kan. 2018); *Fair Fight Action, Inc. v. Raffensperger*, No. 1:18-cv-5391 (N.D. Ga. 2022); *Mi Familia Vota, et al. v. Fontes, et al.*, No. 2-22-cv-00509-PHX-SRB (D. Ariz. 2025).

¹³ *Applewhite v. Commonwealth of Pennsylvania*, 617 Pa. 563 (2012); *League of Women Voters of New Hampshire v. Gardner*, 174 N.H. 312 (2021); *Missouri State Conference of the NAACP v. State of Missouri*, 607 S.W.3d 728 (Mo. 2020); and *Missouri State Conference of the NAACP, et al. v. State of Missouri*, No. 22AC-CC04439 (19th Judicial Circuit Court, Cole County, Missouri 2024).

¹⁴ U.S. Commission on Civil Rights Briefing, An Assessment of Minority Voting Rights Obstacles in the United States, Raleigh, North Carolina (Feb. 2, 2018) (oral and written testimony); U.S. Senate Committee on Rules

numerous amicus filings on the incidence of voter fraud, including before the U.S. Supreme Court.¹⁵

III. Defining “Voter Fraud”

My study of voter fraud is motivated by an interest in improving electoral policy to strengthen and expand our democracy. Confidence in the integrity of election outcomes is critical to democracy. Fraud, intimidation of voters, violence against election workers and other forms of electoral manipulation are all intolerable, and U.S. elections have been remarkably free of these problems compared to many other countries. But electoral integrity and confidence also depend on the full participation of eligible citizens. Electoral rules and procedures that govern access to the ballot will burden voters to different degrees depending on differing abilities to comply. If the rules are not carefully crafted, they can undermine rather than promote electoral integrity by making it unnecessarily more difficult to register and vote, and by suppressing turnout and diminishing confidence that the outcome reflects the full participation and will of the people.

Since the disputed 2000 presidential election, partisan conflict over election law as a tool for shaping the electorate has only grown. The primary justification lawmakers have offered for restricting access to the ballot has been to prevent voter fraud. My work as a political scientist has focused on the empirical basis for this claim. Conceptual clarity and precision are central to social scientific inquiry. Proper measurement of empirical phenomenon cannot proceed without it.¹⁶

Accordingly, the first step for assessing whether there is a problem with voter fraud is to define what voter fraud is. Most statutes criminalizing what we might think of as voter fraud do not specifically use the term “fraud.” Instead, nefarious election-related practices are prohibited by state laws making “double voting” or “falsifying records,” or “voting by unqualified elector,” and the like illegal. This is the case in New Hampshire, where various forms of voter fraud are compiled under R.S.A. 659:34 and labeled “wrongful voting:”

I. A person is subject to a civil penalty not to exceed \$5,000 if such person:

and Administration, *Hearing on In-Person Voter Fraud: Myth and Trigger for Voter Disenfranchisement?* (Mar. 12, 2008) (invited written testimony); Expert Witness, U.S. House Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Civil Liberties, *Oversight Hearing on Voter Suppression* (Feb. 26, 2008) (oral and written testimony).

¹⁵ *Brnovich v. Democratic National Committee*, U.S. Supreme Court, Brief of *Amici Curiae* Empirical Elections Scholars in Support of Respondents, January 2021 (lead author); *Missouri Conference of the NAACP v. State of Missouri*, Missouri Supreme Court, Brief of *Amicus Curiae* Professor Lorraine Minnite, Ph.D. in Support of Appellants, June 2020; *Shelby County, Alabama v. Holder*; U.S. Supreme Court, Brief of Historians and Social Scientists as *Amici Curiae* in Support of Respondents, February 1, 2013 (signatory); *League of Women Voters v. Rokita*; Supreme Court of Indiana, Brief of *Amici Curiae* Lonna Rae Atkeson, Matt A. Barreto, Lorraine C. Minnite, Jonathan Nagler, Stephen A. Nuño and Gabriel Ramon Sanchez in Opposition to Defendant’s Petition to Transfer, November 2009; *William Crawford, et al. v. Marion County Election Board, et al.*; *Indiana Democratic Party, et al. v. Todd Rokita et al.*; U.S. Supreme Court, Brief of *Amici Curiae* The Brennan Center for Justice, Demos: A Network for Ideas and Action, Lorraine C. Minnite, Project Vote, and People for the American Way Foundation in Support of Petitioners, November 2007; *William Crawford, et al. v. Marion County Election Board, et al.*; *Indiana Democratic Party, et al. v. Todd Rokita et al.*; U.S. Supreme Court, Brief of *Amici Curiae* of Historians and Other Scholars in Support of Petitioners, November 2007 (signatory).

¹⁶ W. Phillips Shively, *The Craft of Political Research*, 5th ed. (Prentice Hall, 2001), 30-8.

(a) When registering to vote; when obtaining an official ballot; when casting a vote by official ballot; or when applying for a photo identification card for voting purposes, purposely or knowingly makes a false material statement regarding his or her qualifications as a voter to an election officer or submits a voter registration form, an election day registration affidavit, a qualified voter affidavit, a challenged voter affidavit, an affidavit of religious exemption, an identification card voucher, or an absentee registration affidavit containing false material information regarding his or her qualifications as a voter;

(b) Votes more than once for any office or measure;

(c) Applies for a ballot in a name other than his or her own;

(d) Applies for a ballot in his or her own name after he or she has voted once;

(e) Votes for any office or measure at an election if such person is not qualified to vote as provided in RSA 654;

(f) Gives a false name or answer if under examination as to his or her qualifications as a voter before the supervisors of the checklist or moderator;

(g) Presents falsified proof of identity, domicile, or verifiable action of domicile at any election;

(h) Registers to vote on election day using an affidavit to satisfy proof of being qualified, represents on the affidavit that the person possesses proof that he or she does not have in his or her possession at the polling place, and purposely and knowingly fails to provide a copy of the document by mail or present the document in person to the town or city clerk by the deadline established in RSA 654:12; or

(i) Purposely and knowingly provides false information in a written and signed statement or other documentation that another person is domiciled at an address that is owned, leased, rented, or managed by the individual providing the statement for the purposes of voter registration and that statement is used for voter registration purposes.¹⁷

The behavior described here is not called “voter fraud,” though it defines fraudulent behavior that undermines the accuracy and fairness of elections. For my purposes, I incorporate all forms of fraudulent behavior by voters that are banned by state and federal laws into the concept of voter fraud. What kind of fraud can voters commit? Voters are limited in the types of election fraud they can commit by the access they have to the voting process.

For example, voters cannot corrupt the count because they do not count the ballots. Voters do not run elections, which means they lack access to voting machines. What they have access to is their identity and knowledge of their eligibility to vote; therefore, the only kind of fraud voters can commit is that associated with the falsification of their identity and credentials. How they corrupt the voting process depends on the method of registering and voting.

¹⁷ See also, RSA 659:34-a, prohibiting voting in more than one state.

Voters could falsify their identity and/or credentials when they register – by any method of registration (in person, by mail, online, through a voter registration agency other than an election board). They could falsify their identity and/or credentials when they vote – again, by any method of voting (early, in-person, by mail). A voter who deliberately and fraudulently, that is deceitfully, votes twice is falsifying his or her eligibility to cast the second ballot; that voter could cast the second vote under a false identity, in which case, the voter is also falsifying his or identity. Voters do not play the same role or have the same access to the electoral process as do candidates, campaigns, or election workers. They have a specific and unique role to play in an electoral-representative democracy like ours – they cast the ballots that elect the representatives, whereby they participate in self-governance.

Generally, forms of fraud that voters can commit are colloquially referred to with terms that do not always line up with the language used in state election codes. For example, media reports might refer to “registration fraud” when a voter deliberately misrepresents his or her identity or credentials in registering to vote; or if a voter falsifies his or her identity when casting a ballot, either in person or by mail, experts might call that “voter impersonation;” or if a person who is not a citizen deliberately lies on a voter registration form that he or she is a citizen, we refer to that type of fraud as “non-citizen fraud,” and so on. I offer these examples to illustrate what is meant by “voter” fraud, not to make a claim about what voters actually do. In fact, as detailed at length in this report, fraud committed by voters is exceedingly rare.

In the U.S., in general, voter eligibility requirements are fairly standard across the states: one must be alive and competent when casting a ballot, 18 years of age, a U.S. citizen, and in many states not incarcerated or under state supervision for conviction of a felony crime. There are some variations to these rules, especially regarding that last requirement: states differ with respect to the terms of disfranchisement of persons with felony convictions. In our geographically-based system of representation, voters are required to live in the jurisdiction where they vote.

This general pattern of requirements holds true for the state of New Hampshire where to be eligible to register to vote, a person must be: (1) at least 18 years of age on the day of the next election; (2) a U.S. citizen; (3) domiciled in the town or city in which the applicant is registering to vote; and (4) not otherwise disqualified to vote.¹⁸

In nearly every state, including New Hampshire, people who *knowingly* abrogate eligibility rules commit what we usually call “voter fraud,” for example, if they intentionally provide false information concerning their own voter eligibility credentials in registering to vote.¹⁹ This includes people who are not U.S. citizens, know they are not U.S. citizens, and who deliberately misrepresent their status in order to register to vote, or people whose primary residence is not in the state in which they vote, as required by law, and deliberately falsify their permanent address, or what is referred to in New Hampshire statutes as their ‘domicile.’

¹⁸ RSA 654:7.

¹⁹ Benjamin Plener Cover, “Voter ~~Fraud~~ Mistake,” *forthcoming*, *William and Mary Bill of Rights Journal* 33 (2025); pre-print available at SSRN https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5211729, (“Eight states criminalize ineligible voting with no *mens rea* terminology: Arkansas, Delaware, Mississippi, Montana, Nebraska, Ohio, South Carolina, and Wyoming.”)

It follows that in order to keep the definition of voter fraud consistent with the legal concept of fraud²⁰ and in conformity with principles of election administration,²¹ the importance of intent must be emphasized, distinguishing election errors such as misspelled names and recording mistakes as administrative problems, but not fraud. Innocent administrative errors on the part of election officials and confusion on the part of voters can easily cause technically invalid ballots to be cast; however, there is an important distinction to be made between *invalid* registration and ballots, and *fraudulent* registration and ballots.²² Fraudulent registration and ballots are invalid, but not all invalid registration and ballots are fraudulent.

Thus, in measuring the incidence of voter fraud it is important to determine the validity of registrations and ballots, and then to identify, if possible, the intent on the part of the registrant or voter to register and vote and whether the ineligible or invalid registrant or voter knew that it was illegal to register and/or vote. The focus on voters is appropriate in an evaluation of voter access rules that target or regulate the behavior of voters, such as the subject of this litigation, H.B. 1569, which requires registrants to provide documentary proof of their identity, age, domicile, and citizenship in order to register to vote, with no exceptions.²³

Accordingly, for purposes of conducting social scientific research on the incidence of voter fraud, I define the concept of voter fraud as “the *intentional corruption* of the *voting process* by *voters*.”²⁴ This definition permits measurement of empirical phenomena important to my research interests in electoral policy in the U.S. and in New Hampshire.

This research strategy is the one I have used in all of my work on the incidence of voter fraud in U.S. elections over the last two decades.²⁵ Because the behavior we identify as voter fraud is illegal, and because the available evidence for analyzing the incidence of voter fraud is not

²⁰ For elucidation of the legal concept of fraud, see Ellen S. Podgor, Criminal Fraud, American University Law Review 45(4): 729-768.

²¹ Kathleen Hale and Mitchell Brown, *How We Vote: Innovation in American Elections* (Washington, D.C.: Georgetown University Press, 2020).

²² In this report I use the modifiers “illegal” and “invalid” interchangeably to mean the same thing, ‘not sanctioned by official rules,’ or ‘without foundation or force in truth, fact or law’ (citing Webster’s Dictionary).

²³ Laws of 2024, Chapter 378; *see also*, Memorandum from New Hampshire Secretary of State’s Office to New Hampshire Election Officials, re: HB 1569 – Laws of 2024, Chapter 378 – Relative to Eliminating Voter Identification Exceptions, dated November 8, 2024, <https://www.sos.nh.gov/sites/g/files/ehbemt561/files/inline-documents/sonh/hb-1569-memorandum-11.08.24.pdf>.

²⁴ The U.S. Department of Justice prosecutes election crimes committed when there is a federal candidate on the ballot, or in cases where there is jurisdiction to enforce federal criminal laws that potentially apply to both federal and non-federal elections when there is no federal candidate on the ballot. The federal government’s definition of “election fraud” centers on the corruption in “the obtaining and marking of ballots, the counting and certification of election results, or the registration of voters,” and is over-broad for the purpose of measuring election crime committed by voters, the focus of my research, because it includes acts of official malfeasance, such as ballot box stuffing or corruption of the count, criminal acts that voters cannot commit because they do not possess official authority in the administration of elections or the counting of ballots. *See* Richard C. Pilger, ed., *Federal Prosecution of Election Offenses*, 8th ed., U.S. Department of Justice, Criminal Division, Public Integrity Section (Washington, D.C.: Government Printing Office, 2017), 22-26, <https://www.justice.gov/criminal/file/1029066/download>, (last accessed July 7, 2025).

²⁵ For a full discussion of the logic and reasoning grounding my definition of voter fraud, see chapter 2 of *The Myth of Voter Fraud*, 19-36.

always conclusive on the question of intent, it is also important to research and understand the context and circumstances surrounding the behavior and the bare facts of alleged fraud.

The reasoning and logic I use to derive a definition of voter fraud to guide measurement lead to the following general conclusions:

1. It is important to identify who is allegedly committing the fraud – the electoral process is complex and multi-staged; not all actors in the process have access to all parts of the process; therefore, not all forms of electoral fraud may be committed by all actors in the process.
2. Thus, there is an important distinction to be made between *voter* fraud and what we might call broader *election* fraud; voter fraud is the intentional corruption of the voting process by voters; election fraud encompasses all other forms of intentional corruption of the electoral process that relies on deceptive practices.
3. Invalid registration and balloting, which may be detected as anomalies or irregularities in electoral mechanics, may not be fraudulent; therefore, there are competing explanations for electoral anomalies and irregularities: invalid registration and balloting may be caused by simple human error, confusion or mistakes and are not *prima facie* evidence of fraud.

IV. Evidence of Voter Fraud in New Hampshire

In this section, I review my previous research on the incidence of voter fraud in New Hampshire, beginning with *The Myth of Voter Fraud*. I then discuss how I updated that research for an expert report I wrote in 2018 in a New Hampshire state constitutional challenge to S.B. 3.²⁶ The court relied on my testimony in this case, referencing it in both its preliminary injunction decision and its post-trial order.²⁷ Following this discussion, I review any new evidence of voter fraud in New Hampshire since 2016 in the context of H.B. 1569, the legislation challenged in the present case.

As detailed below and regularly affirmed by New Hampshire election and law enforcement officials, there is very little evidence of voter fraud in New Hampshire.

And yet, while allegations of fraud have become commonplace in American national elections over the past twenty years, President Donald J. Trump has taken bogus claims of fraud to an entirely new level, raising questions about the integrity of elections that have been asked and answered, over and over again. For example, in the wake of the 2016 presidential election – an election that he won – President Trump falsely claimed that there was “serious voter fraud” in New Hampshire, which he implied accounted for his narrow loss to Hillary Clinton in the state. Then-Senior Deputy Secretary of State and head of the Election Division (and the current Secretary of

²⁶ *League of Women Voters of New Hampshire v. William M. Gardner*, N.H. Sup. Ct., No. 226-2017-CV-00433 (2020).

²⁷ See Preliminary Injunction Order, *League of Women Voters of N.H.*, No. 226-2017-CV-00433, 2018 WL 5929043, at *9 (N.H. Super. Oct. 22, 2018); Post-Trial Order, *League of Women Voters of N.H.*, No. 226-2017-CV-00433, 2020 WL 4343486, at *14, *19 (N.H. Super. Ct. Apr. 8, 2020).

State), David Scanlan, told *Politico*, “We have heard claims like this in the past, relative to our elections, but we have been provided no evidence that suggests that there is voter fraud on a widespread scale in New Hampshire.”²⁸ Assistant Attorney General Brian Buonamano, agreed, telling the *New Hampshire Union Leader*:

I do not see any indication of a coordinated effort to conduct voter fraud on a large scale in the state of New Hampshire...There is no indication of that. That’s not to say there aren’t potentially isolated incidents in any election, but not the kind of massive coordinated thing the President-elect appears to be referencing, although, I’m not sure exactly what he is referencing.²⁹

Politico reported that Trump elaborated further on his false claim in a meeting with U.S. Senators in early February 2017, when told them that “thousands” of people were “brought in on buses” from Massachusetts to vote “illegally” against him and former U.S. Senator Kelly Ayotte.³⁰ Secretary of State William Gardner addressed the allegation, stating, “We have never gotten any proof about buses showing up at polling places.”³¹ On Election Day, Gardner received a report that a busy precinct parking lot was full of cars with Massachusetts license plates. He drove to the polling place and found a lot of cars with Massachusetts tags, but the car owners were there holding signs, not voting.³²

The reaction to Trump’s allegations about fraud in New Hampshire was bipartisan: U.S. Senator Jeanne Shaheen, a Democrat, said, “There is absolutely no evidence whatsoever of major voter fraud in New Hampshire’s elections.”³³ Prominent New Hampshire Republicans, such as Steve Duprey, a former Republican state chairman and national Republican committeeman, took to Twitter to respond to Trump, as well. Duprey disputed Trump’s claim: “Repeating: there is no

²⁸ Nolan D. McCaskill, *Election Officials in 33 States Rebut Trump’s Claim of Fraud*, *Politico* (Nov. 28, 2016), <https://www.politico.com/story/2016/11/trump-virginia-election-fraud-231880> (last accessed Feb. 28, 2018).

²⁹ Dave Solomon & Dan Tuohy, *NH Election Officials Dispute Trump Tweet on Voter Fraud*, *New Hampshire Union Leader* (Nov. 28, 2016), <http://www.unionleader.com/voters-first/NH-election-officials-dispute-Trump-tweet-on-voter-fraud-11282016&template=mobileart> (last accessed July 7, 2025).

³⁰ As reported by *Politico* and other media outlets, these comments were made at the closed-door meeting with U.S. Senators and Trump’s Supreme Court nominee Neil Gorsuch, where Trump alleged said that he narrowly lost New Hampshire (by 2,736 votes), and that Senator Kelly Ayotte lost her re-election bid (by 743 votes) because “thousands” of people were “brought in on buses” from Massachusetts to “illegally” vote. See Eli Stokols, *Trump Brings Up Vote Fraud Again, This Time in Meeting with Senators*, *Politico* (Feb. 10, 2017), <https://www.politico.com/story/2017/02/trump-voter-fraud-senators-meeting-234909> (last accessed July 7, 2025). Trump has repeated this claim on several occasions, as recently as 2022 (see Amy Gardner, *Trump’s Revival of Claim of Voting Fraud in New Hampshire Alarms Some State Republicans*, *Washington Post* (Aug. 29, 2019), https://www.washingtonpost.com/politics/trumps-revival-of-claim-of-voting-fraud-in-new-hampshire-alarms-some-state-republicans/2019/08/28/0c22107e-c38f-11e9-9986-1fb3e4397be4_story.html); and Robert Farley, *Buldoc Revives Zombie Claim about Busloads of Illegal Voters in New Hampshire*, *FactCheck.org* (Nov. 4, 2022), <https://www.factcheck.org/2022/11/buldoc-revives-zombie-claim-about-busloads-of-illegal-voters-in-new-hampshire/> (last accessed July 7, 2025).

³¹ Annie Linskey, Matt Viser & James Pindell, *Trump Makes Groundless N.H. Voter Fraud Claims*, *Boston Globe* (Feb. 10, 2017), <https://www.bostonglobe.com/news/nation/2017/02/10/trump-makes-groundless-voter-fraud-claims/fcnMJfLgOx0UAVhJeTS8TP/story.html> (last accessed July 7, 2025).

³² *Id.*

³³ Erica Werner, *Trump Cites Voter Fraud in NH Without Proving Evidence*, *Associated Press* (Feb. 11 2017), <https://apnews.com/united-states-government-51156a85828e48bc934cf2c27dd501fc>.

voter fraud in NH. None. Zip. Nada. Hundreds of lawyers, poll workers, watchers, press – no buses rolled in.”³⁴ Former state Attorney General (and Republican) Thomas D. Rath, tweeted, “Let me as be [sic] unequivocal as possible – allegations of voter fraud in NH are baseless, without any merit – it’s shameful to spread these fantasies.”³⁵ And former Republican Party state chairman Fergus Cullen offered to pay \$1,000 to the first person proving, “even one out of state person took bus from MA 2 any NH polling place last Election Day.”³⁶

When Trump lost the 2020 presidential election in New Hampshire to Joe Biden by more than 59,000 votes, he again repeated the false allegation that he lost the state because of “massive election fraud.” Later commenting on a forensic audit of vote tally discrepancies in the Town of Windham, the Trump campaign issued the following statement:

Congratulations to the great Patriots of Windham, New Hampshire for their incredible fight to seek out the truth on the massive Election Fraud which took place in New Hampshire and the 2020 Presidential Election. The spirit for transparency and justice is being displayed all over the Country by media outlets which do not represent Fake News. People are watching in droves as these Patriots work tirelessly to reveal the real facts of the most tainted and corrupt Election in American history. Congratulations Windham—look forward to seeing the results.³⁷

The results of the audit showed that discrepancies in the results of four state House of Representative races in Windham were due to a faulty ballot folding machine that mis-folded hundreds of absentee ballots in a way that caused ballot reading machines to mis-record votes.³⁸ There was no fraud, and certainly no problem of the kind H.B. 1569 could have prevented.

The research on voter fraud in New Hampshire that I conducted for my book, *The Myth of Voter Fraud*, covers the period from 2000 to 2009.³⁹ In 2006, I sent public records requests to the New Hampshire Secretary of State and Attorney General. I also sent a survey to collect statistics on various forms of voter fraud to New Hampshire’s ten county attorneys. I received responses from Secretary of State William Gardner *via* email, and from Mr. Orville Fitch II, Senior Assistant Attorney General at the time, and from county attorneys for Grafton, Carroll and Coos Counties.

³⁴ <https://twitter.com/secretaryoffun/status/831067327546396673?lang=en>.

³⁵ Matt Shuham, *GOP Former NH AG: Claims of Illegal Voting Are ‘Not Connected to Reality’*, TPM (Feb. 13, 2017), <https://talkingpointsmemo.com/livewire/former-new-hampshire-attorney-general-voter-fraud-claims> (last accessed July 7, 2025).

³⁶ Katharine Q. Seelye, *Voter Fraud in New Hampshire? Trump Has No Proof and Many Skeptics*, N.Y. Times (Feb. 13, 2017).

³⁷ Save America, *Statement by Donald J. Trump, 45th President of the United States of America*, (May 6, 2021), <https://saveamerica.nucleusemail.com/amplify/v/vZhMVD7yJa?s=5b1b063f-6295-4a18-84a2-87f989df9bbc>.

³⁸ Press Release, New Hampshire Department of Justice, Senate Bill 43 Forensic Election Audit Team’s Report (July 13, 2021), <https://www.doj.nh.gov/news-and-media/senate-bill-43-forensic-election-audit-teams-report>; and New Hampshire Department of Justice, S.B. 43 Forensic Audit, <https://www.doj.nh.gov/sb-43-forensic-audit> (last accessed July 8, 2025).

³⁹ Minnite, *Myth of Voter Fraud*, 66-69.

Mr. Gardner informed me that the Attorney General is responsible for the enforcement of election laws in New Hampshire and that “we haven’t had much fraud up here in New Hampshire” in the past thirty years.⁴⁰ Mr. Fitch asked me to clarify my request and subsequently shared a report his office produced on “Allegations of Voting Fraud at the November 2004 General Election.” I discuss this report in more detail below. Responding to my survey of local prosecuting attorneys and my request for statistics on voter registration fraud, illegal voting, and absentee ballot fraud over a two-year cycle (2004 to 2005), County Attorneys Gordon (Carroll) and Morin (Coos) informed me that they had zero complaints investigated or cases prosecuted; County Attorney Hilaire from Grafton County had one complaint about absentee ballot fraud which was investigated, but nothing else to report.

The evidence of voter fraud in New Hampshire at the time was practically non-existent, and it still is. The systematic analysis of New Hampshire newspaper articles and reports and the search for statistics and court cases in federal and state databases that I conducted in the course of researching my book had turned up just two cases of fraud in New Hampshire. The first involved “a Nashua man [who] voted in one ward and then traveled to another ward and asked for a ballot using another’s name.” The story reporting on this case in the *Manchester Union Leader* continued, “although he received two ballots, he never voted, so the case wasn’t prosecuted...”⁴¹

In the second case, during the 2004 Presidential Primary, Mark Lacasse, a 17-year-old honors student at Londonderry High School, obtained his father’s ballot and voted for George W. Bush, later telling friends he had “subbed” for his father who was out of town. The student said he knew his father had wanted to vote for Bush, and when his teacher took seniors into the gym in his school, which was serving as a polling place, Mr. Lacasse misrepresented himself as his father to vote the ballot. Mr. Lacasse pleaded guilty to a misdemeanor, was sentenced to eight hours of community service, and required to deliver a speech on voting to his high school class.

The following excerpt from *The Myth of Voter Fraud* describes in more detail my earliest research on the question of voter fraud in New Hampshire:⁴²

Capitalizing on general fears of fraud, Republican opponents of the New Hampshire election day registration system have maintained a

⁴⁰ *Id.* at 67.

⁴¹ Mark Hayward, Thousands in New Hampshire Register, Vote at Same Time; Inquiry Reveals Some Weak Links in the Six-Year Old System, *New Hampshire Union Leader* (Dec. 13, 2000). The man, Stephen “Casey” Holt, told the *Nashua Telegraph* that he deliberately fraudulently voted to highlight the potential for fraud. He voted the first time in Ward 6 in the name of his stepson who lived in Maine, but whose name was still on the rolls in Nashua. Three hours later, wearing a different jacket, and contra the *New Hampshire Union Leader* article, he walked into the same polling place and obtained a ballot from the same ward monitor and voted in his own name. He did not actually vote for any candidate, and wrote messages on both ballots. On the first, he stated, “I obtained this ballot under the name [omitted], who has not lived in Nashua for quite sometime. I’m voting for neither candidate on this ballot. I’ve done this merely to point out the inadequacy of the system.” On the second, he wrote, “This is the second ballot I’ll be putting in the box today. I’m not voting for either of these people, one of whom I perceive to be mentally unprepared to lead the city and the other to be morally unprepared to lead the city.” See Corene Dee Bruce, Man Votes Twice, But Not for Either Candidate; Officials Say May Be Crime, at 1 *Nashua Telegraph* (Jan. 21, 1999).

⁴² Reprinted material from *The Myth of Voter Fraud*, by Lorraine C. Minnite. Copyright © 2010 by Cornell University. Used by permission of the publisher, Cornell University Press.

campaign to repeal it since it was adopted in 1994.⁴³ In the heat of the tight 2004 election, the Attorney General's Office thus undertook a broad investigation into whether voter fraud was a problem in New Hampshire. According to its report, "attorneys and investigators from the . . . [o]ffice and specially trained Deputy Sheriffs were either positioned at polling places or were traveling around the State checking polling places and responding when complaints were received."⁴⁴ Staff also set up and monitored a toll-free number to receive complaints and, after the election, met with concerned citizens who suspected fraud might have occurred on election day. The state legislature held a hearing at which several people testified about suspected fraud in the November election. Overall, the main concerns focused on election day registration, multiple voting, and voting by people who were not legally domiciled in New Hampshire. The biggest concerns came from places such as Keene and Dover, cities with large college populations. The Attorney General's Office actively encouraged people who had made complaints on election day and at the subsequent state hearing to submit any evidence of wrongful voting, but "only a very few of those raising concerns provided the Attorney General's Office with any information about their concerns."⁴⁵

Each specific complaint or allegation that the attorney general could identify was investigated. This involved combing through a database of over 40,000 registration records, checklists, and copies of identity documents, a tedious examination of voting records and other "nonpublic information," cross-checks with the Department of Motor Vehicles as well as state and law enforcement agencies, and interviews with local election officials and the people under investigation. The records review resulted in follow-up investigations of approximately 240 people, most of whom had registered to vote on election day. The case below of alleged double-voting in Keene is instructive:

Based on testimony before the Election Law Committee that individuals were listed multiple times on checklists for the City of Keene, an investigation was conducted. It was established that

⁴³ Under a one-time exit clause, New Hampshire opted out of the National Voter Registration Act of 1993 (NVRA) by implementing election day registration. Free of the NVRA's rules and regulations to make voter registration more accessible by mandating state elections officials accept the use of a federal mail-in registration form or to make registration services available in state agencies, New Hampshire has some of the most restrictive voter registration rules in the country.

⁴⁴ Memorandum from Bud Fitch, Deputy Attorney General to Chairman Robert Boyce, and Members Senate Internal Affairs Committee Chairperson, Chairman Michael D Whalley, and House Election Law Committee Chairperson, Report by the Attorney General's Office Report, on Allegations of Voting Fraud in the November 2004 General Election, (Apr. 6, 2006), 1.

⁴⁵ *Id.*

while seven people with identical names, but different dates of birth and different addresses, had registered and voted in Keene on November 2, 2004, only one person was found to have his name listed on the checklist as having voted in two different wards in Keene. Based on interviews of the election officials and the voter it was determined that:

- This individual reported to ward 4 to vote and was sent home to get identification when he was unable to prove his identity.
- The individual is a local person who graduated from Keene High School, but is not a student at the college.
- The individual had been licensed to drive in New Hampshire, but did not have his driver's license available for identification because of court action.
- The individual returned to ward 4 with identification, registered and got almost all the way through the process when an election official determined that he was at the wrong polling place. Based on his residence, he was required to vote in ward 5. The voter registration form was voided, but his name was inadvertently not voided on the checklist. The individual was not allowed to vote in ward 4.
- The individual went to ward 5 and lawfully registered and voted.⁴⁶

In other words, the suspect was not a criminal; he was an eligible, registered voter who did not have his driver's license on him when he went to vote. He was also the victim of an election administration mistake.

In the end, all but six of the more than two hundred people investigated by the attorney general were found not to have committed fraud but were in fact legal New Hampshire voters. The suspect six were people who had provided false information when they either registered or voted. Four who registered to vote on election day provided recent but no longer accurate addresses on their registration forms. Three of these four still lived in New Hampshire and were prosecuted for providing a false address; by the time of the investigation, the fourth had moved to another state and a warrant was issued for his arrest. Of the remaining two, one was the young Mark Lacasse, who had "subbed" for his father in the January primary, and the other was a man who signed a nominating petition twice, once using his name and a second time using the name of a relative. Both of these individuals were caught and

⁴⁶ *Id.* at 2.

reprimanded. The attorney general found no evidence that anyone in New Hampshire voted more than once in an election in which more than 375,000 ballots were cast.

I note that none of these instances of voter fraud involve the kind of fraud targeted by H.B. 1569, that is fraud committed by non-citizens, or by voters who falsely completed a Challenged Voter Affidavit after having their qualifications challenged at the polls.

When I updated my research on voter fraud in New Hampshire in 2018 for my expert report in *League of Women Voters v. Gardner*, and for this report, I used the same methodological approach deployed a more expansive way in *The Myth of Voter Fraud*. I have clearly defined and conceptualized the phenomenon I seek to measure – the incidence of voter fraud in contemporary elections in New Hampshire – and gathered as much empirical evidence as possible to evaluate the incidence of voter fraud. Because no one source of data is a complete record, and indeed, no single source exists for what I want to measure, I look for patterns across the available data and triangulate the data in order to draw inferences from empirical evidence. I give greater weight to information produced by government sources responsible for the administration of elections and for investigating alleged cases of voter fraud than I do news reports. I use news reports to track how the public might understand the issue of voter fraud in New Hampshire, and to look for contradictions with what the empirical evidence from administrative and law enforcement sources suggests about the extent to which voters are committing fraud. Inconsistencies prompt further analysis and require explanation before reliable inferences may be drawn.

In New Hampshire, as Mr. Gardner had informed me years ago, the Legislature designates the responsibility for enforcing state election law to the Attorney General.⁴⁷ A new Election Law Unit (ELU) was created within the Department of Justice in 2017 to give higher priority to investigating allegations and complaints of fraud and other violations of New Hampshire election law made by election officials and members of the public.⁴⁸ When cases are closed, the ELU issues letters to targets or to those making the complaints, summarizing the complaint, the investigation and its outcome.

Case closure letters and the Attorney General's periodic reports to the Legislature concerning the use of various voter affidavits to establish eligibility to vote were critical to my analysis of voter fraud in the *League of Women Voters* case and in the present case. This kind of primary data is not always available to voter fraud researchers.⁴⁹ For my *League* expert report, I used the information in the letters to create a spreadsheet of the individual incidences investigated and reported on for eighteen years, from 1998 to 2016, identifying the source of the complaint, the town in which incidences occurred, the type of potential fraud alleged, the election in which the

⁴⁷ RSA 7:6-c.

⁴⁸ Anne M. Edwards, New Hampshire Associate Attorney General, Report of Investigations Regarding Domicile and Qualified Voter Affidavits, April 20, 2018, 1-2.

⁴⁹ Case closure letters were provided to me through discovery in the *League of Women Voters of N.H. v. Gardner* case, but since then, the ELU has made the letters available to the public on the Department of Justice website. Individual case closure letters, settlement agreements, cease and desist orders complaints filed with a court or other official communications describing each complaint and actions taken are appended to status reports to the legislative committees with jurisdiction over election law, as mandated by law (RSA 7:6-c). See "Law Complaint Status Reports" Office of the Attorney General, Department of Justice, <https://www.doj.nh.gov/bureaus/election-law-unit/forms-publications> (last accessed July 8, 2025).

fraud or irregularity occurred, and the ultimate outcome of the investigation – whether the incident was a confirmed case of illegal activity (including fraud) or not. For each case I summarized the details of the investigation and recorded whether human error on the part of the voter or election administrators or poll workers was involved or determined to be the source of the problem.

For the 1998 to 2016 period covered in my *League* expert report, the closure letters and investigatory reports, supplemented by news reports and the legislative record contain approximately 165 incidents of alleged double voting, voter impersonation, absentee ballot fraud, and what was of most concern to the supporters of S.B. 3 in the *League* case – but not in the present litigation – so-called “domicile” fraud in which a voter votes using an address that is not his or her domicile for purposes of voting in New Hampshire. The total number of incidents is a little difficult to pin down because although most of the closure letters identify alleged violators by name, a few do not, nor do they always contain enough information to know if an alleged incident involved more than one voter.

The vast majority of incidents described in these documents appear to be cases of human error, voter confusion or simply wrong readings or misinterpretations of events based on incomplete information or flawed observations, and not fraud. Of the approximately 165 incidents, I determined that only ten cases were actual violations of New Hampshire wrongful voting laws prohibiting voter fraud.⁵⁰ I added six more cases identified from other sources, including press releases and other reports issued by the Attorney General’s Office, newspaper articles, and compilations of documents by the Heritage Foundation, the ACLU of New Hampshire, and the News21 Journalism Initiative,⁵¹ for a total of 16 known cases of voter fraud in New Hampshire between 1998 and 2016. None involved non-citizens.

For the present litigation, with more reporting by the Secretary of State and Attorney General’s offices now publicly available, I updated my 2018 analysis with a review of the ELU’s case closure letters for allegations of voter fraud investigated from 2016 through 2024, adding the new material to my spreadsheet of allegations from the 1998 to 2016 period.

Altogether I sifted through an additional 2,780 pages of closure letters and notes to the files and identified 252 allegations of wrongful voting investigated over the last eight-year period. Of this number, 31 were found to be in violation of the wrongful voting statute, mostly for issues related to domicile and double voting, though not all were prosecuted because in some cases investigators found that an improper vote may have been cast due to human error. In identifying violations of the wrongful voting statute, I erred on the side of being overinclusive – including the case as a violation – even when the investigator found that the voter or the election worker may have made a mistake that resulted in an illegal (if not fraudulent) vote. In these more ambiguous

⁵⁰ RSA 659:34, 659:51.

⁵¹ The News21 Journalism Initiative is a highly selective national reporting initiative headquartered at Arizona State University’s Walter Cronkite School of Journalism and Mass Communication. See, “About News21” at <https://news21.com/about/>. Top journalism students from around the country spend an intensive seminar learning the skills of investigative reporting, followed by a 10-week reporting fellowship during the summer focused on a single issue of national importance. In 2012 and 2016, the project investigated issues related to voting in America, including the incidence of voter fraud. I participated in the Spring 2012 News21 seminar as a guest lecturer on the research methodologies I have used in studying voter fraud.

cases, the voter usually received a warning or a cease-and-desist order. In other words, I do not count only successful prosecutions in my measure of violations of the wrongful voting statute.

Of the 31 violations, I identified seven people as non-citizens; however, none of these seven people were prosecuted for wrongful voting because the facts demonstrated that either they or election workers appeared to have been confused, for example, about whether legal permanent residents can vote in New Hampshire, or the voter or election worker simply made mistakes.

Take, for example, the case of Catherine Mazzola. From the investigator's report in her case:

On December 18, 2018, this Office received a complaint from the Keene City Clerk, Patricia Little. The complaint alleged that on November 6, 2018 you registered to vote on Election Day despite not being a United States citizen. The complaint stated that you told election officials you had a friend in Maine who was under a "Green Card" status, but was entitled to vote except in Presidential Elections.

We learned that at some point during the registration process, you and election officials had searched online about whether a resident with a Green Card could vote. We understand that you were ultimately permitted to register, given a ballot, and allowed to vote.

The voter registration form you completed on November 6, 2018 clearly shows that you marked "No" next to the question asking if you are a United States citizen. Additionally, it appears you also wrote below this question, "has a green card." Although you answered this question honestly, the registration form provides clear notice that you were not eligible to vote.⁵²

Ms. Mazzola was given a cease-and-desist order warning her not to register or vote again unless and until she became a naturalized citizen.

In the cases of the other six non-citizens who violated New Hampshire's wrongful voting statute, the circumstances are as follows:

- a person who overstayed a visa in 1990, married an American citizen and obtained legal residency, appeared to have voted in 2008 and 2010, having told the supervisor he had a "permanent green card;" he was in removal proceedings for more than five years when the U.S. Customs and Immigration Service (USCIS) discovered that he may have voted in New Hampshire;⁵³

⁵² New Hampshire Attorney General, Election Law Complaint Status Report Submitted Pursuant to RSA 7:6-c for the Reporting Period January 1, 2020 – June 30, 2020 (Oct. 19, 2020).

⁵³ New Hampshire Attorney General, Election Law Complaint Status Report Submitted Pursuant to RSA 7:6-c for the Reporting Period May 25, 2018 – December 31, 2018 (Jan. 31, 2019).

- a German citizen who was a legal resident of the U.S. said she told election workers she was a legal resident and was allowed to vote in one election; election workers denied she informed them about her citizenship status;⁵⁴
- a person who was brought to the U.S. when he was three years old believed he was a U.S. citizen; upon learning that he was not, he provided election officials with a letter from USCIS requesting he be removed from the voter rolls;⁵⁵
- a long-time legal resident was “mortified” to learn that he was ineligible to vote after voting multiple times since 2015 when he registered and signed a QVA; after he self-reported his mistake in 2023, the ELU investigation determined that: 1) he did not misrepresent his immigration status when he got registered to vote; 2) he did not check off that he was a U.S citizen on the QVA; 3) witnesses testified that he truly believed he was allowed to vote because he was a tax-paying resident of the town; and 4) there likely was a miscommunication, and that the voter had been provided faulty information about his eligibility by Chester election officials;⁵⁶
- a non-citizen registered in Plymouth in 2022; and used his ‘green card’ for identification; he marked ‘No’ in response to the citizenship question on the registration form; in response to the question about where he had naturalized, he wrote ‘Buffalo, NY,’ which is where he lived when he became a legal permanent resident (not a citizen), suggesting confusion about naturalization and legal permanent residency; in addition, election worker error contributed to the mistakes; the man’s name ended up being misspelled on the checklist from the first time he registered, so election officials asked him to fill out a registration form again when he attempted to vote in November 2022; he got re-registered and was given a ballot, but then the moderator intervened, took the ballot away, and reported the case to the Attorney General’s Office;⁵⁷
- another non-citizen registered to vote in Salem using a green card; on his registration form he represented that he was a citizen, having naturalized in 1969; however, he became only a legal permanent resident in 1969, not a citizen; the supervisor of the checklist signed the registration form and allowed the person to vote; According to the *Derry News*, the 72 year old voted for the first time “...after coworkers and family urged him to stop complaining about politics if he wasn’t going to vote...” The new voter said, “It makes me proud to be involved, I was really excited today...I would always complain and never vote and now I can complain and say at least I voted.”⁵⁸

⁵⁴ New Hampshire Attorney General, Election Law Complaint Status Report Submitted Pursuant to RSA 7:6-c for the Reporting Period November 7, 2018 – June 30, 2019 (Jul. 31, 2019).

⁵⁵ New Hampshire Attorney General, Election Law Complaint Status Report Submitted Pursuant to RSA 7:6-c for the Reporting Period January 1, 2020 – June 30, 2020 (Oct. 19, 2020).

⁵⁶ New Hampshire Attorney General, Election Law Complaint Status Report Submitted Pursuant to RSA 7:6-c for the Reporting Period January 1, 2022 – June 30, 2022 (Aug. 23, 2023).

⁵⁷ New Hampshire Attorney General, Election Law Complaint Status Report Submitted Pursuant to RSA 7:6-c for the Reporting Period January 1, 2023 – June 30, 2023 (Dec. 21, 2023).

⁵⁸ Jamie L. Costa, Primary Matters: Voters Turn Out to Winnow the Field, *Derry News* (Sept. 19, 2024), https://www.derrynews.com/news/local_news/primary-matters-voters-turn-out-to-winnow-the-field/article_b59db624-f667-5cbb-bd38-5c5d120e1e08.html (last accessed July 10, 2025).

The ELU investigation determined that both the voter and the supervisor were confused and made mistakes that lead to an illegal vote being cast;⁵⁹

For these seven cases of non-citizen registration and voting, the ELU could not establish clearly fraudulent behavior. Instead, a combination of voter confusion and election official error resulted in a handful of illegal ballots being cast.

I checked the ELU investigation records against other sources, including press releases by the Attorney General's Office going back to at least 2014, news reports, and the cases of election fraud compiled by the Heritage Foundation. I found only one other potential illegal non-citizen voter case identified in a Department of Justice press release, dated June 1, 2021. On that day, Ole Oisin pleaded guilty to two counts of wrongful voting for submitting false information about his place and date of birth, and for submitting a domicile affidavit containing false information about his actual domicile address and his place and date of birth in the February 11, 2020 Presidential Primary. Mr. Oisin claimed to have been born in Senegal on either April 19, 1984, or some time in April 2001. According to investigators, Mr. Oisin was born in Ireland.

The press release also states, "...he did not provide information that he was a naturalized citizen." It is not clear to me from this statement whether the problem is that Mr. Oisin is a naturalized citizen who did not provide information substantiating that fact, or, if Mr. Oisin actually is not a naturalized citizen. In a letter dated June 13, 2024, from Brendan O'Donnell of the New Hampshire Attorney General's Office to attorney Steven J. Dutton in response to Mr. Dutton's Right-to-Know request, however, Mr. Oisin is identified as a non-citizen who was investigated by the ELU for illegally voting.⁶⁰

Thus, from 1998 through 2024, the compiled evidence shows that a total of eight non-citizens voted in the state over a twenty-six year period.⁶¹ Investigators in the Attorney General's office could not establish fraud in seven of the eight cases, concluding that the improper registrations and votes resulted from innocent mistakes in those cases. In two cases, people with legal permanent residency registered to vote using their 'green cards.'

To put the numbers in context, there were more than 8.3 million votes cast in just the 14 federal and state general elections held between 1998 and 2024. The percentage of illegal non-

⁵⁹ New Hampshire Attorney General, Election Law Complaint Status Report Submitted Pursuant to RSA 7:6-c for the Reporting Period July 1, 2024 – December 31, 2024 (Feb. 19, 2025).

⁶⁰ This letter is appended as Exhibit A to Complaint for Declaratory and Injunctive Relief, *New Hampshire Youth Movement v. Scanlan*, No. 1:24-cv-00291 ((D.N.H. Sept. 17, 2024).

⁶¹ Defendants corroborated my findings from the case closure letters and other materials produced by the New Hampshire Attorney General's Office, and the Secretary of State's Office, news reports and the Heritage Foundation in their "Responses and Objections to Plaintiffs' First Set of Interrogatories" (*Coalition for Open Democracy v. Scanlan* (D.N.H.), No. 1:24-cv.00312-SE-TSM). Interrogatory #7 states: "Identify the number and details of any confirmed instances of actual non-citizen registration or attempted registration and non-citizen voting or attempted voting in New Hampshire, disaggregated by election and municipality, dating back to 2012" (p. 13). Defendants respond: "From September 1, 2016 through December 31, 2024, the Attorney General's Office, Election Law Unit opened 205 wrongful voting investigatory matters after receiving complaints alleging any type of potential wrongful voting. These investigations resulted in 8 confirmed instance of people who were not United States citizen registering to vote or voting in a New Hampshire election" (p. 14).

citizen voters among all the legal votes is approximately 0.00028 percent, or less than three in a million votes.⁶²

On July 22, 2025, the Attorney General's Office announced the arrest of Mr. Naseef Bryan, accusing him of voting in three elections - the 2023 Manchester City Election, and the 2024 Presidential Primary and General elections - despite not being a U.S. citizen.⁶³ Although the arrest was announced one day before the disclosure of this report, I note it here for completeness. However, because at the time of writing of this report there is no other information available about the case than the Attorney General's press release, I do not yet know whether this is a case of fraud or confusion. Obviously, Mr. Bryan is presumed innocent until proven guilty. If the charges are sustained, the number of cases of non-citizen voter fraud in New Hampshire over the past twenty-six years will have increased from eight to nine. The arrest of Mr. Bryan does not change my overall assessment of the rarity of non-citizen voter fraud in New Hampshire.

The observed facts of eight or nine cases of non-citizens casting a handful of ballots between 1998 and 2024 in New Hampshire belie the implicit underlying rationale for a documentary proof-of-citizenship requirement to register to vote in New Hampshire. And yet, on September 12, 2024, Governor Chris Sununu signed H.B. 1569, the challenged legislation in this case, into law. When the bill was being considered in the House in March 2024, Rep. Wherry, spoke in favor of it. In his speech, he asked repeatedly, "who are you?" stating that the purpose of the bill was to "clarify" New Hampshire's qualifications for voting, including U.S. citizenship. Rep. Wherry ran through a litany of examples of common everyday life experiences in which one is asked the question, "who are you?" to suggest that the draconian changes to New Hampshire's voting laws were no big deal. The argument is false; many of Rep. Wherry's examples, such as using a credit card or buying a car, do not require people to provide documentary proof of citizenship and are not analogous to the right to vote. Rep. Wherry cited no statistics on non-citizen voter fraud in New Hampshire which, if he had, should have raised questions about the implication that existing laws were not protecting New Hampshire elections from foreign interference.

Indeed, Rep. Wherry made no argument at all for why all of the rules and procedures that were already in place for answering his question, "who are you?" were inadequate if over the last quarter century only eight non-citizens cast illegal ballots in New Hampshire. It is clear from the record of these eight cases described above that nearly all of them were the result of simple human error and not fraud. In my opinion, there is no valid or even reasonable justification – nor was any presented in the legislative proceedings leading up to the passage of 1569 – for making it more difficult to answer the question, "who are you," by barring eligible voters from registering to vote if they fail to bring their birth certificate, or a passport, or their naturalization papers to the polls.

The state's highest elected and election officials have recognized the effectiveness of the prior law's affidavit option in achieving the most important function of election administration - ensuring free and fair elections through equal access to the franchise by legally eligible voters. For

⁶² The figure uses an estimate of 23 votes total cast across the eight cases. The total number of illegal ballots cast by the eight noncitizen voters is a little difficult to pin down from the information contained in the case closure letters. Most of these people were accused of casting only one ballot; one person was found to have cast two ballots, and third as many as 15 ballots in mostly local elections (in Chester).

⁶³ Press Release, New Hampshire Department of Justice, "Non-U.S. Citizen Arrested," July 22, 2025.

example, in 2022, Governor Sununu signed a law that disqualifies voters who sign affidavits but fail to return with proof of eligibility within seven days of an election.⁶⁴ Senate Bill 418 created a new kind of “affidavit” or provisional ballot for these voters so that their votes could be tracked and eliminated from the official count if they failed to return the missing documentation within the one-week deadline. The Governor had pushed for the law, but later had reservations. “The problem I have generally with provisional ballots,” Governor Sununu said, “is that you may not get a final result for days after the election,” adding that “our system works” as it is. “It has integrity. Our citizens believe in our system, [they believe] that it does have integrity,” he said.⁶⁵

Thousands of voters used Qualified Voter Affidavits to swear to their identity and qualifications prior to the enactment of H.B. 1569.⁶⁶ After the January 2023 presidential primary, the first election in which S.B. 418 was in effect, Governor Sununu said, “The affidavit ballot law has seemed to have worked pretty darn well.”⁶⁷

On March 13, 2025, Governor Chris Sununu again reaffirmed his confidence in New Hampshire’s voter verification system prior to the enactment of H.B. 1569 when he told reporters he saw no need to change the rules. “I think our system works very well right now...I’m not looking to make any changes.”⁶⁸

The next day, however, the House of Representatives passed H.B. 1569, which dramatically changes the system, including removing the S.B. 418 provisional (“affidavit”) ballot option Governor Sununu had signed into law just three years ago. It is not clear why Governor Sununu appeared to have changed his mind twice over the last three years about the effectiveness of New Hampshire law in preventing voter fraud when he signed S.B. 418 and H.B. 1569 into law.

Rep. Bob Lynn, the sponsor of H.B. 1569, had offered little in the way of a substantive anti-fraud rationale when he introduced the bill. At a meeting of the House Election Law Committee on February 20, 2024, for example, Rep. Lynn stated that the purpose of the bill was to:

...eliminate the affidavit ballot procedure and basically say, if you want to vote, you provide the documentation. You can do that, you can register to vote on the day of the election, but you provide the documentation. If you don’t provide the documentation, you don’t vote. Period end.⁶⁹

⁶⁴ S.B. 418, effective January 1, 2023; see guidance New Hampshire Election Officials from Secretary of State David Scanlan, February 10, 2023, (last accessed July 20, 2025), <https://newhampshirebulletin.com/wp-content/uploads/2023/02/Affidavit-Ballot-Guidance.pdf>.

⁶⁵ Amanda Gokee, *Sununu Says He Is Opposed to Legislation on Affidavit Ballots*, nhpr.org (Apr. 7, 2022), <https://www.nhpr.org/nh-news/2022-04-07/sununu-says-he-is-opposed-to-legislation-on-affidavit-ballots>.

⁶⁶ See Defendants’ Responses & Objections to Plaintiffs’ First Set of Interrogatories, *Coalition for Open Democracy et al. v. David M. Scanlan* (D.N.H., 2025), Case No. 1:24-cv-00312-SE-TSM, March 12, 2025.

⁶⁷ Kevin Landrigan, *House Strips All Exemptions to Voter ID Law*, N.H. Union Leader (Mar. 5, 2024).

⁶⁸ *Id.*

⁶⁹ New Hampshire House of Representatives Livestream, *Election Law Committee Hearing*, YouTube, February 20, 2024 https://www.youtube.com/watch?v=0RmYH_Pn_Hw, at 4:59:55 - 5:00:15.

When Rep. Angela Brennan asked Rep. Lynn if he was aware of “...any numbers from perhaps the Attorney General’s office that would indicate that we have an issue with affidavits being filed for voting purposes that have led to prosecution for voter fraud,” he did not deny her assertion that a problem with voter fraud - which appears to be the basis for the bill - was almost non-existent in New Hampshire. Rep. Lynn replied that, “So, you know, I don’t have the statistics from the Attorney General’s office. I suspect it’s pretty low.”⁷⁰ He later firmed up his answer to this question when he introduced the bill to the Senate in April, stating, “Do I think there’s a huge issue of voter fraud in New Hampshire? No, I don’t, because I think if there was we would know it.”⁷¹

At that Senate Election Law and Municipal Affairs meeting, the committee chair, Senator James Gray expressed doubts about the constitutionality of H.B. 1569, stating that he told the bill’s sponsor that, “I don’t think that we can withstand the court challenge the way the bill was written.”⁷² Senator Gray even attempted to introduce a similar bill, House Bill 1370, to remedy his concerns about H.B. 1569’s unconstitutionality, but that alternative bill was ultimately tabled by the House of Representatives. At a hearing on his proposed alternative bill, Senator Gray conceded that New Hampshire has “not had a lot of people who have been prosecuted” for voter fraud.⁷³

Before the Election Law Committee back in February 2024, Rep. Lynn qualified his assessment of a low level of voter fraud prosecutions in New Hampshire by arguing that 1) the voters who swore to their qualifications by signing affidavits, and then after the election failed to return a postcard to the Secretary of State’s office, should be considered suspicious and potential fraudsters; and 2) voter fraud is “very difficult to prove.”⁷⁴ The latter argument is a familiar canard from proponents of more restrictive voter identification requirements, such as Rep. Lynn.

In short, Rep. Lynn suggested that without forcing voters to prove their citizenship with a birth certificate, naturalization papers, or U.S. passport,⁷⁵ we will never know how much voter fraud there is in New Hampshire. His arguments are baseless.

First, there is little evidence I have found that suggests voter fraud is any more difficult to prove than any other crime. In fact, according to the U.S. Department of Justice’s manual “...written to help federal prosecutors and investigators discharge the responsibility of the United States Department Justice in attacking corruption of the election process...” election fraud in general is easier to prove than other forms of public corruption.⁷⁶

Moreover, as is the case in New Hampshire and elsewhere, given the high public interest in the issue in recent years, and the stepped up enforcement efforts in New Hampshire and elsewhere with the creation of specialized election crime units within state law enforcement

⁷⁰ *Id.* at 5:11:09-5:13:01.

⁷¹ New Hampshire Senate Livestream, Senate Election Law and Municipal Affairs, YouTube (Apr. 23, 2024), <https://www.youtube.com/watch?v=3F8qNA5Tvtk>.

⁷² *Id.*

⁷³ New Hampshire House of Representatives Livestream, Committee of Conference on HB 463, HB 1091, HB 1313, HB 1369, 1370, HB 1596, <https://www.youtube.com/watch?v=IMmYv-IIUo8> at 1:13:38.

⁷⁴ Landrigan, *House Strips All Exemptions*.

⁷⁵ Of course the primary proof of citizenship required to obtain a passport is a birth certificate.

⁷⁶ Pilger, ed., *Federal Prosecution of Election Crimes*, 1.

agencies, the explanation that low levels of voter fraud prosecutions and convictions are a reflection of low levels of enforcement simply is not credible. An alternate explanation is more persuasive: given the existing laws and rules that prohibit voter fraud and penalize it harshly,⁷⁷ low levels of voter fraud prosecutions and convictions are more likely the result of low levels of the crime actually occurring. Defenders of more restrictive voter identification requirements rarely give any weight to this more likely explanation.

On the other hand, Defendant Secretary of State David Scanlan has a history of public statements in support of ensuring that “no qualified voter should be turned away from the polling place without voting on the day of the election,” as he testified in 2012 before the Senate at a public hearing on a bill that required voters to present a photo identification at the polling place when they request a ballot.⁷⁸ The affidavit for voters lacking acceptable photo identification, and later for lacking other documentation of voter eligibility was a failsafe measure included in the 2012 bill to gain the Secretary of State’s Office’s support.⁷⁹

Secretary Scanlan has also been clear about the reliability of the enforcement effort and the rarity of voter fraud in New Hampshire. At the *New Hampshire Law Review*’s annual symposium in October 2022, where he was a featured speaker, for example, Secretary Scanlan said that “inappropriate voting” crops up “in every election...”

There’s usually two or three individuals that have violated the law, and we know the AG’s office, when they find that, they’ll prosecute it and they have gotten convictions. But it is a very small number.⁸⁰

As recently as March of this year (2025), in a forum with the Arizona Secretary of State sponsored by the nonprofit, nonpartisan news organization Votebeat, Secretary Scanlan said:

There’s only a handful of instances in New Hampshire where we’ve actually prosecuted individuals for inappropriate voting. It does happen in every election, but it is not organized. It is not on a large scale and yet, in many cases we’re reacting to perceptions that are out there about...who is trying to vote that shouldn’t be and things like that. We do know that there are individuals who have gotten on the voter rolls with green cards because the official that [was] registering that individual just didn’t understand what that card

⁷⁷ RSA 659:34 outlines the penalties for various civil and criminal violations, including the loss of voting rights in the state (until restored by the New Hampshire Supreme Court). See, State of New Hampshire, Secretary of State, “Prohibited Election Activities and the Penalties,” <https://www.sos.nh.gov/sites/g/files/ehbemt561/files/documents/2025-01/4-2024-prohibited-election-activities-and-the-penalties.pdf>.

⁷⁸ Phil Hatcher, *Access vs. Security: The Use of Affidavits in New Hampshire Election Law*, N.H. Bulletin (Apr. 25, 2024), <https://newhampshirebulletin.com/2024/04/15/access-vs-security-the-use-of-affidavits-in-new-hampshire-election-law/#:~:text=But%2C%20how%20often%20are%20affidavits,not%20present%20a%20photo%20ID.>

⁷⁹ *Id.*

⁸⁰ Steven Porter, *What David Scanlan Said about Shoring up Voter Confidence*, Granite Memo (Oct. 11, 2022), <https://www.granitememo.com/new-hampshire-david-scanlan-solution-election-challenges/>. A video of the symposium is available at <https://www.youtube.com/watch?v=WQYU6rJb24&t=820s> (last accessed July 21, 2025).

means. It means that that individual is not a United States citizen, but they are legally in this country and they can get a driver's license and a Real ID...⁸¹

"We follow the KISS principle: Keep It Simple," Scanlan told reporters prior to the 2024 election and the enactment of H.B. 1569. "And because of that, the process is transparent. It is observable. We can trust the results."⁸²

V. Analysis of the Incidence of Voter Fraud in Contemporary U.S. Elections

How does New Hampshire's scant record of voter fraud – and especially, as is most relevant to an analysis of the utility of H.B. 1569's restrictions on citizenship identification, New Hampshire's near zero record of non-citizen voter fraud – stack up to the record of voter fraud in other states? The short answer is that New Hampshire's near fraud-free experience and high level of election integrity is consistent with the national record.

In this section, I discuss the best evidence of voter fraud, documenting its rarity in contemporary U.S. elections. The disjuncture between this evidence and the common belief that voter fraud is a problem in need of stricter identification solutions has only grown since I analyzed it in *The Myth of Voter Fraud*. The problem now is not one of evidence, or one of reality, but rather the damage to public confidence from the tsunami of lies and political propaganda since 2016, about 'stolen elections' and 'criminal aliens' polluting election results. I discuss false allegations of voter fraud in the 2016 and 2020 elections. With Mr. Trump's victory in the popular vote and the electoral college victory in 2024, the storm of falsehoods has abated.

I then turn to a more focused analysis of the recent record of non-citizen voter fraud, highlighting states where I have conducted research for other federal legal challenges to state voting laws.

To begin, there are no official, regularly compiled, and made public national or statewide statistics reliably reporting the instances of *voter* fraud, or any other kind of election fraud, for that matter. But that does not mean we cannot make scientifically informed judgments about the likely incidence of voter fraud. It is not enough to point to flagrant or folkloric examples of electoral corruption from America's past. A compilation of news stories reporting on election fraud allegations from here and there, from the past and present, is simply a pile of stories from which a social scientist would know reliable inferences about the incidence of voter fraud cannot be drawn.⁸³ Context, facts, and a systematic methodology for assembling those facts rather than the presentation of sensational anecdotes are critical to the empirical research enterprise of drawing reliable and valid inferences from observable data.

⁸¹ Jessica Huseman, *Two Secretaries of State Unpack the Lessons of Proof-of-Citizenship Laws for Voting*, Votebeat (May 19, 2025), <https://www.votebeat.org/2025/05/19/secretary-of-state-adrian-fontes-david-scanlan-proof-of-citizenship-save-act/> (last accessed July 21, 2025).

⁸² Todd Bookman, *NH Secretary of State Rebuffs Trump Administration Request for State's Voter Roll*, N.H. Public Radio (July 16, 2025), <https://www.vermontpublic.org/2025-07-16/nh-secretary-of-state-rebuffs-trump-administration-request-for-states-voter-roll>.

⁸³ Minnite, *Myth of Voter Fraud*, 11-14.

The two most reliable sources of evidence of voter fraud are social scientific studies and official government investigations and reports. As documented below, there is a clear and unambiguous consensus among political scientists that voter fraud rarely occurs and is not a threat to election integrity. The findings of official government investigations align with this consensus.

A. Social scientific research

In 2014, the U.S. Government Accountability Office published a performance audit of issues related to state voter identification laws.⁸⁴ Part of the study involved a review of “academic literature, organizational studies, peer-reviewed journals, books, and other regularly cited research published from January 2004 through April 2014 to identify studies that attempted to estimate in-person voter fraud, using a documented methodology.”⁸⁵ More than 300 studies were reviewed and analyzed by GAO staff to determine whether they contained data on in-person voter fraud and provided an adequate description of the methodology used for collecting the data. Studies based on anecdotal reports of in-person voter fraud were excluded from the analysis. Only five studies, including my 2010 book, *The Myth of Voter Fraud*, met the criteria.⁸⁶ While all of the studies had various limitations for estimating a complete count of cases of in-person voter impersonation, two GAO analysts and a GAO statistician reviewed each of the studies and determined that “the design, implementation, and analyses of the studies were sufficiently sound to support the studies’ results and conclusions based on generally accepted social science principles.”⁸⁷

The five scientifically sound studies identified by the GAO find very little evidence of voter fraud in contemporary U.S. elections. Three of these studies use quantitative methods to identify anomalies in registration and voting data as proxies for voter fraud, finding very little fraud.⁸⁸ The News21 project and *The Myth of Voter Fraud* do not rely solely on quantitative

⁸⁴ U.S. Gov’t Accountability Off., GAO-14-634, Elections: Issues Related to State Voter Identification Laws (2014). For this report, the GAO was tasked only with identifying the challenges to determining a complete measure of in-person voter fraud, not with estimating the incidence of voter fraud overall.

⁸⁵ *Id.* at 7.

⁸⁶ The five studies are: John S. Ahlquist, Kenneth R. Mayer, and Simon Jackman, “Alien Abduction and Voter Impersonation in the 2012 U.S. General Election: Evidence from a Survey List Experiment,” *Election Law Journal* 13, no. 4 (2014): 460-475; Ray Christensen and Thomas J. Schultz, “Identifying Election Fraud Using Orphan and Low Propensity Voters,” *American Politics Research*, 42, no. 2 (2014): 311-345; M.V. Hood III and William Gillespie, “They Just Do Not Vote Like They Used To: A Methodology to Empirically Assess Election Fraud,” *Social Science Quarterly*, 93, no. 1 (2012): 76-94; Minnite, *Myth of Voter Fraud*; and Corbin Carson, “Exhaustive Database of Voter Fraud Cases Turns Up Scant Evidence That It Happens,” News21, August 12, 2012, available at <https://votingrights.news21.com/article/election-fraud-explainer/>, (last accessed May 25, 2025).

⁸⁷ GAO, Elections: Issues Related to State Voter Identification Laws, 3-4.

⁸⁸ Hood and Gillespie performed an audit of the 2006 general election in Georgia “to ascertain the extent to which deceased registrants are being used in a fraudulent manner.” Using a data mining technique, they initially identified 66 suspect ballots out of a total of approximately 2.1 million cast. Only four of the suspect ballots were cast in-person. Further research determined conclusively that none of the in-person ballots and almost none of the absentee ballots (57 of the remaining 62 suspect ballots) were fraudulently cast. Hood and Gillespie were not able to obtain enough information from county registrars to make a determination one way or the other about five of the absentee ballots. They found “no evidence that election fraud was committed under the auspices of deceased registrants” in Georgia’s 2006 election (Hood and Gillespie, *They Just Do Not Vote*, 76). Ahlquist, Mayer and Jackman use a different technique to search for proxies for voter impersonation in the 2012 national general election, finding “no evidence of systematic voter impersonation” in that election (Ahlquist *et al.*, *Alien Abduction*, 30). Christensen and Schultz use yet another quantitative methods technique to search for anomalies in election returns that might indicate

methodologies, focusing instead on identifying actual instances of voter fraud in recent elections. Both, like the three quantitative studies, find very little fraud.

i. The Myth of Voter Fraud

My book, *The Myth of Voter Fraud*, was published fifteen years ago. My work as an expert witness in some fourteen voting rights cases since then has confirmed the findings of that book, over and over again. To research the book, I spent nearly ten years collecting and analyzing hard data and evidence using a wide variety of social science data gathering techniques. My main research question was, what is the incidence of voter fraud in contemporary U.S. elections? After analyzing original data and concluding that voter fraud is exceedingly rare, I asked, what then explains the persistent and growing chorus of evidence-free allegations that voter fraud is in fact an unchecked threat to the integrity of U.S. elections? In other words, my book also addresses the question of how we might make sense of the disjuncture between stubborn claims that voter fraud is a significant threat to election integrity and the contradictory facts.

To answer these questions I used what is known in the social sciences as a “mixed methods” or “multi-method” research approach.⁸⁹ This intuitive methodology, which has been called the “third methodological movement” in the social sciences following the developments of quantitative (“traditionalist”) and then qualitative (“revolutionary”) methodologies,⁹⁰ integrates quantitative, qualitative, and archival modes of evidence gathering and analysis, to triangulate independent and imperfect sources of information from which the researcher then draws inferences. It is particularly suited to research projects where the sources of evidence are scattered and incomplete, or where any one source is otherwise too limited on its own to serve as the basis for reliable analysis and valid inference.

Mixed methods, therefore, is the best methodological approach for the kind of research problems I faced because the available data sources on the incidence of voter fraud are scattered and incomplete. Since the publication of *The Myth of Voter Fraud*, other political scientists, including those whose work was reviewed by the GAO, and a few others, have used mostly quantitative methods to study election fraud. While I believe that such methods can be useful in detecting anomalous patterns in registration lists or other sources of electoral data, the most that we can learn from such studies is that anomalous patterns may (or may not) exist in the data.⁹¹ For

the presence of fraud. Their findings “...support the conclusion that electoral fraud, if it occurs, is an isolated and rare occurrence in modern U.S. elections” (Christensen and Schultz, *Identifying Election Fraud*, 313).

⁸⁹ See John W. Creswell & Vicki L. Plano Clark, eds., *Designing and Conducting Mixed Methods Research*, 3rd Ed., (Los Angeles: Sage Publications, Inc., 2017).

⁹⁰ Charles Teddlie & Abbas Tashakkori, Major Issues and Controversies in the Use of Mixed Methods in the Social and Behavioral Sciences, in Abbas Tashakkori and Charles Teddlie, eds., *Handbook of Mixed Methods in Social and Behavioral Research* (Thousand Oaks, Calif.: Sage Publications, Inc., 2003), 5.

⁹¹ Important improvements to election administration in recent years have been centered on applying computer-based information technologies across a range of record-keeping and administrative functions important to maintaining election integrity. One of these functions is what is referred to as ‘list maintenance,’ or maintaining accurate voter rolls, as mandated by state and federal laws. Section 8 of the federal National Voter Registration Act of 1993, sets a regulatory floor for maintaining registration lists, and governs conditions under which voter records may be removed. In addition, Section 303 of the Help America Vote Act of 2002 (“HAVA”), mandates basic requirements for computerized list maintenance, including coordination with state agency death and felon records and the removal of duplicates from the files. Under HAVA, states are also required to collect either driver’s license numbers or the last four digits of voter registration applicants’ Social Security numbers for purposes of verifying

example, matching a state's voter registration records to the federal government's Social Security Death Index by name and birth date could produce a list of possible matches to voters with voting records after dates of death. The matched list is only a list of potential anomalies in the data. The mere existence of anomalous data is insufficient to demonstrate actual voter fraud occurred until matched records can be confirmed as representing the same person, and human error producing data errors or inaccurate records can be ruled out.

Without any primary data from official sources, I gathered my own from a wide range of sources at both the federal and state levels when writing my book.⁹² My conclusions in *The Myth of Voter Fraud* about the rarity of voter fraud rely on all of this data. To be clear, it would not have been good social science to bank on only one source of evidence given the nature of my research questions and the lack of available data directly addressing them. My conclusions about

application information. Federal law allows states to determine what constitutes a "match." List matching is also used by state election agencies to audit elections and flag irregularities for review by agency personnel, and where appropriate, law enforcement. As noted, list matching alone cannot identify fraud, and poor execution will produce bad data. Indeed, there is an advanced statistical science of record linkage that incorporates probability theory, the construction and use of algorithms, data parsing and imputation strategies, and sophisticated methods for estimating error that make list matching exercises treacherous terrain for the amateur. For an overview, see William E. Winkler, "Overview of Record Linkage and Current Research Directions," Statistical Research Division, U.S. Census Bureau, Research Report Series, Statistics #2006-2, February 8, 2006. See also, Ivan P. Fellegi and Alan B. Sunter, A Theory of Record Linkage, *Journal of the American Statistical Association*, 64(328): 1183-1210; Wendy Alvey & Bettye Jamerson, eds. *Record Linkage Techniques – 1997*, Proceedings of An International Record Linkage Workshop and Exposition, March 20-21, 1997, Arlington, Virginia, <https://nces.ed.gov/FCSM/pdf/RLT97.pdf>; and Peter Christen, *Data Matching: Concepts and Techniques for Record Linkage, Entity Resolution, and Duplicate Detection* (New York: Springer, 2014).

⁹² These included, but were not limited to: a review of all of the scholarly literature by historians, political scientists, and legal scholars on voter fraud in American history (of which, given the extensive literature on American elections and electoral behavior, there is comparatively very little); review and analysis of all pertinent federal and state election statutes erected to ensure the integrity of elections and criminalizing certain behaviors; broad and deep database searches of hundreds of news sources across the U.S. at the state and local levels (including wire services); searches of legal databases and case law, and review of relevant legal materials and opinions at the state and federal levels; documents and material produced through public records requests sent to thousands of election and law enforcement officials in every state; Freedom of Information Act requests to various agencies within the U.S. Department of Justice; analysis of a longitudinal data set produced by the Administrative Office of the United States Courts; analysis of voluminous records of contested federal and state elections; interviews with a wide range of people with relevant expertise, including, but not limited to, prosecutors, defense lawyers, election officials, voters, academics, and advocates working on voter registration drives; in-depth case studies in four states of some of the worst alleged cases of voter fraud since 2000; and collection and review of a wide range of reports, evaluations, studies, testimony and the like produced by the federal government (i.e., audits by the U.S. Government Accountability Office; reports to Congress by the Congressional Research Service; reports produced by the U.S. Elections Commission and the U.S. Commission on Civil Rights; transcripts and materials from congressional hearings), state legislatures and state government agencies (i.e., data from the Elections Fraud Investigations Unit of the California Secretary of State's Office; a public complaints file from the Minnesota Secretary of State's Office established to comply with the federal Help America Vote Act of 2002; a report from a broad investigation of allegations of voter fraud by the New Hampshire Attorney General's Office), national election reform task forces (i.e., the Commission on Federal Election Reform, the Social Science Research Council National Research Commission on Elections and Voting), and a wide range of organizations, including party groups, good government and civic organizations, and other advocacy organizations, especially those claiming to find alarming evidence of voter fraud (i.e., a report by an organization called the American Center for Voting Rights that claimed to be "the most comprehensive and authoritative review of the facts surrounding allegations of vote fraud, intimidation and suppression made during the 2004 presidential election;" reports compiled by the conservative Heritage Foundation and the Public Interest Legal Foundation).

the incidence of voter fraud in contemporary U.S. elections do not rest solely on prosecution records, although prosecution records are an important indicator of the problem.

In the *Myth of Voter Fraud*, I discuss in detail the first three years of a federal government initiative to find voter fraud after the disputed 2000 presidential election during George W. Bush's first term. The program was named the Ballot Access and Voting Integrity Initiative (BAVII) after a Reagan-era Justice Department program that had a dubious record of harassment of Black voting rights activists in the South.⁹³ The Bush program marshalled the full resources of the Justice Department to hunt for fraud. In fact, according to the long-time director of the Election Crimes branch of the Justice Department's Public Integrity Section, under the BAVII, "the investigation and prosecution of election crimes... was outranked [in official agency prioritization] only by crimes involving terrorism and espionage."⁹⁴

Despite its best sustained efforts, the most powerful law enforcement agency in the nation, the U.S. Department of Justice, found only a handful of voter fraud cases. Over the first three years of the program, 2002 to 2005, 40 voters were indicted, and just 26 were convicted of double voting, or registering or voting while ineligible to vote.⁹⁵ More than 200 million votes were cast in the two federal general elections held during that period. Some argue that prosecution statistics are misleading or even faulty because laws against voter fraud are deliberately not enforced. The record of the Bush-era BAVII is a direct rebuke to that claim.

Findings from another study by the GAO examining the federal enforcement effort against election fraud are consistent with my findings about the record of the BAVII. The GAO analyzed data for the period 2001 through 2017, drawn from two different U.S. Department of Justice case management systems used by the two Department components responsible for prosecuting election fraud, the Criminal Division's Public Integrity Section, and the U.S. Attorneys' Office.

The federal government defines election fraud broadly to include the corruption of "the obtaining and marking of ballots, the counting and certification of election results, or the registration of voters."⁹⁶ The data analyzed by the GAO goes beyond my focus on the behavior of voters to include crimes committed by public officials, politicians and their campaigns, and fraud committed through voter intimidation, such as vote-buying conspiracies in which the powerful use money and other inducements to lure the powerless into selling their votes.⁹⁷ The

⁹³ See Frances Fox Piven, Lorraine C. Minnite & Margaret Groarke, *Keeping Down the Black Vote: Race and the Demobilization of American Voters* (New York: The New Press, 2009), 190-197.

⁹⁴ Craig C. Donsanto, *Corruption of the Election Process under U.S. Federal Law*, in *Election Fraud: Detecting and Deterring Electoral Manipulation*, ed. R. Michael Alvarez, Thad E. Hall, and Susan D. Hyde (Washington, D.C.: Brookings Institution, 2008), 34.

⁹⁵ Minnite, *Myth of Voter Fraud*, 227.

⁹⁶ See footnote 25.

⁹⁷ "Public Integrity Section officials stated the Section did not focus its efforts on particular types of election fraud, but vote buying...was the most frequent type of election fraud related crime the Section prosecuted during the period of our review. Officials said vote buying is the most common type of election fraud related crime that has come to their attention in recent decades and noted that it tends to occur in communities that are more insular and isolated and have higher levels of poverty. For example, officials observed that in rural communities with high levels of poverty, some residents may be more vulnerable to vote-buying efforts due to their difficult circumstances or the power of local officials who seek to buy votes to provide or cut off needed services." GAO, *Voter Registration*, 34-35.

GAO assessed the reliability of the databases and “found the data sufficiently reliable to provide information on the nature and characteristics of DOJ’s efforts to address potential instances of election fraud.”⁹⁸ Although their analysis is overbroad, their principle findings are consistent with those reported in *The Myth of Voter Fraud*, that voter fraud is exceedingly rare:

1) Over the period of fiscal years 2001 through 2017, the Public Integrity Section initiated 1,408 criminal investigations or “matters,” filing charges in 695 cases.⁹⁹ Of the total number of matters initiated, about two percent (33 matters) were categorized by Section attorneys as election fraud-related; of the total number of cases filed as a result of the Section’s investigations, 19 cases involving 37 individual defendants were election fraud-related;¹⁰⁰

2) Over the same study period, U.S. Attorneys’ Offices initiated more than 2.2 million criminal investigations, of which 525 were election fraud-related, or roughly 0.02 percent of their overall criminal matters. The U.S. Attorneys’ Office filed just over one million criminal cases during this time period; of these, 185 cases were election fraud-related, or the same two one-hundredths of a percent of their overall caseload. Fifteen of these cases were jointly filed by the U.S. Attorneys Offices and the Public Integrity Section (and double counted in the Public Integrity Section equivalent category cited above);¹⁰¹

3) In sum, “[A]ccording to officials from EOUSA [the Executive Office of the U.S. Attorneys], which provides guidance, direction, and oversight to the U.S. Attorneys’ Offices, election fraud was one of the least frequent crimes addressed by U.S. Attorneys’ Offices.” The GAO report continues: “Officials further noted that *election fraud related cases were taken seriously and thoroughly investigated when facts supporting such charges were uncovered*” (emphasis added).¹⁰²

Nearly a billion (more than 972 million) votes were cast in just the nine federal general elections between 2000 and 2016.¹⁰³

In addition, it is important to highlight the fact that the GAO found that the federal government officials responsible for providing guidance to U.S. Attorneys’ Offices took election fraud seriously and said it was thoroughly investigated when there were facts that supported such charges. There is no evidence I am aware of that suggests that fraud is not taken seriously and not prosecuted when the facts support prosecution.

Comparing voters committing fraud to voters not committing fraud in an election or set of elections is one way to think about how much voter fraud is being committed, even if one cannot conclusively determine a complete and definitive quantity of actual voter fraud. Using a common standard for measuring the incidence of crime from law enforcement statistics on arrests,

⁹⁸ *Id.* at 4.

⁹⁹ *Id.* at 3, n3. (“A matter is defined as an activity, such as an investigation, that has not yet resulted in the filing of a complaint, indictment, or information in court.”)

¹⁰⁰ *Id.* at 29-30.

¹⁰¹ *Id.* at 35-36.

¹⁰² *Id.* at 36.

¹⁰³ Michael P. McDonald, *Voter Turnout Data, U.S. Elections Project*, <https://www.electproject.org/election-data>, (last accessed May 20, 2025).

indictments and convictions, one can conclude that scant evidence of arrests, indictments or convictions for any of the practices defined as voter fraud means that little fraud is being committed relative to the millions of votes cast each year in state, local and federal elections. Moreover, voter fraud levels are extremely low even under conditions of vigorous scrutiny, as in the BAVII example cited above.

ii. Other Social Scientific Research

Since the publication of *The Myth of Voter Fraud*, there have been a handful of scientific studies published on the incidence of voter fraud in contemporary U.S. elections. These include the three academic papers identified by the GAO in their 2014 audit;¹⁰⁴ and several subsequent academic journal articles.¹⁰⁵ All of these peer-reviewed studies rely on different quantitative methodologies and proxy measures to estimate the *probability* of fraud.¹⁰⁶ And all find no actual confirmed fraud. In both the natural and social scientific worlds, confidence in scientific findings is strengthened when researchers using different valid research methods of inquiry come to the same conclusions. Below, I briefly review the methods and findings of voter fraud researchers who use quantitative methods to observe or measure voter fraud in U.S. elections (the first three papers are mentioned on page 24 and in footnote 86). As the analysis will make clear, there is remarkable scholarly convergence on the finding of a low incidence of voter fraud in U.S. elections.¹⁰⁷

¹⁰⁴ Ahlquist, Mayer and Jackman, Alien Abduction; Christensen and Schulz, Identifying Election Fraud; and Hood and Gillespie, They Just Do Not Vote.

¹⁰⁵ David Cottrell, Michael C. Herron, and Sean J. Westwood, “An Exploration of Donald Trump’s Allegations of Massive Voter Fraud in the 2016 General Election,” *Electoral Studies* 51 (2018): 123-142; Michael C. Herron, “Mail-in Absentee Ballot Anomalies in North Carolina’s 9th Congressional District,” *Election Law Journal* 18, no. 3 (2019), 191-213; Sharad Goel, Marc Meredith, Michael Morse, David Rothschild, and Houshmand Shirani-Mehr, “One Person, One Vote: Estimating the Prevalence of Double Voting in U.S. Presidential Elections,” *American Political Science Review* 114, no. 2 (2020): 456-469; and Andrew C. Eggers, Haritz Garro, and Justin Grimmer, “No Evidence for Systematic Voter Fraud: A Guide to Statistical Claims about the 2020 Election,” *Proceedings of the National Academy of the Sciences* 118, no. 45 (2021): 1-7; Jennifer Wu, Chenoa Yorgason, Hanna Folsz, Cassandra Handan-Nader, Andrew Myers, Tobias Nowacki, Danile M. Thompson, Jesse Yoder and Andrew B. Hall, “Are Dead People Voting by Mail: Evidence from Washington State Administrative Data,” *Election Law Journal*, (2024), DOI: 10.1089/elj.2023.0047; and Bernard Grofman and Jonathan Cervas, “Statistical Fallacies in Claims about ‘Massive and Widespread Fraud’ in the 2020 Presidential Election: Examining Claims Based on Aggregate Election Results,” *Statistics and Public Policy* 11:1, (2024) 2289529, DOI: 10.1080/2330443X.2023.2289529.

¹⁰⁶ Not included in this discussion is a set of methodology papers addressing various elections forensics techniques, including anomalous digit distributions in election data as a means for detecting election fraud. See, for example, Bernd Beber and Alexandra Scacco, “What the Numbers Say: A Digit-Based Test for Election Fraud,” *Political Analysis* 20, no. 2 (2012):211-234; Christian Breunig and Achim Goerres, “Searching for Electoral Irregularities in an Established Democracy: Applying Benford’s Law Tests to Bundestag Elections in Unified Germany,” *Electoral Studies* 30, no. 3 (2011): 534-545; Joseph Deckert, Mikhail Myagkov, and Peter C. Ordeshook, “Benford’s Law and the Detection of Election Fraud,” *Political Analysis* 19, no. 3 (2011): 245-268; Walter Mebane, “Election Forensics: The Second Digit Benford’s Law Test and Recent American Presidential Elections,” in R. Michael Alvarez, Thad E. Hall, and Susan D. Hyde, *Election Fraud* (Washington, D.C.: Brookings Institution, 2008); Juraj Medzihorsky, “Election Fraud: A Latent Class Framework for Digit-Based Tests,” *Political Analysis* 23, no. 4 (2017): 506-517; Jacob M. Montgomery, *et al.*, “An Informed Forensics Approach to Detecting Vote Irregularities,” *Political Analysis* 23, no. 4 (2017): 488-505. Most of this work addresses the detection of fraud in national elections and at the national level.

¹⁰⁷ With one exception: a largely discredited paper published in 2014 by the peer-reviewed journal, *Electoral Studies*, authored by Richman, Chattha, and Earnest that analyzes survey data and concludes that “non-citizens

First, Hood and Gillespie use data mining and record linking techniques to search for evidence of election fraud in Georgia. They conclude, “After examining approximately 2.1 million votes cast during the 2006 general election in Georgia, we find no evidence that election fraud was committed under the auspices of deceased registrants.”¹⁰⁸

Ahlquist, *et al.*, conducted a survey list experiment to search for evidence of voter impersonation in the 2012 election. This method has been used to great effect in studying sensitive topics such as racial animus and voter fraud outside of the U.S. The researchers “find no evidence of systematic voter impersonation” nationwide in the 2012 presidential election.¹⁰⁹ In a second list experiment they find that “about as many people admit to alien abduction as admit to voter impersonation.”¹¹⁰

In “Identifying Election Fraud Using Orphan and Low Propensity Voters,” Christensen and Shultz develop yet another approach to searching for voter fraud by focusing on irregular patterns of voting among two smaller subsets of voters, those who cast a vote in a low-profile election but then fail to vote in the subsequent high-profile election (the “orphan” vote); and among those who have a low propensity to vote based on predicted probabilities of voting constructed from past records of voting patterns and any other relevant characteristics contained in the voter file (“low propensity” voters). They use their method to hunt for the likelihood of voter impersonation in certain voting jurisdictions in Ohio, Florida, and Utah. “Our results support the conclusion that electoral fraud, if it occurs, is an isolated and rare occurrence in modern U.S. elections.”¹¹¹

Cottrell, Herron and Westwood investigate claims made by President Donald J. Trump that his loss of the popular vote in the 2016 election was tainted by massive voter fraud. The researchers use a variety of statistical modeling techniques and county-level election returns, census data, and other federal and state government data to estimate the likelihood of invalid non-citizen voting in that election. “Our empirical results share a common theme,” they write. “[T]hey are inconsistent with fraud allegations made by Trump. The results are, however, consistent with various state-level investigations conducted in the initial months of 2017, all of which have failed to find any evidence of widespread voter fraud in the 2016 General Election.”¹¹²

participate in U.S. elections, and that this participation has been large enough to change meaningful election outcomes including Electoral College votes, and Congressional elections.” The methodology used by the authors was widely criticized as faulty, including by the political scientists who generated the survey data upon which Richman *et al.* relied for their analysis. See, Jesse T. Richman, Gulshan A. Chattha, and David C. Earnest, “Do Non-citizens Vote in U.S. Elections?” *Electoral Studies* 36 (2014): 149-157; and for rebuttal by the researchers who created the data used by Richman *et al.*, see Stephen Ansolabehere, Samantha Luks, and Brian F. Schaffner, “The Perils of Cherry Picking Low Frequency Events in Large Sample Surveys,” *Electoral Studies* 40 (2015): 409-410. In a rare display of consensus and reproach, some 200 political scientists signed a letter rebuking the Richman *et al.* study’s findings. See Spencer Mestel, “How Claims of Voter Fraud Were Supercharged by Bad Science,” *MIT Technology Review*, November 1, 2020, <https://www.technologyreview.com/2020/11/01/1011519/election-voter-fraud-claims-bad-science-polling/>; and Open Letter Signed by Political Scientists (n.d.), (accessed July 7, 2025), <https://www.courthousenews.com/wp-content/uploads/2018/03/Kansas-Voter-ID-LETTER.pdf>.

¹⁰⁸ Hood and Gillespie, They Just Do Not Vote, 76.

¹⁰⁹ Ahlquist, Mayer and Jackman, Alien Abduction, 473.

¹¹⁰ *Id.*

¹¹¹ Christensen and Schultz, Identifying Election Fraud, 313.

¹¹² Cottrell, et al., *An Exploration of Donald Trump’s Allegations of Massive Voter Fraud*, 140.

The 2018 mid-term election in North Carolina's 9th Congressional District was marred by one of the most egregious cases of election fraud in decades.¹¹³ Another paper, by Herron, examines irregular voter turnout and absentee balloting patterns in this race. The fraud was perpetrated by a campaign operative named McCrae Dowless who organized a conspiracy to defraud the voters, and therefore, it is not a case of voter fraud *per se* (because voters were not the perpetrators). But I include the Herron study in my review of the literature because it was not known initially what might be producing the irregular absentee balloting patterns. The initial uncertainty is common in the study of voter fraud. The North Carolina State Board of Elections conducted an investigation and held two public hearings after Dowless, who had charged the opposing campaign of engaging in illegal vote harvesting, incriminated himself for doing the same. The Board's investigation found that Dowless perpetrated a conspiracy to intimidate voters, forge signatures and submit hundreds of fraudulent absentee ballots in rural Bladen County on behalf of the Republican incumbent's campaign. That incumbent won the election on the strength of unusually high absentee ballot voting in Bladen County. Ultimately, the Board voted unanimously to order a new election.¹¹⁴ Herron uses statistical modeling to assess the irregular absentee voting patterns in Bladen County relative to other North Carolina counties that intersect the 9th Congressional District. His research confirmed statistical anomalies in Bladen County that supported the Board's findings.

Another paper uses a similar statistical technique, known as 'differences-in-differences' and data on election fraud from the Heritage Foundation and the News21 project to assess whether mail-in absentee balloting increases voter fraud. They find "no evidence...that fraud has increased as vote-by-mail policies have expanded."¹¹⁵

In a 2020 paper published in the *American Political Science Review*, Goel *et al.* use different statistical techniques to look for proxy evidence of double voting in the 2012 presidential election. They find that "double voting is not currently carried out in such a systematic way that it presents a threat to the integrity of American elections." They estimate that "at most," one in 4,000 votes cast in 2012 were double votes, "with measurement error in turnout records possibly explaining a significant portion, if not all, of this."¹¹⁶ Measurement error is the difference between observed values and true or actual values. There is manifest evidence of measurement error (i.e., mistakes, inaccuracies, etc.) in state voting records, so it is highly probable that there is measurement error in the data analyzed by Goel, *et al.* When they say that measurement error in turnout records possibly explains a significant portion, *if not all*, of their model's estimate of every

¹¹³ For a blow-by-blow narrative of this scandal by two investigative journalists who covered the story in real time, see Michael Graff and Nick Ochsner, *The Vote Collectors: The True Story of the Scamster, Politicians, and Preachers behind the Nation's Greatest Electoral Fraud*, 2nd Ed. (Chapel Hill, N.C.: University of North Carolina Press, 2024).

¹¹⁴ Order, In the Matter of: Investigation of Election Irregularities Affecting Counties within the 9th Congressional District, State of North Carolina, County of Wake, Matter Before the North Carolina State Board of Elections, March 13, 2019 (finding, that the 2018 election "...was corrupted by fraud, improprieties, and irregularities so pervasive that its results are tainted as the fruit of an operation manifestly unfair to the voters and corrosive to our system of government," p.2), https://dl.ncsbe.gov/State_Board_Meeting_Docs/Congressional_District_9_Portal/Order_03132019.pdf.

¹¹⁵ Jonathan Auerbach and Steve Pierson, Does Voting by Mail Increase Fraud? Estimating the Change in Reported Voter Fraud When States Switch to Elections by Mail, *Statistics and Public Policy* 8(1) (2021), 18-41, 24.

¹¹⁶ Goel, *et al.*, One Person, One Vote, 467.

one in 4,000 votes cast in 2012 a double vote, they mean that this estimate is as likely a function of erroneous data – or not true – as it is true.

In another recent (2021) paper published in the *Proceedings of the National Academy of Science*, Eggers and his colleagues examine the most prominent and pervasive statistical claims of fraud in the 2020 election and find “that none of these is even remotely convincing.”¹¹⁷ The fraud claims are based on alleged anomalies in turnout patterns and the like, such as the fact, for example, that Joe Biden won more votes but fewer counties than Donald Trump, and that Biden performed poorly in so-called “bellwether” counties that typically vote for the winner of presidential contests. Other allegations examined by Eggers *et al.* include the claims that Dominion voting machines switched votes from Trump to Biden, and that certain counting procedures for absentee ballots illegally reduced Trump’s vote. Eggers and his colleagues use statistical reasoning and original data to debunk all of these allegations, showing that “for each claim... what is purported to be an anomalous fact about the result is either not a fact or not anomalous.”¹¹⁸

Jennifer Wu and her colleagues use administrative data on deaths and voter turnout in Washington State to examine a common allegation that mail balloting is easily manipulated by fraudsters filing ballots in the names of dead people. Washington administers elections entirely by mail. They find that,

Among roughly 4.5 million distinct voters in Washington state between 2011 and 2018, when we focus on cases where records match on full name, including middle name, we estimate that there are 14 deceased individuals whose ballots were cast suspiciously long after their deaths, representing 0.0003% of voters. Even these few voters may reflect two individuals with the same name and birth date, or clerical errors, rather than fraud.¹¹⁹

Finally, Bernard Grofman and Jonathan Cervas assess a compendium of claims about fraud in the 2020 election that are at least partly grounded “on indisputable facts about statistical features” of that election.¹²⁰ They do not address why people believe stories that are factually unsupported or inaccurate, rather their focus is on the validity and accuracy of the statistics upon which the fraud claims are based. Sorting claims into a range of statistical fallacies, such as arithmetic fallacies like drawing conclusions from cherry-picked data or confusing percentages with percentage point changes; improper use of statistical significance; inaccurate probabilistic reasoning; and syllogistic arguments based on fallacious statistical comparisons, Grofman and Cervas show that there is no credible statistical evidence that would support claims of massive fraud in the 2020 presidential election. “To paraphrase Jeremy Bentham,” they conclude, “claims

¹¹⁷ Eggers, *et al.*, No Evidence for Systematic Voter Fraud, 1.

¹¹⁸ *Id.* 6.

¹¹⁹ Wu, *et al.*, 2. On the surprisingly high probability that two people share the same name and birth date, see Michael P. McDonald and Justin Levitt, “Seeing Double Voting: An Extension of the Birthday Problem,” *Election Law Journal* 7, no. 2 (2008): 111-122.

¹²⁰ Grofman and Cervas, 1.

of massive fraud based on aggregate level statistical features of the 2020 election are not just nonsense, but ‘nonsense on stilts.’”¹²¹

B. Official State Government Investigations and Reports

Other important sources of data for analyzing the incidence of voter fraud in U.S. elections are studies conducted by state agencies responsible for the administration of elections, and state law enforcement and auditing agencies. I review several such reports in *The Myth of Voter Fraud*. Despite variation in the context, scope, type of fraud examined, time period covered, and investigating agency involved, these studies demonstrate a clear and consistent pattern of findings: very little voter fraud occurs, and irregularities and anomalies in the data are more likely the result of administrative or voter error or confusion than they are voter fraud.¹²²

C. Allegations of Voter Fraud in the 2016 and 2020 Elections

The challenged law in this litigation specifically concerns the issue of non-citizen registration and voting. President Trump’s explosive allegation that he lost the popular vote in 2016 because three to five million non-citizens voted for Hillary Clinton pushed the question of illegal non-citizen voting and more generally, fraud by ineligible voters—such as those who do not live where they vote—into the public arena like no other alleged scandal of voter fraud in recent memory. Mr. Trump doubled down on these false claims in 2020, alleging (among many other things) that 36,000 ballots were illegally cast by non-citizens in Arizona, a number greater

¹²¹ *Id.* at 16.

¹²² A number of states in recent years have conducted investigations of alleged voter fraud including those cited in some of my expert reports at footnotes 12 and 13, and others, for example: A multi-year investigation by the Iowa Secretary of State resulted in 27 prosecutions out of approximately 1.6 million votes cast; see Iowa Secretary of State Matt Schultz, “DCI Voter Fraud Investigations Report,” May 8, 2014, accessed July 7, 2025, <http://publications.iowa.gov/16874/1/DCI%20Voter%20Fraud%20Report%205-8-14.pdf>, last; a 2013 voter fraud investigation by the Colorado Secretary of State alleged 155 non-citizens had illegally voted, however, upon further investigation by local prosecutors, only four people were charged, and only one man was eventually convicted of a false registration charge (see, “Gessler Voter Sting Nets 1 Conviction Despite Accusation of Widespread Fraud,” *Sentinel*, March 13, 2015, accessed May 4, 2023), <https://sentinelcolorado.com/news/gessler-voter-sting-nets-1-conviction-despite-accusation-widespread-fraud/>; and numerous state-level investigations of various fraud allegations following the 2020 federal election, including in Michigan (Michigan Office of the Auditor General, Performance Audit of the Bureau of Elections, Project No. 231-0235-21 (March 2022); <https://audgen.michigan.gov/complete-projects/bureau-of-elections-2/>, last accessed July 7, 2025; and Michigan State Senate Oversight Committee, “Report on the November 2020 Election in Michigan” (June 23, 2021), accessed July 7, 2025, https://misenategopcdn.s3.us-east-1.amazonaws.com/99/documents/20210623/SMPO_2020ElectionReport.pdf; Nevada (State of Nevada, Office of the Secretary of State, Report to the Nevada GOP (April 2021); <https://www.nvsos.gov/sos/home/showpublisheddocument?id=9428>, last accessed July 7, 2025; see also, Riley Snyder, “Cegavske: No ‘Evidentiary Support’ among NV GOP Claims that 2020 Election Was Plagued by Widespread Fraud,” *Nevada Independent*, April 21, 2021, accessed July 7, 2025, <https://thenevadaindependent.com/article/cegavske-no-evidentiary-support-among-nv-gop-claims-that-2020-election-was-plagued-by-widespread-fraud/>; Pennsylvania (see Marc Levy, “GOP’s Election Inquiry: Courts, Conspiracies and More Costs,” *Associated Press*, February 4, 2022, accessed July 7, 2025, <https://apnews.com/article/elections-pennsylvania-voting-donald-trump-presidential-elections-e09c2770b605567fa203404637552a7a>); and Wisconsin (see State of Wisconsin Legislative Audit Bureau, “Elections Administration,” Report 21-19 (October 2021); <https://legis.wisconsin.gov/lab/media/3288/21-19full.pdf>, last accessed July 7, 2025; Wisconsin Elections Commission, “Report of Suspected Election Fraud, Irregularities or Violations” (July 22, 2022), accessed July 7, 2025, <https://elections.wi.gov/media/15361/download>).

than President Joe Biden’s roughly 11,000-vote margin of victory in the state. No such claims by President Trump have materialized thus far concerning his victory in the 2024 election. Nevertheless, given the unprecedented scale of recent voter fraud allegations launched by the former and current president I now turn to an analysis of the evidence of voter fraud in the 2016 and 2020 federal elections, and summarize what we know about a specific form of alleged voter fraud: that committed by non-citizens.

i. 2016 Presidential Election

A few weeks after winning the Electoral College in the 2016 presidential election, Donald Trump tweeted that, “In addition to winning the electoral college in a landslide, I won the popular vote if you deduct the millions of people who voted illegally.”¹²³ At the time, Mr. Trump’s Democratic rival Hillary Clinton was leading in the popular vote by 2.2 million votes and would eventually win the popular vote by a margin of nearly 2.9 million votes.

Fact-checkers traced the source of Trump’s false statement to two tweets by Gregg Phillips, a businessman, former public official in Texas and Mississippi, and long-time Republican Party operative who claimed to have evidence compiled from voting records and direct observations by volunteers that he said he analyzed using a “protected algorithm.”¹²⁴ On November 11, 2016, Phillips tweeted, “Completed analysis of database of 180 million voter registrations. Number of non-citizen votes exceeds 3 million. Consulting legal team.” Two days later, he repeated, “We have verified more than three million votes cast by non-citizens.”¹²⁵ Phillips’ tweets were picked up by the conspiracy-peddling website, Infowars.com, where they quickly grabbed President Trump’s attention. Journalists pursued Phillips for months asking him to provide support for his claim, which he consistently refused to do.¹²⁶

At a January 2017 meeting with congressional leaders, Trump repeated his claim that between three and five million illegal votes had been cast against him.¹²⁷ For him, the votes were illegal because the people allegedly casting them were allegedly “illegal” immigrants, *i.e.*, not United States citizens. Later, the President’s Press Secretary doubled down, reiterating the President’s belief that three million non-citizens voted illegally. If the President’s claims had been

¹²³ Donald J. Trump (@realDonaldTrump), Tweet (Nov. 27, 2016), <https://twitter.com/realDonaldTrump/status/802972944532209664>.

¹²⁴ Vann R. Newkirk II, *Trump’s Favorite Voter-Fraud Activist Hedges His Claims*, Atlantic (Jan. 31, 2017), <https://www.theatlantic.com/politics/archive/2017/01/gregg-phillips-trump-voter-fraud/515046/>, last accessed July 5, 2023. See also, Sue Sturgis, *The Conservative Activist Behind Trump’s Bogus ‘Millions of Illegal Voters’ Claim*, Facing South (Nov. 30, 2016), <https://www.facingsouth.org/2016/11/conservative-activist-behind-trumps-bogus-millions-illegal-voters-claim> (last accessed July 5, 2023).

¹²⁵ Jessica Lussenhop, *Gregg Phillips: The Man Claiming 3m Illegal Votes*, BBC News (Jan. 31, 2017), <https://www.bbc.com/news/world-us-canada-38774428> (last accessed July 5, 2025).

¹²⁶ Dan Tynan, *Why I Don’t Believe There Were 3 Million Illegal Votes in 2016 – and You Shouldn’t Either*, Medium (Nov. 29, 2016), <https://medium.com/@dantynan/why-i-dont-believe-there-were-3-million-votes-in-2016-and-you-shouldn-t-either-2f726a9e5cfd> (last accessed July 5, 2025).

¹²⁷ Abby Phillip & Mike DeBonis, *Without Evidence, Trump Tells Lawmakers 3 million to 5 million Illegal Ballots cost Him the Popular Vote*, Washington Post (Jan. 23, 2017), <https://www.washingtonpost.com/news/post-politics/wp/2017/01/23/at-white-house-trump-tells-congressional-leaders-3-5-million-illegal-ballots-cost-him-the-popular-vote/> (last accessed July 5, 2025).

true, the 2016 election would have been the most fraudulent election in U.S. history. But the claims were not true – they were false.

A month after the election, the *New York Times* contacted top election officials in all fifty states and asked them whether they were aware of any cases of voter fraud. Every state but Kansas responded. Brian W. Buonamano, as assistant attorney general in New Hampshire was interviewed and stated that officials were examining four to six unconfirmed complaints, “...voting more than once, lying on your affidavit, things like that.”¹²⁸ I have not been able to determine which four to six unconfirmed complaints Mr. Buonamano was referring to, but they must not have amounted to much because the *Times* summed up their findings this way: “[T]he people who supervised the general election last month in states around the nation have been adding up how many credible reports of fraud they actually received. The overwhelming consensus: next to none.”¹²⁹

The lack of substantiated evidence of voter fraud is also true in the context of illegal non-citizen voting. For example, the Brennan Center for Justice at New York University School of Law conducted a study of former President Trump’s non-citizen voter fraud claims in the 2016 election. Researchers identified all (44) counties in which there were at least 100,000 adult non-citizen residents, as estimated by the U.S. Census Bureau’s 2011-2015 American Community Survey Five-Year Estimates. They were able to interview 27 of the 44 election directors in those counties. To this group, the researchers added jurisdictions from the three states Trump had singled out as alleged centers of voter fraud, California, New Hampshire and Virginia.¹³⁰ The criteria for inclusion in the study was the following: 1) at least two jurisdictions with “large numbers of adult citizens;” 2) at least two more jurisdictions with “a high percentage of adult noncitizens;” and 3) at least one rural jurisdiction with “a comparatively high percentage of adult noncitizens.”¹³¹ The New Hampshire jurisdictions interviewed for the study are the City of Concord, the City of Dover, the City of Somersworth, the Town of Hanover, the Town of Hebron, and the Town of Stewartsville.

Altogether, Brennan Center researchers interviewed 44 local election officials in 42 jurisdictions across 12 states, including eight of the ten U.S. counties with the largest non-citizen populations, overseeing the tabulation of 23.5 million votes. Those officials forwarded about 30 incidents of suspected non-citizen voting to local or state prosecutors for further investigation, amounting to roughly 0.0001 percent of the 23.5 million votes cast in the 42 study jurisdictions in 2016. The potential voter fraud incidents occurred in just two of those jurisdictions, neither of which was in New Hampshire.

¹²⁸ Michael Wines, *All This Talk of Voter Fraud? Across the U.S., Officials Found Next to None*, N.Y. Times (Dec. 28, 2016), <https://www.nytimes.com/2016/12/18/us/voter-fraud.html> (last accessed July 5, 2025).

¹²⁹ *Id.*

¹³⁰ On November 27, 2016, Trump tweeted, “Serious voter fraud in Virginia, New Hampshire and California – so why isn’t the media reporting on this? Serious bias – big problem!” PolitiFact evaluated the claim and judged it “Pants on Fire!” false. See Ella Nilsen, *Trump Claims ‘Serious Voter Fraud’ in New Hampshire*, PolitiFact.org (Nov. 28, 2016), <https://www.politifact.com/factchecks/2016/nov/28/donald-trump/trump-claims-serious-voter-fraud-new-hampshire/>.

¹³¹ See Christopher Famighetti, Douglas Keith & Myrna Perez, *Non-citizen Voting: The Missing Millions*, Brennan Center for Justice at New York University School of Law (2017), 3-4, https://www.brennancenter.org/sites/default/files/publications/2017_NoncitizenVoting_Final.pdf.

ii. 2020 Presidential Election

In the 2020 General Election, then-President Donald J. Trump lost the national popular vote to Joe Biden by 7,052,770 votes, and the Electoral College by 74 votes.¹³² Mr. Trump challenged the results in court in several battleground states, claiming fraud in the election. Despite re-counts, hand counts, and post-election audits confirming Mr. Biden's victory, and many failed lawsuits attempting to stop the counting, invalidate millions of legally cast ballots, and "de-certify" the election, which all confirmed that Joe Biden won the election, President Trump continues to promote the lie that it was stolen from him.¹³³

There is scant evidence of voter or election fraud of any kind, including fraud committed by non-citizens, in the 2020 election nationwide, and certainly not massive fraud as Mr. Trump has repeatedly asserted occurring in any state, including New Hampshire, as documented above.

In the rest of this section of the report, I detail the efforts of the Trump campaign to find fraud that would support Mr. Trump's allegations that the 2020 election was stolen from him. I conclude by summarizing what we know about non-citizen voter fraud in this and other recent elections.

Nine days after the 2020 election, on November 12, 2020, the Executive Committee of the Election Infrastructure Government Coordinating Council, which included leaders at the Cybersecurity and Infrastructure Security Agency, the Election Assistance Commission, the National Association of Secretaries of State, the National Association of State Election Directors, and the Election Infrastructure Sector Coordinating Council released a statement assuring the public that: "The November 3rd election was the most secure in American history... There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised."¹³⁴

¹³² Federal Election Commission, Official 2020 Presidential Election Results, (Jan. 28, 2021), <https://www.fec.gov/resources/cms-content/documents/2020presgeresults.pdf>.

¹³³ From an interview with Jeffrey Goldberg, the editor of *The Atlantic* magazine on April 28, 2025, <https://www.theatlantic.com/politics/archive/2025/04/donald-trump-oval-office-interview-excerpts/682623/>:

Goldberg: The thing that I can't get my mind around is that you're one of the most successful people in history, right? You've won the presidency twice—

Trump: Three times.

Goldberg: This is exactly the question! At this point in your career, don't you think you can let go of this idea that you won? I mean, I don't believe you that you won the 2020 election.

Trump: I'm not asking you to.

Goldberg: Most people don't believe you won the 2020 election. A lot of people don't believe you won. It goes to this point about vengeance versus moving forward.

Trump: Look, it would be easy for me not to just respond, when you say that, and I could just let you go on. But I'm a very honest person. I believe—I don't believe; I *know* the election was rigged. Biden didn't get 80 million votes. And he didn't beat Barack Hussein Obama with the Black vote in the swing states—only in the swing states; it's interesting. We have lots of other things. I mean, we have so much information, from the 51 agents—that was so crooked—to the laptop from hell, to all of these different things. So it would be easier as you say that to just let you go on. But I'm a very honest person, and I believe it with all my heart, and I believe it with fact—you know, more important than heart. I believe it with fact.

¹³⁴ See Press Release, Joint Statement from Elections Infrastructure Government Coordinating Council & the Election Infrastructure Sector Coordinating Executive Committees, Washington, D.C., November 12, 2020,

President Trump had tried for months to pre-empt such a finding, priming his supporters to reject results that included mail ballots and at one point suggesting the election should be postponed because mail-in voting would result in the “most INACCURATE & FRAUDULENT Election in history.”¹³⁵ Anticipating the President’s electoral defeat and wanting to inoculate the Department of Justice from blame, Attorney General William Barr had repeatedly raised questions about the security of mail ballots during the months before the 2020 election. In his book *Betrayal: The Final Act of the Trump Show*, Jonathan D. Karl reports on the last days of the Trump Administration and how Barr expected Trump to lose.¹³⁶ He prepared to be confronted by the President about election fraud by giving federal prosecutors public approval to open investigations into clear and credible allegations of substantial fraud, and by conducting his own unofficial inquiry into the fraud claims promoted by Trump and his allies. Karl reports that in an interview for the book that Barr told him, “My attitude was: It was put-up or shut-up time. If there was evidence of fraud, I had no motive to suppress it. But my suspicion all the way along was that there was nothing there. It was all bullshit.”¹³⁷

Barr’s controversial October 2020 directive to U.S. attorneys to pursue “substantial allegations” of “voting and vote tabulation irregularities” before election results were certified, reversed longstanding Justice Department policy to not advance voter fraud or related investigations until after the results are certified. If the allegations were false, they could amount to election interference by the federal government to sway an election one way or the other. Barr’s decision was widely condemned both inside and outside the Justice Department and led to the resignation of the department’s top elections crime official in protest.¹³⁸ Even with this enhanced authority to pursue fraud allegations, the Justice Department raised no concerns about voter fraud, much less any that would have changed the outcome of the election. Several weeks after the election, Barr gave the Associated Press an interview in which he stated that U.S. attorneys and the F.B.I. were following up on complaints, but “to date, we have not seen fraud on a scale that could have effected a different outcome in the election.”¹³⁹

A year later, in an October 2021 interview conducted by investigators and members of the House Select committee to Investigate the January 6th Attack on the U.S. Capitol, another high-ranking official in the Justice Department, Richard Donoghue, former acting deputy attorney general at the end of the Trump administration, testified that he personally told the President that

<https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election>, (last accessed July 16, 2023).

¹³⁵ Eugene Kiely and Rem Rieder, “Trump’s Repeated False Attacks on Mail-in Ballots,” Factcheck.org (Sept. 25, 2020), <https://www.factcheck.org/2020/09/trumps-repeated-false-attacks-on-mail-in-ballots/> (last accessed Sept. 11, 2023).

¹³⁶ Jonathan D. Karl, *Betrayal: The Final Act of the Trump Show* (New York: Dutton, 2021).

¹³⁷ Jonathan D. Karl, *Inside William Barr’s Breakup with Trump*, Atlantic (June 27, 2021), <https://www.theatlantic.com/politics/archive/2021/06/william-barrs-trump-administration-attorney-general/619298/>, (last accessed July 16, 2023).

¹³⁸ Matt Zapotosky & Devlin Barrett, *Barr Clears Justice Department to Investigate Alleged Voting Irregularities as Trump Makes Unfounded Fraud Claims*, Washington Post (Nov. 9, 2020), https://www.washingtonpost.com/national-security/trump-voting-fraud-william-barr-justice-department/2020/11/09/d57dbe98-22e6-11eb-8672-c281c7a2c96e_story.html (last accessed July 16, 2023).

¹³⁹ Michael Balsamo, *Disputing Trump, Barr Says No Widespread Election Fraud*, Associated Press (Dec. 1, 2020), <https://apnews.com/article/barr-no-widespread-election-fraud-b1f1488796c9a98c4b1a9061a6c7f49d> (last accessed July 16, 2023).

election fraud accusations were false. Donoghue described the whack-a-mole exercise of batting down the false fraud allegations engulfing Trump. The following excerpt from Mr. Donoghue's transcribed interview begins with the House committee investigator referencing the Trump campaign's "political" effort to challenge the electoral college votes:

Q. And the Department's role in that, Mr. Donoghue, is to say the election was corrupt, that he's asking, essentially, not for you to resolve all of these specific allegations, but just say that the election was corrupt, leave the rest to this political strategy?

A. Right. So the Department had zero involvement in anyone's political strategy. I think he understood that, right?

Q. Uh-huh.

A. So he wanted us to say it was corrupt, you know, for whatever reason. I'll leave that to him or others to explain or determine. But he wanted us to say that it was corrupt. And this was consistent with some things he said at other points about, the Department should publicly say that the election is corrupt or suspect or not reliable. At one point, he mentioned the possibility of having a press conference. We told him we were not going to do that... So I tried to, again, put this in perspective and to try to put it in very clear terms to the President. And I said something to the effect of, "Sir, we've done dozens of investigations, hundreds of interviews. The major allegations are not supported by the evidence developed. We've looked in Georgia, Pennsylvania, Michigan, Nevada. We are doing our job. Much of the info you're getting is false." And then I went into, "For instance, this thing from Michigan, this report about 68 percent error rate -- reality is, it was only 0.0063 percent error rate, less than 1 in 15,000."

So the President accepted that. He said, "Okay, fine. But what about the others?"

And, again, this gets back to the point that there were so many of these allegations that, when you gave him a very direct answer on one of them, he wouldn't fight us on it, but he would move to another allegation... Then he said, in Arizona, "I only lost by 9,000 votes. There's clearly more fraud than that" just in Arizona alone...

...And so the President's response was, well, the "judges keep saying, where's the DOJ? Why is the DOJ not filing these cases?" And we both responded, "we," the Department, "are not in a position based on the evidence. We can only act on the actual evidence developed."

My next note says, "Told him flat out that much of the information he's getting is false and/or just not supported by the evidence. We look at the allegations but they don't pan out."

The President was getting very frustrated. He said, "This is electioneering fraud."

And then, again, I have a quote from him: “We have an obligation to tell people that this was an illegal, corrupt election.”¹⁴⁰

The Trump campaign had no countervailing evidence and therefore, no reason to doubt the Attorney General’s or the Deputy Attorney General’s assessments. But they decided to further investigate the mountain of allegations of fraud piling up and engaged outside consultants to find the fraud and provide the evidence they needed for their legal challenges and public relations campaigns. Between the election and the January 6th riot at the Capitol, they hired two firms, Berkeley Research Group, and Simpatico Software Systems, at a combined cost of close to \$2 million to examine voter registration and election data and allegations of election fraud in six states, including Arizona.¹⁴¹

A confidential source told the *Washington Post* that the Berkeley Research Group

...looked at everything: change of addresses, illegal immigrants, ballot harvesting, people voting twice, machines being tampered with, ballots that were sent to vacant addresses that were returned and voted... Literally anything you could think of. Voter turnout anomalies, date of birth anomalies, whether dead people voted. If there was anything under the sun that could be thought of, they looked at it.¹⁴²

The *Post* obtained a copy of the report, dated January 1, 2021, and reported that the researchers had “high confidence” of only nine voters in Fulton County, Georgia, and potentially 23 such voters statewide whose ballots may have been cast by others because the voters appeared to have died before Election Day.¹⁴³ Trump had claimed that at a minimum, 5,000 dead voters cast ballots in Georgia. In Nevada, where Trump lost to Biden by 33,596 votes, his lawyers stated in a court filing that 500 mail-in ballots were cast fraudulently by dead voters and that “no less than 15,000” people voted twice, once in Nevada and once somewhere else.¹⁴⁴ The Berkeley Research

¹⁴⁰ Interview of Richard Peter Donoghue, Select Committee to Investigate the January 6th Attack on the U.S. Capitol, U.S. House of Representatives, Washington, D.C. (Oct. 1, 2021), 58-62, <https://www.govinfo.gov/content/pkg/GPO-J6-TRANSCRIPT-CTRL0000034600/pdf/GPO-J6-TRANSCRIPT-CTRL0000034600.pdf> (last accessed July 26, 2023).

¹⁴¹ According to *Washington Post* reporter, Josh Dawsey, both reports focused on Georgia, Michigan, Nevada, Pennsylvania and Wisconsin, and Simpatico Software Systems also looked at Arizona.

¹⁴² Josh Dawsey, *Trump Campaign Paid Researchers to Prove 2020 Fraud but Kept Findings Secret*, *Washington Post* (Feb. 11, 2023), <https://www.washingtonpost.com/politics/2023/02/11/trump-campaign-report-electoral-fraud/> (last accessed July 26, 2023).

¹⁴³ *Id.*

¹⁴⁴ Statement of Contest of the November 3, 2020 Presidential Election Pursuant to NRS 293.407 and 293.410 at 14, *Law et al. v. Whitmer, et al.*, No. 20-OC-00163-1B (Nev. Dist. Ct., Carson City, Nov. 17, 2020). By the time of the hearing on the case in early December, Jesse Binnall, attorney for plaintiff candidates for presidential electors on behalf of Donald J. Trump, cited a report by plaintiffs’ expert, Jesse Kamzol, claiming 1,506 “dead voters” and 42,284 double voters cast illegal and possibly fraudulent ballots in the 2020 election. Judge James T. Russell dismissed the case with prejudice, finding plaintiffs failed to prove any of their voter fraud claims. See Order Granting Motion to Dismiss Statement of Contest, *Law et al. v. Whitmer, et al.*, No. 20-OC-00163-1B (Nev. Dist. Ct., Carson City, Dec. 4, 2020). Four days later, the Nevada Supreme Court affirmed the lower court ruling (*Law v. Whitmer*, No. 82178 (Nev. Dec. 8, 2020)).

Group analysts conclude with “high confidence” that only 12 ballots may have been cast in the names of deceased voters in Clark County, Nevada, and potentially 20 such voters statewide. They estimated a “low end potential exposure” of 45 and a “high end potential exposure” of 9,063 double votes in Nevada.¹⁴⁵ This does not mean they found even 45 double votes, only that there was some (unknown) probability of potential double votes.¹⁴⁶

In April 2023, after his research was subpoenaed by the Justice Department’s Special Counsel investigating efforts to overturn the election, Ken Block, the president of Simpatico and a one-time candidate for the Republican gubernatorial nomination in Rhode Island, told WPRI News12 that he was contacted by a lawyer for the Trump campaign a day after the 2020 election:

Originally the project [was] strictly about looking for voter fraud in the states that everyone would expect to be looked at: Georgia, Pennsylvania, Arizona, Nevada, Michigan and Wisconsin. Very quickly, I was also asked to see if I could evaluate claims of voter fraud that were made by others, some within the campaign, some far outside the campaign. Those issues that I was asked to look at – none of them were true. Every single one of them – demonstratively false.¹⁴⁷

According to the *Washington Post*, which broke the story,¹⁴⁸ the campaign buried the results when the two studies failed to provide the proof of fraud that Trump needed to establish that he actually won the election.¹⁴⁹ The reports have never been made public nor were they shared with the Congressional committee investigating the January 6th riot. Block went on to detail his experience working for the Trump campaign in a book titled, *Disproven: My Unbiased Search for Voter Fraud for the Trump Campaign, the Data that Shows Why He Lost, and How We Can Improve Our Elections* (New York: Simon & Schuster, 2024).

Finally, in December 2021, the Associated Press (AP) published the results of their exhaustive months-long investigation of voter fraud in the six battleground states whose results were disputed by the Trump campaign: Arizona, Georgia, Michigan, Nevada, Pennsylvania and Wisconsin. Reporters contacted “...roughly 340 election offices for details about every instance of potential voter fraud that was identified as part of their post-election review and certification

¹⁴⁵ See Josh Dawsey, *Trump Campaign Paid Researchers to Prove 2020 Fraud But Kept Findings Secret*, Washington Post (Feb. 11, 2023); and Josh Dawsey, *Trump-commissioned Report Undercut His Claims of Dead and Double Voters*, Washington Post (Mar. 17, 2023), <https://www.washingtonpost.com/elections/2023/03/17/trump-fraud-report-2020/> (last accessed July 30, 2023).

¹⁴⁶ Unknown because the report was never made public and therefore, the methodology and validity of the findings are unknown.

¹⁴⁷ Lauren Brill, *RI-based Firm Hired by Trump Campaign Found No Evidence of Election Fraud*, WPRI.com/12 (Apr. 28, 2023), <https://www.wpri.com/news/elections/ri-based-firm-hired-by-trump-campaign-found-no-evidence-of-election-fraud/> (last accessed July 30, 2023).

¹⁴⁸ Dawsey, *Trump Campaign Paid Researchers*.

¹⁴⁹ Josh Dawsey & Amy Gardner, *Trump-funded Studies Disputing Election Fraud Are Focus in Two Probes*, Washington Post (June 5, 2023), <https://www.washingtonpost.com/nation/2023/06/05/trump-funded-studies-disputing-election-fraud-are-focus-two-probes/> (last accessed July 25, 2023).

process.”¹⁵⁰ Eighty percent of counties large and small in the six states reported no suspicious activity. Altogether, the investigation found 475 potential cases identified by local officials and forwarded to local prosecutors, local law enforcement, secretaries of state or state election agencies. Such reported small number of purported cases

...ran the gamut: Some were attributed to administrative error or voter confusion while others were being examined as intentional attempts to commit fraud. In those cases, many involved people who sought to vote twice – by casting both an absentee and [] in-person ballots – or those who cast a ballot for a dead relative...¹⁵¹

The review found no collusion or conspiracies: “[v]irtually every case was based on an individual acting alone to cast additional ballots,” which the election officials told reporters were mostly never counted “because workers did their jobs and pulled them for inspection before they were added to the tally.”¹⁵² The state-by-state reporting of the investigation’s results identifies no cases of alleged illegal or fraudulent non-citizen voting. I discuss the AP’s investigation of voter fraud in Arizona in more detail below.

The incumbent president’s narrow losses in these battleground states, including Arizona, triggered sweeping and unprecedented legal challenges to the election. At the time, the Stanford-MIT Healthy Elections Project stated that, “The 2020 general election was the most litigious in modern history, with more than 400 lawsuits filed *before* Election Day.”¹⁵³ The project researchers tracked an additional 95 lawsuits filed after the election through January 6, 2021.¹⁵⁴ Of these 95 lawsuits, 76 concerned the presidential election and were filed in battleground states that former President Trump lost.¹⁵⁵

Facts must matter. And the facts, as determined by enhanced efforts by the Justice Department to look for fraud, a massive investigation by the U.S. Congress,¹⁵⁶ two research firms

¹⁵⁰ Cristina Cassidy, *Far Too Little Voter Fraud to Tip Election to Trump, AP Finds*, Associated Press (Dec. 14, 2021), <https://apnews.com/article/voter-fraud-election-2020-joe-biden-donald-trump-7fcb6f134e528fee8237c7601db3328f>.

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ Jacob Kovacs-Goodman, Post-Election Litigation Analysis and Summaries 3, Stanford-MIT Healthy Elections Project (Mar. 10, 2021), https://web.mit.edu/healthyelections/www/sites/default/files/2021-06/Post-Election_Litigation_Analysis.pdf (emphasis in text, and emphasis of ‘before’ added).

¹⁵⁴ Altogether, as of May 8, 2022, the Stanford-MIT Healthy Elections Project’s “COVID-Related Election Litigation Tracker” documents 628 cases and appeals found among 436 unique case families of claims (all cases and appeals arising from a single complaint) across 46 states and the District of Columbia. See <https://healthyelections-case-tracker.stanford.edu/>.

¹⁵⁵ Those states are Arizona, Georgia, Michigan, Minnesota, Nevada, New Mexico, Pennsylvania and Wisconsin, accounting for 74 of the 76 cases. The other two lawsuits were filed by U.S. Rep. Louis Gohmert of Texas and the slate of Republican presidential electors from Arizona, and the State of Texas. These cases brought novel constitutional claims against other states regarding alleged violations of the Electors Clause of the U.S. Constitution. Both were dismissed for lack of standing.

¹⁵⁶ The January 6 Report: Findings from the Select Committee to Investigate the Attack on the U.S. Capitol, With Reporting, Analysis and Visuals by the New York Times (New York: Twelve, Hachette Book Group, 2022).

hired by the Trump campaign to prove fraud,¹⁵⁷ and more than 70 federal and state courts hearing challenges to the outcome of the 2020 presidential election¹⁵⁸ confirm that there was little voter fraud in that election, and certainly no widespread fraud that would have changed the outcome. Moreover, whatever small number of illegal votes may have been cast in that election, an even smaller number involved ineligible non-citizens. No court or investigative agency has found otherwise.

D. Recent Allegations and Evidence of *Non-citizen* Voter Fraud

As Donald Trump locked down the Republican Party's nomination for president, the 2024 campaign season promised to be dominated again by false claims and fear mongering about voter fraud. With immigration a top concern of the voting public, it was predictable that the phantom of undocumented immigrant voters would play a central role in the Trump campaign's political strategy to spread disinformation and rally the base. Prominent right-wing figures such as Cleta Mitchell, a former adviser to Donald Trump, promoted the baseless charge that the Biden administration had intentionally opened up the southern border to recruit Democratic voters. As reported by NPR, in February of 2024, Ms. Mitchell told a local radio program in Illinois:

I absolutely believe this is intentional, and one of the reasons the Biden administration is allowing all these illegals to flood the country. And they're taking them into counties across the country so that they can get those people registered, they can vote them.¹⁵⁹

Elon Musk, the largest single investor in Donald Trump's campaign, echoed Mitchell's allegations when he wrote in a March 5, 2024 post on X, his social media platform, "They are importing voters. This is why groups on the far left fight so hard to stop voter ID requirements, under the absurd guise of protecting the right to vote."¹⁶⁰

Six months later, the threat of non-citizen voter fraud received its own hearing in the U.S. House of Representatives before the Committee on the Judiciary's Subcommittee on the Constitution and Limited Government.¹⁶¹ In his opening statement, subcommittee chair, the Hon. Chip Roy stated that,

¹⁵⁷ Josh Dawsey & Amy Gardner, *Trump-funded Studies Disputing Election Fraud Are Focus in Two Probes*, Washington Post (June 5, 2023), <https://www.washingtonpost.com/nation/2023/06/05/trump-funded-studies-disputing-election-fraud-are-focus-two-probes/> (last accessed July 16, 2023).

¹⁵⁸ The literature on the 2020 presidential election has quickly become voluminous. For one careful analysis of Mr. Trump's and his allies' legal challenges to the election in six battleground states, see John Danforth, Benjamin Ginsberg, Thomas B. Griffith, David Hoppe, J. Michael Luttig, Michael W. McConnell, Theodore B. Olson and Gordon H. Smith, *Lost, Not Stolen: The Conservative Case that Trump Lost and Biden Won the 2020 Presidential Election*, (July 2022), <https://drive.google.com/file/d/1aqorZ61AYFqZU-EDQBBzjqfvAoC5nKcB/view>.

¹⁵⁹ A. Martinez and Leila Fadel, Morning News Brief, NPR News, March 13, 2024, @ 5:04, <https://www.vpm.org/npr-news/2024-03-13/morning-news-brief> (last accessed July 20, 2025).

¹⁶⁰ Elon Musk, X post (Mar. 5, 2024), <https://x.com/elonmusk/status/1765024395217473996>. Musk's post boosted a post by Collin Rugg that included a video clip of President Biden walking with Border Patrol agents. Rugg commented, "Joe Biden has secretly flown 320,000 illegal immigrants from Latin American airports to 43 U.S. cities. Treason." As of this writing, the Musk post has been viewed over 24 million times.

¹⁶¹ U.S. House of Representatives, Committee on the Judiciary, Subcommittee on the Constitution and Limited Government, 118th Cong. 2nd Sess., Hearing on The Biden-Harris Border Crisis; Noncitizen Voting, Serial

Noncitizens will vote in the 2024 election because our system not only makes it easy to do but incentivizes doing so...Now, Democrats are threatening to shut down the government because they are so vehemently opposed to preventing noncitizens from voting...The colleagues want noncitizens to illegally vote in the 2024 election and future elections...after forcing years of chaos on the American people. They believe this will advance their quest to fundamentally remake America.¹⁶²

Trump promoted the same line during his presidential debate with Kamala Harris. “A lot of these illegal immigrants coming in, they’re trying to get them to vote,” he said. “They can’t even speak English. They don’t even know what country they’re in practically.”¹⁶³ When President Trump won the election in November, however, those allegations of criminal non-citizen voter fraud dried up, at least for awhile.¹⁶⁴

As noted above, there are no nationally compiled statistics on the incidence of voter fraud, and certainly no routinely gathered official statistics on fraud committed by non-citizens. This means it is difficult to provide precise numbers for how many non-citizens may have registered or voted in U.S. elections. This section discusses what evidence there is concerning non-citizen voter fraud across states where the issue has been politically hot or is at the forefront of efforts to require proof-of-citizenship to register to vote. The patterns are the same. First, allegations of voter fraud, including non-citizen voter fraud, are taken seriously and thoroughly investigated, often by elected officials or government agencies with a vested interest in proving them true – only to discover that they are false. Only a small number of non-citizens, mostly legal permanent residents, get registered to vote, and an even smaller number cast ballots. Voter confusion about eligibility and election official errors account for the vast majority of these irregularities. In every state except Arizona, which requires documentary proof-of-citizenship to vote in state and local elections, the long-standing rules and procedures put in place to guard against wrongful voting are less onerous than the security regime erected by H.B. 1569 – and like New Hampshire before the implementation of H.B. 1569 – those rules and procedures have worked to prevent voter fraud and illegal registration and voting and non-citizens.

In what follows, I summarize the experience of four states with alleged non-citizen voter fraud - Kansas, North Carolina, Georgia and Arizona. I draw on my research from fourteen expert reports across six federal lawsuits in which I was asked by plaintiffs to provide expert opinions on the incidence of voter fraud. Questions about non-citizen fraud were central to in the Kansas and Arizona litigation, less so in Georgia and North Carolina; however, I addressed the issue as part

No. 118-96, September 10, 2024, <https://www.congress.gov/118/chrg/CHRG-118hhrg56763/CHRG-118hhrg56763.pdf>.

¹⁶² *Id.*

¹⁶³ American Presidency Project, Presidential Debate in Philadelphia, Pennsylvania (Sept. 10, 2024), <https://www.presidency.ucsb.edu/documents/presidential-debate-philadelphia-pennsylvania> (last accessed July 20, 2025).

¹⁶⁴ Jude Joffe-Block, *Claims that Millions of Noncitizens Would Illegally Vote Evaporated after Trump Win*, NPR.com (Nov. 11, 2024), <https://whyy.org/articles/trump-noncitizen-voting-social-media/> (last accessed July 18, 2025).

of my broader investigation of the incidence of fraud in the latter states.¹⁶⁵ I testified in the six cases and courts frequently found my opinions not only credible but useful.¹⁶⁶

Kansas

Kris Kobach campaigned for the office of Kansas Secretary of State in 2010, on a pledge that he would ‘fight voter fraud.’¹⁶⁷ It was his number one priority. Once elected, Secretary Kobach aggressively argued for changes to Kansas law to require evidence of U.S. citizenship for all new voter registration applicants, among other reforms. The evidence he proffered, as I discuss below, utterly failed to sustain his vigorous claims that Kansas had a problem with non-citizen voter fraud, or voter fraud of any kind, for that matter. It is not reasonable or even possible to look at former Secretary Kobach’s evidence and draw that conclusion.

Kobach’s statements about the threat of voter fraud polluting elections in Kansas drew media attention to his down-ballot race. For instance, when announcing his candidacy, Kobach said, “Election crimes have been documented across the state, from fraudulent registrations, to vote-by-mail fraud...In Kansas, the illegal registration of alien voters has become pervasive.”¹⁶⁸

The sitting Secretary of State, Ron Thornburgh, a Republican who served in the office for sixteen years and earned a national reputation as an effective election administrator, disputed Kobach’s allegations of widespread voter fraud. Through his spokesperson Stephanie Meyer, Thornburgh said, “The voter fraud Kris Kobach speaks of does not exist.” Researchers in the Secretary of State’s office found only seven cases of voter fraud referred to local, state or federal authorities in the previous ten years. None involved non-citizens illegally voting.¹⁶⁹

In my first expert report in *Fish v. Schwab* (formerly *Kobach*),¹⁷⁰ a federal challenge to Kansas’ now permanently enjoined proof-of-citizenship statute, the Secure and Fair Elections (SAFE) Act of 2011 (H.B. 2067), I reviewed the full range of the types of voter fraud in Kansas alleged by candidate and later Secretary of State Kobach. For this report, I summarize only Kobach’s claims about non-citizen voting. Specifically, his allegations included: alleged double

¹⁶⁵ The summaries are drawn from my research for fourteen expert reports on the incidence of voter fraud written for six federal lawsuits. See *North Carolina State Conference of the NAACP v. McCrory*, Case No. 1:13-cv-00658 (M.D.N.C., 2015); *Fish v. Schwab*, Case No. 2:16-cv-02105 (D. Kan., 2018); *Fair Fight Action v. Raffensperger*, Case No. 1:18-cv-05391 (N.D. Ga., 2022); *Mi Familia Vota and Voto Latino v. Hobbs, et al.*, Case No. 2:22-cv-00509-SRB (D. Ariz., 2025); *North Carolina State Conference of the NAACP v. Circosta*, Case No. 1:18-cv-01034 (M.D.N.C.); *Sixth District AME v. Kemp*, Case No. 1:21-cv-01284 (N.D. Ga.).

¹⁶⁶ As of this writing, two of the cases, *North Carolina Conference of the NAACP v. Circosta*, and *Sixth District AME Church v. Kemp* (consolidated in *In re Georgia Senate Bill 2020*) await final District Court decisions.

¹⁶⁷ When Kobach announced his candidacy on May 26, 2009, he said that voter fraud was a “very real problem” in Kansas. According to a story in the *Wichita Eagle*, Kobach said that fifty years ago, Black Kansans were disenfranchised because of the color of their skin. Today, Kansans are disenfranchised when someone casts “10 fraudulent ballots...I want to tackle that problem,” he continued, and if elected, he pledged to “clean house” in the secretary of State’s office and push for voter identification legislation to make the system more secure. “Kris Kobach to Run for Kansas Secretary of State Next Year,” *Wichita Eagle*, May 26, 2009. See also, “Findings of Fact and Conclusions of Law,” *Fish v. Schwab* (D. Kan., Jun. 18, 2018), No. 2:16-cv-02105-JAR-JPO, 17.

¹⁶⁸ Dion Lefler, “Kobach to Run for Secretary of State,” *Wichita Eagle*, May 27, 2009.

¹⁶⁹ *Id.*

¹⁷⁰ Expert Report of Lorraine C. Minnite, *Fish v. Kobach* No. 2:16-cv-02105-JAR-JPO (D. Kan., Feb. 26, 2016).

voting by a “Muslim lady” in 2008; fraudulent voting by six non-citizens in 2008 or 2009; and “alien” hog farm workers bussed in from Oklahoma to allegedly vote fraudulently in Sedgwick County in 1997. In addition, Secretary Kobach repeatedly and erroneously cited alleged “alien” voting in Colorado, and alleged fraudulent voting by “Somali nationals” in Missouri as a threat to the integrity of Kansas elections.

Within weeks of his inauguration, Secretary Kobach made good on his campaign promises and announced the introduction of legislation imposing new identification requirements on voters by his allies in the Kansas House of Representatives. The principal justification of the SAFE Act was “...to prevent voter fraud in Kansas and to secure the integrity of Kansas elections.”¹⁷¹ He also directed his staff to compile a full accounting of election fraud cases, and continued to repeat the mantra that voter fraud was big problem in Kansas.¹⁷²

Kobach’s office released a report in conjunction with his testimony before the House Elections Committee documenting 59 allegations of electoral irregularities involving at least 221 ballots since 1997, twice as many incidents as Thornburgh reported in 2009.¹⁷³ According to a story in the *Hutchinson News*, “The report includes instances in which six non-citizens cast ballots in 2008 or 2009,”¹⁷⁴ and Kobach noted that in 2009, the secretary of state’s office discovered that 54 non-citizens registered to vote.”¹⁷⁵ There is no indication that any of these alleged registrants cast ballots.

The SAFE Act was signed into law in April 2011. It included a proof-of-citizenship requirement for all new voter registration applicants, to go into effect on January 1, 2013, despite the lack of evidence that the problem of non-citizen registration and voting was “pervasive,” to use Secretary Kobach’s words. In the interim, Kobach continued to make careless, misleading and even false statements about the scale and magnitude of the problem of voter fraud in Kansas.

To bolster the skimpy evidence of non-citizen voting in Kansas, Secretary Kobach frequently cited to allegations of non-citizen voting elsewhere. For instance, he referenced allegations by a Colorado Secretary of State that in Colorado nearly 12,000 non-citizens illegally registered and nearly 5,000 voted in the 2010 election.¹⁷⁶ In fact, closer review revealed that those names were identified using a flawed methodology that incorrectly assumed all those who had once used non-citizen identification for drivers’ licenses were in fact still non-citizens when they registered to vote. When a federal database was used to check the names, the 11,805 number fell

¹⁷¹ State of Kansas, Office of the Secretary of State, Kansas Secretary of State Kris Kobach Introduces the Kansas Secure and Fair Elections (S.A.F.E.) Act, News Release (Jan. 18, 2011).

¹⁷² John Hanna, *Kansas Secretary of State: Fraud Bigger Issue than Thought*, *Hutchinson News* (Feb. 1, 2011).

¹⁷³ Dion Lefler, *Officials Say Only Two Cases of Voter Fraud in Sedgwick County*, *Wichita Eagle* (Mar. 1, 2011).

¹⁷⁴ By my count, only five non-citizens were alleged to have voted.

¹⁷⁵ Hanna, *Kansas Secretary of State*; see also, Earl Watt, *Kobach Proposes Legislation to Protect Kansas Elections*, *Southwest Times* (Jan. 22, 2011). These figures do not match Kobach’s report, which document only sixteen non-citizens registering to vote in Kansas between 1997 and 2011.

¹⁷⁶ Kris Kobach, *Elections Must Be Secure*, *Topeka Capital-Journal* (Jan. 24, 2012).

dramatically to 155. Of these 155 *alleged* non-citizens on Colorado's registration rolls, only 35 had actually ever voted, .001 percent of the state's registered voters.¹⁷⁷

Secretary Kobach also repeatedly referenced the story of a 2010 contested Democratic primary race for a Kansas City, Missouri state House seat, in which one candidate made claims concerning illegal voter assistance to non-English speaking Somali voters.¹⁷⁸ However, this allegation had been thoroughly debunked: a Missouri appeals court upheld a lower court ruling against the complaining candidate in October 2010, finding that no fraud, in fact, took place. At trial, election judges who testified all said, without contradiction, that all persons who were given a ballot were registered voters who showed proper identification in the check in process. The court found, and the appeals court agreed that there was no fraudulent activity of any kind in that election, that no person who was not properly registered to vote voted, nor that any registered voter was prevented from casting their ballot as they intended.

In *Fish*, U.S. District Judge Julie Robinson summarized the empirical evidence presented at trial documenting non-citizen voter registration and voting in Kansas:

....the evidence shows that 67 noncitizen individuals registered to vote under the attestation regime, or attempted to register after the DPOC law was passed. Of these, 39 successfully registered to vote despite the attestation requirement, and 28 noncitizens attempted to register to vote after the DPOC law was passed but were thwarted by operation of that law. Extrapolating percentages based on these numbers, the total number of confirmed noncitizens who successfully registered to vote between 1999 and 2013 is .002% of all registered voters in Kansas as of January 1, 2013. Of the estimated 115,500 adult noncitizens in Kansas, .06% have successfully registered or attempted to register to vote since 1999. And, the number of attempted noncitizen registrations since the DPOC law became effective in 2013 is .09% of the total number of individuals canceled or suspended as of March 31, 2016, for failure to provide DPOC.¹⁷⁹

Part of the legal challenge in *Fish* centered on the implementation of the SAFE Act's proof-of-citizenship requirement at the Kansas Department of Revenue' Division of Vehicles offices,

¹⁷⁷ Susan Greene, *Lone Prosecutor in Gessler Anti-Vote-Fraud Campaign Drops First Case*, Colorado Independent (June 11, 2014), <http://www.coloradoindependent.com/147774/colorado-voter-fraud-case-dropped-had-been-touted-as-first-of-many>.

¹⁷⁸ E.g., Kris Kobach, Elections Must Be Secure, Op-Ed, Topeka Capital-Journal (Jan. 1, 2012); Kris Kobach, *The Case for Voter ID*, Op-Ed, Wall Street Journal (May 23, 2011); Kris Kobach, *Voter Photo ID Laws Are Good Protection against Fraud*, Op-Ed, Washington Post (July 8, 2011); Kris W. Kobach, *Why Opponents Are Destined to Lose the Debate on Photo ID and Proof of Citizenship Laws: Simply Put – People Want Secure and Fair Elections*, Syracuse Law Review 62, no. 1 (2012), 1-14; Kris W. Kobach, *Kansas' Voter Law Isn't the Same as Arizona's*, Op-Ed, *Wichita Eagle* (June 29, 2013). See also John Hockenberry's interview with Kris Kobach: http://www.thetakeaway.org/story/kansas-toughest-place-vote-america/?utm_source=local&utm_medium=treatment&utm_campaign=featuredcomment&utm_content=article.

¹⁷⁹ Findings of Fact and Conclusions of Law, *Fish v. Schwab*, No. 2:16-cv-02105-JAR-JPO, 51-52, (D. Kan., Jun. 18, 2018).

and Plaintiffs’ claim that the SAFE Act violated Section 5 of the National Voter Registration Act of 1993 (NVRA). Section 5 prescribes that voter registration applications “may require only the minimum amount of information necessary to...” prevent duplicate registrations and to enable state election officials to determine eligibility.¹⁸⁰ Unlike New Hampshire, Kansas is covered by the National Voter Registration Act’s mandate to provide voter registration services to citizens when they engage in transactions at state motor vehicle agencies.

I do not presume to offer a legal interpretation of Judge Robinson’s Findings of Fact and Conclusions of Law; however, I do see relevant context for the question of voter fraud in New Hampshire – despite New Hampshire’s exemption from the NVRA. Federal courts, including the Tenth Circuit, which upheld Judge Robinson’s preliminary injunction order in *Fish*, have found that requiring documentary proof of citizenship rather than simple attestation (under penalty of perjury) is not necessary for establishing that registration applicants meet citizenship requirements. But, “...if the state can demonstrate that the attestation requirement is insufficient for it to carry out its eligibility-assessment duties...” it then must establish that documentary proof of citizenship is adequate to meeting the minimum-information standard.¹⁸¹

The Tenth Circuit addressed the question of what would qualify as evidence that a state could not carry out its eligibility-assessment duties if registration applicants only had to attest to U.S. citizenship. To guide lower courts, two lines of inquiry are available: 1) if a substantial number of non-citizens were able to register to vote despite the attestation requirement; and 2) if the state can demonstrate “nothing less than DPOC is sufficient to meet those duties,” the presumption that attestation to citizenship is sufficient for states to accomplish their eligibility-assessment duties is rebutted.¹⁸²

The Tenth Circuit found that the evidence of non-citizen registration in Kansas presented at the time of the lower court’s preliminary injunction order “...fall[s] well short of the showing necessary to rebut the presumption that attestation constitutes the minimum amount of information necessary for Kansas to carry out its eligibility-assessment and registration duties.”¹⁸³ The preliminary injunction order found that between 2003 and 2016, 14 non-citizens had registered to vote in Sedgewick County, Kansas.

The *Fish* case was subsequently consolidated with another case raising constitutional claims – arguing that Kansas’s documentary proof of citizenship requirement unduly burdened the right to vote – which resemble those at issue in this New Hampshire litigation. On appeal, the Tenth Circuit affirmed that the proof-of-citizenship requirement also violated the constitution. It relied on the same “incredibly slight evidence” of voter fraud quoted above, and found that “many – or perhaps even most” of the cited examples could be described by “administrative anomalies” rather than fraud. The Tenth Circuit concluded that “...the Secretary’s proffered justifications are not supported—and indeed in several places are undercut—by the facts found by the district court.”¹⁸⁴

¹⁸⁰ 52 U.S.C. § 20504 (formerly 42 U.S.C. § 1973gg-3), Subsection (c)(2)(B)–(C).

¹⁸¹ Memorandum and Order, *Fish v. Schwab*, No. 2:16-cv-02105-JAR-JPO at 8 (D. Kan., Jan. 13, 2018), (citing 10th Cir. opinion *Fish* 840 F.3d at 738).

¹⁸² *Id.* at 9, (citing 10th Cir. opinion *Fish* 840 F.3d at 747).

¹⁸³ *Id.*

¹⁸⁴ *Fish v. Schwab*, 957 F.3d 1105, 1133–35 (10th Cir. 2020).

As noted above, New Hampshire is exempt from the NVRA, and therefore, the state is not required to provide opportunities to citizens to register to vote at motor vehicle agencies when they apply for or renew drivers licenses. In addition, New Hampshire is not bound to the NVRA's mandate that voter registration applications collect only the minimal amount of information necessary to establish eligibility to vote. In *Fish*, a substantial number of the 67 non-citizens who registered or attempted to register to vote over a fourteen-year period (1999 to 2013) were registered through the motor voter process. In New Hampshire, I have found only eight non-citizens registered to vote over a twenty-six-year period, a number much lower than Kansas' – which the Tenth Circuit found too low to justify anything other than attestation to citizenship to establish citizenship in assessing eligibility to vote.

North Carolina

The turnout rate in 2016 was among the highest in North Carolina history.¹⁸⁵ And like other recent elections in North Carolina, according to the authors of the NCSBE's audit report, "...suspected cases of ineligible voters casting ballots and/or committing fraud represent a tiny fraction of that number."¹⁸⁶ To be precise, at the time of the release of the audit, the NCSBE had referred just two cases of voter impersonation to prosecutors, one involving an absentee ballot, the other a vote cast in person at a polling place.¹⁸⁷ Both cases involved family members voting for recently deceased persons who wanted to vote Republican, and in both cases the perpetrators told investigators that they did not think that what they were doing was illegal. They blamed the stress of the situation for their illegal actions, and it appears that in at least one of the cases, the district attorney declined to prosecute.¹⁸⁸

The audit also identified a small number of potentially invalid ballots that may have been cast in the 2016 election by two categories of ineligible voters: 1) people with felony convictions who have not yet had their voting rights restored; and 2) non-citizens legally present in the U.S., but who are barred from voting in North Carolina.

To identify potential non-citizen voters, the NCSBE cross-checked voter records with North Carolina DMV data, which includes license restriction codes related to citizenship status. Matches were checked against the USDHS Systematic Alien Verification for Entitlements (SAVE) database, resulting in the identification of 136 suspected non-citizens who cast ballots in 2016. However, as the audit report makes clear, both data sources include inaccurate and out-of-date data that could produce false positives for non-citizen voting.¹⁸⁹

¹⁸⁵ Press Release, Democracy North Carolina, Who Votes in 2016, and Who Didn't, (Jan. 6, 2017), <https://democracync.org/wp-content/uploads/2017/05/WhoVoted2016.pdf> (accessed July 12, 2025).

¹⁸⁶ North Carolina State Board of Elections, "Post-Election Audit Report," 2.

¹⁸⁷ *Id.* at 6. In addition, the NCSBE reported that through its list maintenance and data matching programs, it had identified 24 substantiated cases of double-voting, but cautioned that "...administrative errors by poll workers can lead to...false positives in audits that can only be detected by more detailed review" (p. 2). I could not verify whether these cases are in fact cases of *fraudulent* voting.

¹⁸⁸ *Id.* Appendices 4.1 and 4.2.

¹⁸⁹ The audit report states: "NCSBE has determined based on past experiences that a match with the SAVE database is not a reliable indicator that a person is not a U.S. citizen because the database is not always updated in a timely manner and individuals who derived citizenship from their parents through naturalization or adoption may

The NCSBE sent letters to the 136 suspected non-citizen voters asking them to verify their citizenship status. Thirty-four individuals provided proof of U.S. citizenship. Of the remaining 102 people, 41 identified themselves as legal permanent residents, and 61 people had not yet replied to the NCSBE's letter by the time the audit report was released in 2017. According to the NCSBE,

The evidence suggests that participation by ineligible voters is rare. Our audits suggest that in the 2016 general election, approximately 0.01% of ballots were cast by ineligible voters. Most incidents are isolated and uncoordinated, and detecting technical violations does not always prove purposefully unlawful conduct.¹⁹⁰

I have been unable to determine how many of the ballots cast by the 41 legal permanent residents were actually *fraudulent*.¹⁹¹ What we do know from the publicly available evidence produced by investigators and prosecutors, is that administrative failings and mistakes, as well as voter error and confusion, and not an intent to commit fraud or dilute the votes of legally registered voters are much more likely to have generated the irregularities. As such, the NCSBE's audit report "...strongly cautions readers not to refer to each of these cases as 'voter fraud.'"¹⁹² The report continues:

Information obtained from those who are not citizens illustrates the complexity of this work. A number of non-citizens said they were not aware that they were prohibited from voting. Interviews and evidence show that some non-citizens were misinformed about the law by individuals conducting voter registration drives or, in at least one documented case, by a local precinct official. One registrant in her 70s has lived in the United States for more than 50 years and

show up as non-citizens in SAVE." Moreover, "...due to timing issues and the fact that DMV data is generally updated only when licenses are issued, DMV data alone is not reliable for this purpose either."

¹⁹⁰ *Id.* This same message is conveyed in a PowerPoint slide document prepared by the NCSBE Investigations Division as training materials for local election directors, presented by Joan Fleming, the NCSBE's Chief Investigator, at the annual meeting of the North Carolina Association of Directors of Elections in Wilmington, North Carolina (April 9-11, 2017; see here for a draft agenda including Ms. Fleming <https://projects.ncsu.edu/mckimmon/cpe/opd/NCADe/pdf/daAgenda.pdf>). The PowerPoint file was provided to me by Plaintiffs' attorneys in NAACP v. McCrory litigation and is dated April 11, 2017. Slide 15 states: "Based on the evidence we currently have, voter fraud is **neither** 'rampant' nor is it 'non-existent.' Most incidents are **isolated**, not coordinated" (emphasis in original; on file with the author).

¹⁹¹ Attorneys in the NAACP v. McCrory litigation provided me with a document titled, "2016 Investigations Division Summary Chart," reflecting "cases opened and investigated by the N.C. State Board of Elections & Ethics Enforcement Investigations Division in calendar year 2016 and their dispositions as of December 31, 2017" (on file with author). It is difficult to precisely align the data reported in this chart with the data reported in the state audit of the 2016 election because as stated in the document, many investigations arising out of the 2016 General Election audit were not opened until 2017. Nevertheless, the data indicates that of the 154 investigations of alleged voter fraud opened in 2016, only three concerned voter impersonation, and only one of these cases was "substantiated." It is not possible to determine from the chart whether this one "substantiated" case was referred to prosecutors for further investigation or led to a conviction.

¹⁹² North Carolina State Board of Elections, "Post-Election Audit Report," 7.

believed that she was a citizen because she had been married to a U.S. citizen.¹⁹³

On August 24, 2018, the U.S. Attorney for the Eastern District of North Carolina announced the indictment of 19 foreign nationals for illegal voting in the 2012, 2014 or 2016 elections. Almost all qualified for court-appointed public defenders, and nearly all have pled guilty to mostly misdemeanor violations of 18 U.S.C. § 611(a) (Voting by Alien).¹⁹⁴

In September 2020, again, just months prior to another federal election, the U.S. Attorney for the Middle District of North Carolina indicted an additional 19 people for various violations of federal immigration laws, including Title 18, Sections 611(a) (voting by non-citizen), 911 (claim of U.S. citizenship by non-citizen), and 1015(f) (false statement in a voter registration application).¹⁹⁵ All were charged with voting in the 2016 election and one was charged with also voting in 2018. Four more non-citizens were charged in March 2021, with making false claims of U.S. citizenship in order to vote in 2016 in the Eastern District of North Carolina, although these defendants were not alleged to have voted.¹⁹⁶

It is difficult to track the charges brought by the federal government's sprawling investigation using only documents in the public domain. Ultimately, despite the dragnet implied by the government's dozens of subpoenas, the investigation focused on the 781 suspected non-citizens on North Carolina's voter rolls, as first identified by the NCSBE four years before. I rely on a final report dated February 26, 2021, which summarizes the disposition of the charges that resulted from the probe.

¹⁹³ *Id.*

¹⁹⁴ U.S. Attorney's Office, Eastern District of North Carolina, "Nineteen Foreign Nationals Charged for Voting in 2016 Election," Press Release, August 24, 2018, <https://www.justice.gov/usao-ednc/pr/nineteen-foreign-nationals-charged-voting-2016-election>. I have not been able to confirm that these 19 non-citizens were among the 41 non-citizens the NSCBE had determined had voted in 2016, and whose names they had provided to the U.S. Attorney for the Eastern District – but this appears to be the case.

¹⁹⁵ Press Release, U.S. Department of Justice, U.S. Attorney's Office, Middle District of North Carolina, Federal Authorities Charge Nineteen with Voter Fraud (Sept. 2, 2020), <https://www.justice.gov/usao-mdnc/pr/federal-authorities-charge-nineteen-voter-fraud>. The title of this press release is misleading because the alleged violations of law pertain not to voter fraud, but to a particular charge of illegal voting in which the intent to commit the crime is not relevant. 18 U.S. Code § 611(a) states, "It shall be unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, unless, (1) the election is held partly for some other purpose; (2) aliens are authorized to vote for such other purpose under a State constitution or statute or a local ordinance; and (3) voting for such other purpose is conducted independently of voting for a candidate for such Federal offices, in such a manner that an alien has the opportunity to vote for such other purpose, but not an opportunity to vote for a candidate for any one or more of such Federal offices." Notably, Section c(3) states that Section a does not apply if "the alien reasonably believed at the time of voting in violation of such subsection that he or she was a citizen of the United States."

¹⁹⁶ Press Release, U.S. Department of Justice, U.S. Attorney's Office, Eastern District of North Carolina, Four Defendants Charged with Voter Registration Fraud, (Mar.19, 2021), <https://www.justice.gov/usao-ednc/pr/four-defendants-charged-voter-registration-fraud#:~:text=RALEIGH%2C%20N.C.%20%E2%80%93%20Federal%20criminal%20cases,in%20the%202016%20general%20election.&text=Each%20defendant%20is%20charged%20individually%20and%20there%20are%20no%20charges%20of%20conspiracy>.

Altogether, the federal government charged 24 non-citizens with ‘voting by alien,’ in violation of 18 U.S.C. 611(a). Of these 24 people, 19 pleaded guilty and mostly received light sentences of probation and small fines. Two of the 24 received pre-trial diversion and had their charges eventually dismissed; one person died before being charged; another’s records were sealed and the outcome unknown; and a fifth person had the charges dismissed.

In addition, 26 people were indicted for a false claim of U.S. citizenship to register to vote, with one other person in this category charged by information. According to a February 2021 court filing in the Eastern District of North Carolina announcing the end of the grand jury proceedings and requesting the investigation be unsealed:

Fifty-one individuals, some of whom were in the United States illegally, have been or are being prosecuted in the Eastern District of North Carolina. The United States identified at least another 25 individuals for whom pre-trial diversion was the more appropriate remedy, and scores of others whom the United States declined to prosecute for various reasons, most often because the investigation revealed that errors committed by the boards or poll workers were the root cause of illegal registration or voting.¹⁹⁷

The “scores” of others the government declined to prosecute were actually 20 people who either failed to check an answer to the citizenship question on their voter registration form, or actually indicated that they were not citizens but got registered anyway.¹⁹⁸ As NCSBE Executive Director Karen Brinson Bell noted in her letter to the acting U.S. Attorney for the Eastern District upon receiving the federal government’s report, “...a processing error of 0.0000028% of the more than 7 million individuals who are currently registered to vote in North Carolina.”

Despite the federal government allusions to “a potentially more pervasive problem” of voter fraud,¹⁹⁹ it produced no evidence of a conspiracy. In a March 19, 2021 press release the government stated that it failed to find any evidence of a conspiracy to criminally influence the 2016 election through non-citizen voter fraud.²⁰⁰ Instead, many of the individuals charged in the investigation, most of whom were legal permanent residents, appear to be people who mistakenly believed they were eligible to vote.²⁰¹

¹⁹⁷ *Id.*

¹⁹⁸ U.S. District Court for the Eastern District of North Carolina, Results of Investigations, Prosecutions, and Outcomes of Non-citizen 2016 General Election Fraud Related Activity Based on Information Provided by the North Carolina State Board of Election, February 26, 2021 (author’s files).

¹⁹⁹ *In re Grand Jury Subpoenas*, Memorandum in Support of the United States’ Motion for a Non-Disclosure Order, No. 5:19-MJ-1036-BI and No. 5:19-MJ-1037-BO, February 11, 2019, 7.

²⁰⁰ Press Release, U.S. Department of Justice, U.S. Attorney’s Office, Eastern District of North Carolina, Four Defendants Charged with Voter Registration Fraud, (Mar. 19, 2021), <https://www.justice.gov/usao-ednc/pr/four-defendants-charged-voter-registration-fraud#:~:text=RALEIGH%2C%20N.C.%20%E2%80%93%20Federal%20criminal%20cases,in%20the%202016%20general%20election.&text=Each%20defendant%20is%20charged%20individually%20and%20there%20are%20no%20charges%20of%20conspiracy>

²⁰¹ Amy Gardner, Beth Reinhard and Alice Crites, *Trump-appointed Prosecutor Focused on Allegations of Voting Fraud by Immigrants Amid Warnings about Separate Ballot Scheme*, Washington Post (Feb. 3, 2019).

Georgia

The Georgia Investigations Division of the Secretary of State's Office oversees complex case management of alleged violations of election rules for the State Elections Board (SEB). By recent count, the office employs some 40 investigators, inspectors, and support staff.²⁰² The SEB holds public meetings to discuss and review cases investigated by the Investigations Division, and the SEB then votes on how to dispose of the cases, for example, whether to direct the Investigations Division to continue its investigations, whether to dismiss cases, or refer them to law enforcement agencies, such as the Office of the Attorney General.

For an expert report in *Sixth District of the African Methodist Episcopal Church v. Kemp*,²⁰³ I created a database for each unique case listed in the meeting summary reports for fifteen SEB meetings over the 2018-2021 period, during which the SEB reviewed nearly 800 investigations.²⁰⁴ I then took a broad view of the annotated phrases the SEB used to label each case (indicating the type of violation investigated) to identify all new cases brought during the study period that might possibly implicate fraud committed by voters. I removed duplicate records stemming from case reviews continuing from one meeting to the next, or being reported on again through final disposition reports by the Office of the Attorney General. This reduced the database from 766 unique records to 247. Through discovery in that case, I obtained and review Investigations Division investigation reports, numbering nearly 1,900 pages, for 245 of the 247 cases.²⁰⁵

Of the 245 cases, 117 were dismissed by the SEB for lack of evidence or because the evidence was contrary to the initial complaint. More than half (70) of the remaining cases actually did not involve voters at all, or were cases in which voters were the victims of administrative error. For example, there were several cases where counties were reported to have temporarily used cardboard boxes as ballot drop boxes in 2020, when the use of drop boxes vastly expanded, and numerous cases where elections officials did not mail out absentee ballots within the mandatory three-day period after receiving a voters' absentee ballot applications.

After reviewing the investigation reports, I created my own classification system, focusing on the kind of fraud voters can commit or that implicate voters, which includes the following: fraud using an absentee ballot; voting while ineligible (i.e., lacking citizenship or registering or voting while under state supervision for felony conviction, residency issue, etc.); submitting a ballot for a dead voter; voting more than once in the same election; attempting to sell one's ballot; or providing false information to register to vote. And while there were apparent violations of each of these forms of illegal registration or voting, the investigation reports raised questions about whether the violations were intentionally committed and not the result of voter confusion, often compounded by administrative error. Moreover, because the State Election Board is not a law

²⁰² Sara Koth Promoted to Chief of Secretary of State's Investigations Division, Georgia Secretary of State's Office, News Release (Aug. 17, 2022). In addition to complaints about elections, the division investigates alleged violations of rules related to professional licensing and licensed facilities.

²⁰³ This case (No. 1:21-cv-01728-JPB N.D. Ga.) was consolidated with four others in *In re Georgia Senate Bill 202*, Master Case No. 1:21-MG-55555-JPB.

²⁰⁴ The meetings were held: April 3, 2018; September 11, 2018; April 17, 2019; August 21, 2019; December 7, 2019; August 27, 2020; September 3, 2020; September 10, 2020; February 10, 2021; February 17, 2021; February 24, 2021; April 28, 2021; August 18, 2021; September 21, 2021; and December 14, 2021.

²⁰⁵ Two of the requested case files were not provided (SEB Case No. 2018-041 and SEB Case No. 2018-69).

enforcement agency, the final determination of the complaints with respect to criminal violations and guilt is not reported here.

Table 1 summarizes the number of complaints of voter fraud opened and investigated by the Investigations Division of the Georgia Secretary of State's Office between 2018 and 2021, as reviewed by the Georgia State Election Board.

Table 1
Types of Voter Fraud Complaint Cases Investigated
Georgia Secretary of State's Office
Investigations Division
2018-2021

	Total
Casting Ineligible Vote (non-citizen, felon, residency issue, etc.)	22
Illegal Registration	10
Absentee Ballot Fraud	6
Double Voting	15
Ballot Submitted for Dead Voter	4
Other	1
Total	58

The evidence of voter fraud produced by the vigorous efforts of the Secretary of State's Office to investigate complaints about possible violations confirms the findings from other sources discussed in more detail in my *Sixth District* expert report²⁰⁶ that the incidence of voter fraud in Georgia is exceedingly rare.

The first citizenship audit conducted by the Georgia Secretary of State in 2022, found 1,634 people who had attempted to register to vote between 1997 and 2022, for whom there was some indication in state databases they might not be U.S. citizens; however, their citizenship status could not be verified one way or the other using the federal government's SAVE data. The state's screening methods had prevented all of them from completing those registrations. None had voted.²⁰⁷

Just prior to the 2024 presidential election, the Georgia Secretary of State announced the results of a second audit of their voter registration rolls targeting non-citizens. It differed from the 2022 audit by including a more comprehensive matching of voter records with data from federal immigration sources and Georgia's Department of Driver Services, which began collecting information on citizenship status of applicants for driver's licenses after 2012.

²⁰⁶ Expert Report of Dr. Lorraine C. Minnite, *In Re Georgia Senate Bill 202* (N.D. Ga.), Master Case No. 1:21-MG-55555-JPB.

²⁰⁷ Press Release, Georgia Secretary of State's Office, Citizenship Audit Finds 1,634 Noncitizens Attempted to Register to Vote, (Mar. 28, 2022).

Of some 8.2 million people registered to vote in Georgia, the audit found that just 20 people appeared to be non-citizens, based on their sworn signatures on jury recusal forms.²⁰⁸ The Secretary called the audit, “the most comprehensive citizenship check ever conducted in the history of Georgia, if not the most comprehensive check ever conducted in the United States.”²⁰⁹ Of the 20 alleged non-citizens, nine appeared to have voted at least once, the majority of them prior to 2012; the other 11 people never voted. The Chief Operating Officer for the Secretary of State’s Office, Gabriel Sterling said, “One of the reasons the secretary ordered this noncitizenship [*sic*] audit is to prove to people that, while there are ways that someone can get on (the voter rolls), it is ceasingly rare... There is no proof that there is an overwhelming number of noncitizens on the rolls.”²¹⁰

Indeed, there is no proof that there are *any* noncitizens on the rolls in Georgia because the Secretary of State’s Office cancelled the registrations of the 20 people it identified in the 2024 audit. Citizenship status for an additional 156 people could not be determined by the time of the Secretary’s press conference announcing the results; he noted that they would be further investigated.²¹¹ Six months later, in my search for evidence of the outcome of these investigations, I found nothing to indicate that these 156 people are not U.S. citizens. Attempted registration by non-citizens is a felony punishable by up to ten years in prison and a fine of up to \$100,000 in Georgia.²¹²

Arizona

In 2019, then Attorney General Mark Brnovich lobbied the Arizona legislature for funding and support for the creation of a special Election Integrity Unit within his office modeled on an initiative of the Texas Attorney General. After spending millions of taxpayer dollars, employing over 70 investigators, and engaging in over 10,000 hours of investigatory work across the state to find voter fraud associated with the 2020 general election, the EIU found no evidence that could plausibly support the wild allegations about voter fraud in Arizona circulating at the time.²¹³

²⁰⁸ *Georgia Citizenship Audit Finds Few Noncitizens on Voter Rolls*, Associated Press (Oct. 23, 2024), <https://apnews.com/article/georgia-noncitizens-voter-rolls-14532ef49b66f9cbf34ff483d2534280>.

²⁰⁹ Mark Niesse, “20 out of 8.2M Registered Voters Ineligible: Raffensperger Cancels Noncitizen Registrations and Refers Cases to Law Enforcement after Audit,” *Atlanta Journal-Constitution* (Oct. 24, 2024).

²¹⁰ *Id.*

²¹¹ For an excerpt of that press conference, see the Secretary’s remarks at <https://www.youtube.com/watch?v=NlrRqKKunUQ>.

²¹² G.A. Code § 21-2-571 (2024).

²¹³ Press Release, Arizona Attorney General, Arizona Attorney General’s Office Releases Documents Related to 2020 Election Investigations, (Feb. 22, 2023), <https://www.azag.gov/press-release/arizona-attorney-generals-office-releases-documents-related-2020-election-0#:~:text=Arizona%20Attorney%20General's%20Office%20Releases%20Documents%20Related%20to%202020%20Election%20Investigations,-Wednesday%2C%20February%202022> (last accessed May 30, 2025); *see also*, Election Review Summary, Memorandum from Reginald Grigsby to John Johnson, Office of Attorney General, Criminal Division, Special Investigations Section (Sept. 19, 2022), https://mcusercontent.com/cc1fad182b6d6f8b1e352e206/files/4ca5c5d9-3254-2b94-dbd8-bd2a6ea8b7c3/Election_Review_Summary.pdf (herein referred to as “Grigsby Memo”). *See also* Plaintiffs’ Proposed Findings of Fact and Conclusions of Law, *Mi Familia Vota v. Fontes* (Ariz.), No. 2:22-cv-00509-SRB, 123, (herein referred to as “Proposed Findings of Fact”).

The results of the work of the EIU over its first four years, and the Attorney General's prosecution record for voter fraud cases in Arizona in the decade preceding the creation of the EIU, are contained in a publicly available case list archived on the Attorney General's website.²¹⁴

The list provides the names and a brief case summary for 35 individuals successfully prosecuted over a twelve-year period, or approximately three convictions per year. According to the list, four people illegally voted in two elections, yielding a total 39 incidents. I served as an expert witness for Plaintiffs in a case challenging Arizona's proof-of-citizenship law and reviewed case files provided to me by Plaintiffs' attorneys for each of the 35 individuals.²¹⁵ Based on my review of these files, I concluded that none appeared to be non-citizens, and certainly none were prosecuted for violating Arizona's requirement that a person be a United States citizen to be qualified to vote. Todd Lawson, Senior Litigation Counsel in the Arizona Attorney General's Office, confirmed that not one of these prosecutions concerned voting by a non-citizen.²¹⁶ Indeed, even apart from the list he maintains, Mr. Lawson testified that, as the person most knowledgeable of the Attorney General's prosecutions for illegal voting over the past decade, he was not aware of a single prosecution going back to 2010 for registering to vote or voting as a non-citizen.²¹⁷

Documents produced by the Attorney General's Office and recently released publicly after the inauguration of a new Attorney General in 2023, reflect the EIU's threadbare findings of fraud in response to public complaints and a controversial audit of the 2020 election ordered by members of the Arizona state legislature (the so-called "Cyber Ninjas" audit).

Investigators examined the veracity of alleged instances of illegal voting made by private parties including Cyber Ninjas, the auditing firm, True the Vote (a Texas-based "election integrity" group), and elected officials.

In each instance and in each matter, the aforementioned parties did not provide any evidence to support their allegations. The information that was provided was speculative in many instances and when investigated by our agents and support staff, was found to be inaccurate. With regards to the elected officials we spoke with, they had made public statements asserting voting fraud had occurred and that fraud was a factor in the outcome of the election. When speaking with our agents – and under circumstances where ARS 13,2907.01 (False Reporting to Law Enforcement Agencies;

²¹⁴ Arizona Attorney General's Office, Criminal Division – Fraud & Special Prosecutions Section, Case List, April 4, 2023, https://www.azag.gov/sites/default/files/docs/criminal/viu/ILLEGAL_VOTING_%26_ELECTION_CASE_DISPOSITIONS.PDF (herein referred to as "Arizona Case List").

²¹⁵ The April 2023 version of the list contains brief case summaries for 38 "Prosecutions Related to Illegal Voting by Individuals Since 2010," however five of those 38 prosecutions were incomplete (they are labeled "Case ongoing – "I determined that two of those five people subsequently were found guilty of the charges against them, one on April 24, 2023, and the other on May 22, 2023. Adding these two cases to the 33 (N=38-5) people successfully prosecuted since 2010 produces the total 35 individuals and 39 incidents reported above.

²¹⁶ Proposed Findings of Fact, 124.

²¹⁷ *Id.*

Classification) could be applicable, the elected officials did not repeat or make such assertions when questioned by our agents.²¹⁸

Of the hundreds of allegations of voter fraud received by the Attorney General's office from third parties and nonprofit groups, only five were submitted for prosecution. Members of the public also submitted allegations of fraud and illegal voting, about which the investigators concluded *none* were supported "by any factual evidence when researched."²¹⁹

Finally, county and state officials, such as the Secretary of State, referred some 136 instances of potential voter fraud, leading to the opening of 136 investigations. At the time of the writing of the memo, 86 cases were still being investigated, and 11 had been submitted for prosecution.

No final report by the Attorney General's Office of the investigation into the 2020 general election, and into Maricopa County's administration of the 2020 election, was ever released to the public.²²⁰ Some of these election-related complaints from the public concerned allegations of non-citizens registering, receiving ballots, or casting votes, but not one led to a prosecution, never mind conviction.²²¹

The patterns evident in the case studies of Kansas, Georgia, North Carolina and Arizona are apparent in other states – the baseless assumption that non-citizens are illegally voting; the faulty, error-prone analysis of administrative records producing irregularities that are then claimed to be potential fraud – sometimes "massive" fraud or "pervasive" fraud; expanded law enforcement deployed against what is essentially *phantom* fraud; and then, when very little fraud is actually found, the passage of legislation restricting access to registration and voting. In Kansas and Arizona, proof-of-citizenship laws were central in the cases in which I served as an expert witness; in two other states where I also served as an expert witness, Georgia and North Carolina, proof-of-citizenship laws were not at stake, rather unfounded allegations about non-citizens illegally registering and voting were part of broader claims about voter fraud in those states.

VI. Conclusion

Over the last twenty-five years of researching the incidence of voter fraud in the United States, I have seen the patterns I describe in detail in this report over and over again. Legislators push for more restrictive voter qualification and identification requirements, alleging voter fraud or the possibility of fraud without any evidence of a problem with fraud. Allegations are followed by sloppy list matching exercises and misunderstanding of the underlying data, leading to wrong conclusions. Proponents of restrictive legislation fail to account for basic human error or voter confusion as the reasons why some non-citizens occasionally and erroneously get registered to

²¹⁸ *Id.* at 2.

²¹⁹ *Id.*

²²⁰ On February 22, 2023, Arizona Attorney General's Office issued a press release and documents related to the office's investigations into the administration of the 2020 election in Arizona (hereafter referred to as "Attorney General's Press Release"). These include: a "March 8, 2022 Previously Unreleased Interim Findings Summary;" a "April 1, 2022 Draft of Interim Report with edits and suggestions made by AAOG;" and the "September 19, 2022 Previously Unreleased Investigative Summary," referred to in this report as the Grigsby Memo. These documents were prepared by staff in anticipation of the writing of a final report that apparently was never written.

²²¹ Proposed Findings of Fact, 125.

vote. After reviewing thousands of pages of case closure materials describing investigations by the New Hampshire Attorney General's Office of alleged violations of state election law, I find only eight non-citizens cast roughly 23 illegal ballots going back to 1998. Over eight million votes were cast in New Hampshire in just federal elections alone between 1998 and 2024. In nearly all of the eight non-citizen voting cases, the Attorney General did not establish a finding of fraud; rather, a handful of illegal ballots were counted due to basic human error or confusion. New Hampshire's experience, and the response of politicians in enacting H.B. 1569 to guard against non-citizens voting in the absence of evidence of non-citizen voter fraud is not an outlier: voter fraud, and specifically, fraud committed by non-citizens, is exceedingly rare in the United States.

Appendix A

LORRAINE CAROL MINNITE

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Camden, New Jersey 08102
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EDUCATION

The Graduate School and University Center of the City University of New York

Ph.D. in Political Science

Dissertation: "Identity, Voting Rights and the Remapping of Political Representation in New York City"

Honors: Distinction

M.Phil. in Political Science

Major field: American Politics

Minor field: Public Policy

M.A. in Political Science

Master's Thesis: "The Ecology of the Underclass: William Julius Wilson and the Chicago School"

Boston University, College of Liberal Arts

B.A. in History

Area of Concentration: American Civilization

ACADEMIC EXPERIENCE

Associate Professor

Rutgers, The State University of New Jersey – Camden Campus, 2011 to present.

Teach graduate courses in public policy and community development, and undergraduate courses in urban studies and voting rights.

Assistant Professor

Barnard College, Columbia University, January 2000 to 2011.

Taught undergraduate courses in American politics and urban studies.

Associate Director

The Center for Urban Research and Policy, Columbia University, December 1993 to 2000.

Responsible for the day-to-day management of the Center; wrote grant proposals and helped secure funding from government and private sources for all activities totaling nearly \$2,000,000.

Instructor and Research Associate

Metropolitan Studies Department, New York University, Spring 1991.

Designed and taught a core course for undergraduates on the political and economic development of post-war American cities.

Assistant Program Director

Borough of Manhattan Community College, City University of New York, 1987 to 1990.

Assisted the Director in all administrative aspects of the BMCC Summer Immersion Program, a non-traditional, intensive, remedial education program.

PEER-REVIEWED PUBLICATIONS

Books

Research Handbook on Electoral Manipulation, Edward Elgar Publishers, under contract.

The Myth of Voter Fraud, Ithaca, New York: Cornell University Press, 2010.

Keeping Down the Black Vote: Race and the Demobilization of American Voters, New York: The New Press, 2009; co-authored with Frances Fox Piven and Margaret Groarke.

Journal Articles

"New Challenges in the Study of Right-wing Propaganda: Priming the Populist Backlash to 'Hope and Change,'" *New Political Science* 34:4 (2012), 506-526.

"Modeling Problems in the Voter ID-Voter Turnout Debate," *Election Law Journal* 8:2 (2009), 85-102; co-authored with Robert S. Erikson.

"Models, Assumptions, and Model Checking in Ecological Regressions," *Journal of the Royal Statistical Society* 164, Part 1 (2001), 101-118; co-authored with Andrew Gelman, David K. Park, Stephen Ansolabehere, and Phillip N. Price.

Chapters in Edited Volumes

"Voter Suppression: The Attack on Rights," in Levon Chorbajian, ed., *Power and Inequality: Critical Readings for a New Era*, 2nd Ed., New York: Routledge, 2021; co-authored with Frances Fox Piven.

"Competing Concepts of Social Class: Implications and Applications for Community Development," in Mae Shaw and Marjorie Mayo, eds., *Class, Inequality and Community Development*, Bristol, UK: Policy Press at the University of Bristol, 2016; co-authored with Frances Fox Piven.

"The Voter Fraud Myth," in Benjamin E. Griffith, ed., *America Votes! Challenges to Election Law and Voting Rights*, Chicago: American Bar Association, 2016.

"Making Policy in the Streets," in James DeFilippis, ed., *Urban Policy in the Time of Obama*, Minneapolis: University of Minnesota Press, 2016; co-authored with Frances Fox Piven.

"Poor People's Politics," in David Brady and Linda Burton, eds., *Oxford Handbook of the Social Science of Poverty*, New York: Oxford University Press, 2016; co-authored with Frances Fox Piven.

"Crisis, Convulsion and the Welfare State," in Kevin Farnsworth and Zoë Irving, eds. *Social Policy in an Age of Austerity*, Policy Press, 2015; co-authored with Frances Fox Piven.

"Voter Identification Laws: The Controversy Over Voter Fraud," in Matthew J. Streb, ed., *Law and Election Politics: The Rules of the Game*, 2nd Ed., New York: Routledge, 2012.

"Lost in Translation? A Critical Reappraisal of the Concept of Immigrant Political Incorporation," in Jennifer Hochschild and John H. Mollenkopf, eds., *Bringing Outsiders In: Transatlantic Perspectives on Immigrant Political Incorporation*, Ithaca, New York: Cornell University Press, 2009.

"Environmental Risk and Childhood Disease in an Urban Working Class Caribbean Neighborhood," in Sherrie L. Baver and Barbara Lynch Deutsch, ed., *Beyond Sun and Sand: Caribbean Environmentalisms*, New Brunswick, NJ: Rutgers University Press, 2006; co-authored with Immanuel Ness.

"Outside the Circle: The Impact of Post-9/11 Responses on the Immigrant Communities of New York City," in John H. Mollenkopf, ed., *Contentious City: The Politics of Recovery in New York City*, New York: Russell Sage Foundation, 2005.

"Between White and Black: Asian and Latino Political Participation in the 2000 Presidential Election in New York City," in William E. Nelson, Jr. and Jessica Lavariega Monforti, eds., *Black and Latino/a Politics: Issues in Political Development in the United States*, Miami: Barnhardt and Ash, 2005; co-authored with John Mollenkopf.

"The Changing Arab New York Community," in Kathleen Benson and Philip M. Kayal, eds., *A Community of Many Worlds: Arab Americans in New York City*, Syracuse: Syracuse University Press, 2002; co-authored with Louis Abdellatif Cristillo.

"Social Capital, Political Participation and the Urban Community," in Susan Saegert, J. Phillip Thompson, and Mark Warren, eds., *Social Capital and Poor Communities*, New York: Russell Sage Foundation, 2001; co-authored with Ester R. Fuchs and Robert Y. Shapiro.

"Patterns of Neighborhood Change," in John H. Mollenkopf and Manuel Castells, eds., *Dual City: Restructuring New York*, New York: Russell Sage, 1991; co-authored with Frank F. DeGiovanni.

Encyclopedia Entries

"Voter Participation," in *The Encyclopedia of Social Work*, 20th ed., New York: Oxford University Press, 2008, online version, 2013, updated 2021; reprinted in *The Encyclopedia of Macro Social Work*, 2023; co-authored with Frances Fox Piven.

"The Underclass," in *The International Encyclopedia of Social and Behavioral Sciences*, 2nd Ed., Waltham, Mass.: Elsevier, 2016; co-authored with Paul J. Jargowsky.

"Welfare," in *The International Encyclopedia of Social and Behavioral Sciences*, 2nd Ed., Waltham, Mass.: Elsevier, 2016; co-authored with Joan Maya Mazelis.

"The Working Families Party," in Immanuel Ness, ed. *The Encyclopedia of American Third Parties*, Armonk, New York: M.E. Sharpe, Inc., 2000.

OTHER PUBLICATIONS

"Ask A Political Scientist: A Discussion with Frances Fox Piven about Movement Power," *Polity* 53:1 (2021), 189-201.

"Putting a Band-Aid on a Gunshot Wound," Online Symposium: Richard L. Hasen, *Election Meltdown: Dirty Tricks, Distrust, and the Threat to American Democracy*, *Boston University Law Review* 100, Online 273 (2020).

Chapter in Conference Proceedings

"The Political Participation of Immigrants in New York," in *In Defense of the Alien: Proceedings of the 2000 Annual National Legal Conference on Immigration and Refugee Policy*, Vol. XXIII. New York: Center for Migration Studies, 2001; co-authored with Jennifer Holdaway and Ronald Hayduk.

Book Reviews and Essays

Invited Review Essay: *The Advantage of Disadvantage: Costly Protest and Political Representation for Marginalized Groups* by LaGina Gauss, Cambridge University Press, 2022, in *Political Science Quarterly*, July 2024; qqae057, <https://doi.org/10.1093/psquar/qqae057>.

Election Fraud: Detecting and Deterring Electoral Manipulation edited by R. Michael Alvarez, Thad Hall and Susan D. Hyde, *Election Law Journal* 8:3 (2009).

Governing From Below: Urban Regions and the Global Economy by Jefferey M. Sellers, Cambridge University Press, 2002, in *Political Science Quarterly* Vol. 118, No. 4 (Winter 2003-2004).

Social Class, Politics, and Urban Markets: The Makings of Bias in Policy Outcomes by Herman L. Boschken, Stanford, CA: Stanford University Press, 2002, in *The International Journal of Urban and Regional Research*, Vol. 27, No. 4 (December 2003).

The Miami Fiscal Crisis: Can A Poor City Regain Prosperity? by Milan J. Dluhy and Howard A. Frank, Westport, Connecticut: Praeger Publishers, 2002, in *Political Science Quarterly* Vol. 117, No. 4 (Winter 2002-2003).

Research Reports, Memoranda and Briefs

The Misleading Myth of Voter Fraud in American Elections, Key Findings Brief, Scholars Strategy Network, February 2014.

Latino New Yorkers in the 2008 Presidential Election: The New Americans Exit Poll, New York Latino Research Network (NYLARNet) at The University of Albany, Fall 2011.

Research Memo: First-time Voters in the 2008 Election, Project Vote, Washington, D.C., April 2011.

An Analysis of Who Voted (And Who Didn't Vote) in the 2010 Election, Project Vote, Washington, D.C., November 2010.

Research Memo: Debunking the Tea Party's Election Night Message, Project Vote, Washington, D.C., October 26, 2010.

What Happened to Hope and Change? A Poll of 2008 Voters, Project Vote, Washington, D.C., September 2010.

Election Day Registration: A Study of Voter Fraud Allegations and Findings on Voter Roll Security, Dēmos – A Network for Ideas and Action, New York, November 2007.

The Politics of Voter Fraud, Project Vote, Washington, D.C., March 2007.

Securing the Vote: An Analysis of Election Fraud, Dēmos – A Network for Ideas and Action, 2003, New York; updated 2007; co-authored with David Callahan.

Journalism

My expertise on elections and voter fraud was sought and widely cited and I was quoted in print and broadcast media in every federal election since 2008, including, for example, in the following: *The New Yorker Magazine*, *The New Yorker Radio Hour*, *The New Republic*, *Mother Jones*, *The Wall Street Journal*, *In These Times*, *American Prospect*, *Washington Monthly*, *Monthly Review*, *New Left Review*, *The New York Times*, *The Washington Post*, *The Christian Science Monitor*, *Associated Press*, *The Guardian*, *McClatchy*, *Al Jazeera English (Fault Lines, Washington, D.C.)*, *WZBC (News, Boston)*, *WBAI (Democracy Now!, New York)*, *WNYC (The Brian Lehrer Show, New York)*, *WHYY (Radio Times, Philadelphia)*, *NPR (Morning Edition, Washington, D.C.)*, *CBS News*, *ABC News Radio*, *Salon.com*, *Talking Points Memo*, *Alternet*, *The Huffington Post*, *Slate Magazine*, *PolitiFact*, *CQ Researcher*, and *Agence-France Presse*, among others.

"Why the Democrats and Movements Need Each Other," *In These Times* (cover story), October 17, 2017; co-authored with Frances Fox Piven.

"The Power of Disruption: An Interview with Frances Fox Piven," *Global Dialogue: Newsletter for the International Sociological Association* 5(4): December 2015.

"The Myth of Voter Fraud," *BillMoyers.com*, March 9, 2015.

"Movements Need Politicians – And Vice Versa," *The Nation*, October 22, 2012; co-authored with Frances Fox Piven.

"The Other Campaign: Who Gets To Vote," *New Labor Forum*, May 2012; co-authored with Frances Fox Piven.

"Why We Need ACORN," *Los Angeles Times*, April 22, 2010; co-authored with Frances Fox Piven.

"Re-Drawing the Map of U.S. Politics," *Red Pepper*, April, 2008; co-authored with Frances Fox Piven.

"N.C. Rejects Politics of Fear," *The Charlotte Observer*, Charlotte, North Carolina, July 18, 2007.

"They Are Arriving: Immigrants Are Gaining Power in New York's Voting Booths," *New York Daily News*, New York, July 24, 2005.

"Albany's Making Bad Elections Worse," *New York Daily News*, New York, August 22, 2004.

UNPUBLISHED PAPERS, PRESENTATIONS, REPORTS AND TESTIMONY

Works in Progress

“‘Never Did I Think Casting A Ballot Was Something that Could Get You in Trouble:’ The Racist Fraud of Voter Fraud”

“Urban Antipoverty Policy as Movement Spark? The Case of Mobilization for Youth”

“Community Development as Collective Reparations”

“Human Error in Election Administration”

“*Demosprudence* and Grassroots Struggles to Protect and Expand the Right to Vote”

“Guaranteed Basic Income as Community Reclamation”

“From “*Wir bleiben Alle*” to “Housing for All:” Examining the Historical Ramifications of Squatting Movements for the Fight for Fair Housing in Berlin and New York City Today”

“Does Concentration Worsen Poverty? The Case of Philadelphia”

Conference Participation, Papers and Invited Presentations

“The Criminalization of Voting and the Fraud of Voter Fraud,” paper presented at the 4th Annual Virtual Election Integrity Conference, July 8-12, 2024; the 120th Annual Meeting of the American Political Science Association, Philadelphia, Pennsylvania, September 5-8, 2024; the 82nd Annual Meeting of the Midwest Political Science Association, Chicago, Illinois, April 3-6, 2025; and the Annual Meeting of the Law and Society Association, Chicago, Illinois, May 22-25, 2025.

“Urban Antipoverty Policy as Movement Spark? The Case of Mobilization for Youth,” paper accepted for presentation at the 52nd Annual Meeting of the Urban Affairs Association, New York City, New York, April 24-27, 2024.

“Community Development as Collective Reparations,” paper presented at the 51st Annual Meeting of the Urban Affairs Association, Nashville, Tennessee, April 26-29, 2023; and the 10th Biennial Conference of the Urban History Association, Pittsburgh, Pennsylvania, October 26-29, 2023.

Discussant, “Local Election Officials and Election Management,” Conference Within a Conference, 91st Annual Meeting of the Southern Political Science Association, San Juan, Puerto Rico, January 9-11, 2020.

“Human Error in Election Administration,” paper presented at the 89th Annual Meeting of the Southern Political Science Association, New Orleans, January 4-6, 2018.

Invited Panelist, “Impasses: Beyond Social Democracy,” Transcending Pessimism, Reimagining Democracy: A Conference in Honor of Leo Panitch, York University, Toronto, October 6-7, 2017.

Invited Lecture, “The Politics of Voting: Who Shall Be the Electors?” Saul O. Sidore Lecture Series, Centers on Race, Class and Gender in a Divided America, University of New Hampshire-Manchester, Manchester, New Hampshire, March 21, 2017.

“Deadwood and Disenfranchisement: Maintaining Election Lists in the United States,” paper presented at the 87th Annual Meeting of the Southern Political Science Association, New Orleans, January 12-14, 2017; co-authored with Margaret Groarke.

Invited Speaker, “Defending Democracy: How Political Scientists Are Engaging in the Fight Over Voting Rights (And Why You and Your Dept. Should Too),” roundtable presented by the Scholars Strategy Network at the 112th Annual Meeting of the American Political Science Association, Philadelphia, September 1-4, 2016.

Invited Panelist, “Beyond Neoliberalism: Social Justice after the Welfare State,” Symposium Sponsored by the Center for the Study of Social Difference, Women Creating Change, the Heyman Center for the Humanities, and the History Department at Columbia University, New York City, April 2, 2016.

Invited Panelist, “Voting Rights at 50,” 22nd Annual First Monday Celebration, Eric R. Neisser Public Interest Program, Rutgers School of Law, Newark, New Jersey, October 7, 2015.

Panel Organizer and Chair, “Electoral Rules, Voting and Turnout: New Pathways for Research,” panel at the 111th Annual Meeting of the American Political Science Association, San Francisco, September 3-6, 2015.

“Community and Class in a Neoliberal Age,” paper presented at the 110th Annual Meeting of the American Sociological Association, Chicago, August 22-25, 2015; co-authored with Frances Fox Piven.

“Black Urban Liberalism: A Case Study of Democratic Inclusion and Economic Exclusion in Philadelphia, 1970-2010,” paper presented at the 45th Annual Meeting of the Urban Affairs Association, Miami, April 8-11, 2015.

Invited Speaker, “Does Concentration Worsen Poverty? The Philadelphia Case,” Center for Urban Research and Education, Rutgers University, Camden, December 12, 2014.

Invited Speaker, “The State of Voting Rights,” sponsored by the Atlanta Chapter of the Scholars Strategy Network, Atlanta, December 2, 2014.

“The Poverty of Politics in a Northern City: A Case Study of Democratic Inclusion and Economic Exclusion in Philadelphia, 1970-2000,” paper presented at the 39th Annual Meeting of the Social Science History Association, Toronto, November 6-9, 2014.

“Crisis, Convulsion and the Welfare State,” roundtable presentation at the 109th Annual Meeting of the American Sociological Association, San Francisco, August 16-19, 2014; co-authored with Frances Fox Piven.

“Making Policy in the Streets,” paper presented at the 44th Annual Meeting of the Urban Affairs Association, San Antonio, March 20, 2014; co-authored with Frances Fox Piven.

Invited Panelist, “Voter Suppression, Equal Rights, and the Promise of Democracy,” sponsored by the Scholars Strategy Network, the Center for American Political Studies, and the Malcolm Wiener Center for Social Policy, Harvard University, March 6, 2014.

“Crisis, Convulsion and the Welfare State,” paper presented at the 11th Annual Meeting of the European Sociological Association, Torino, Italy, August 28-31, 2013; co-authored with Frances Fox Piven.

Invited Panelist, “Anatomy of A Public Interest Lawsuit: Voter ID Legislation – A Public Interest Legal Challenge,” sponsored by Penn Law Clinical Programs, Lawyering in the Public Interest, Toll Public Interest Center, American Constitution Society and the Civil Rights Law Project, University of Pennsylvania Law School, Philadelphia, Pennsylvania, November 5, 2012.

Invited Panelist, “Disenfranchise This: The Cost of Voter Suppression,” 19th Annual First Monday Celebration, Eric R. Neisser Public Interest Program, Rutgers School of Law, Newark, New Jersey, October 3, 2012.

Invited Panelist, “The Voting Rights Act: Where Do We Go From Here?” Rutgers University Law Review Symposium, Trenton, New Jersey, April 13, 2012.

Invited Panelist, “Voting Rights,” Civil Rights Law Society, Columbia University Law School, New York City, March 20, 2012.

Invited Panelist, “Race and Public Policy,” conference at George Mason University School of Public Policy, Arlington, Virginia, October 10, 2011.

Invited Panelist, “Organizing the Poor for Rights: The Work of Frances Fox Piven,” 107th Annual Meeting of the American Political Science Association, Seattle, September 1-4, 2011.

"Is Political Polarization Good or Bad for Democracy?," paper presented at the 69th Annual Meeting of the Midwest Political Science Association, Chicago, March 30-April 2, 2011.

Invited Roundtable Participant, "Voter Disenfranchisement in American Politics," 82nd Annual Meeting of the Southern Political Science Association, New Orleans, January 6-8, 2011.

Invited Panelist, "Voter Participation," New York City Charter Revision Commission, New York City, June 2, 2010.

Discussant, "Immigrant Voters: Asian Americans and the 2008 Election," Immigration Seminar Series, Graduate School and University Center of the City University of New York, May 4, 2009.

"Purging Voters Under the NVRA," paper presented at the 67th Annual Meeting of the Midwest Political Science Association, Chicago, April 2-5, 2009; co-authored with Margaret Groarke.

Invited Panelist, "Democracy in America: The African-American Experience – Then, Now and Future," U.S. Mission to the United Nations, New York, March 17, 2009.

Invited Speaker, "Voter Suppression in the 2008 Presidential Election," Funders Committee for Civic Participation, Washington, D.C., December 9, 2008.

Invited Panelist, "Stealing the Vote in 2008," A Panel Discussion at New York University, October 16, 2008.

Invited Panelist, "Keeping Down the Vote: Vote Suppression and the 2008 Election," Sarah Lawrence College, September 23, 2008.

"Modeling Problems in the Voter ID-Voter Turnout Debate," paper presented at the 8th Annual State Politics and Policy Conference, Temple University, Philadelphia, May 30-31, 2008; co-authored with Robert S. Erikson.

Panelist, "Keeping Down the Black Voter: Race and the Demobilization of American Voters," *Left Forum*, New York, March 16, 2008.

Panel Discussant, "Group Mobilization, Partisanship, Ideas, and Leadership: The Los Angeles and New York Mayoral Elections of 2005," 102nd Annual Meeting of the American Political Science Association, Philadelphia, August 31-September 3, 2006.

"Re-thinking Immigrant Political Incorporation," paper presented at the 36th Annual Meeting of the Urban Affairs Association, Montreal, Canada, April 19-22, 2006.

"Immigrant Politics in an Age of Terror," paper presented at the 101st Annual Meeting of the American Political Science Association, Washington, D.C., September 1-4, 2005.

Panel Discussant, "Immigrants As Local Political Actors," 100th Annual Meeting of the American Political Science Association, Chicago, September 1-4, 2004.

Invited Lecturer, "Literature of Immigration," New Jersey Council for the Humanities Teacher Institute, Monmouth University, Long Branch, New Jersey, August 5, 2004.

"The Impact of 9/11 on Immigrant Politics in New York, With a Focus on Arab, Muslim, and South Asian Immigrant Communities," Columbia University Seminar on the City, New York City, March 23, 2004.

Invited Participant, "The Impact of Post-9/11 Immigration and Law Enforcement Policies," The Century Foundation, New York City, February 4, 2004.

Workshop Participant, Multi-race Study Group, *Harvard CAPS Workshop on Methodologies to Study Immigrant Political Incorporation*, Harvard University, Cambridge, October 30-31, 2003.

Invited Lecturer, "Literature of Immigration," New Jersey Council for the Humanities Teacher Institute, Monmouth University, Long Branch, New Jersey, July 10, 2003.

Panelist, "Rebuilding Post-War Iraq: Domestic and International Implications;" Community Forum, Barnard College, New York City, April 21, 2003.

"Political Participation and the Neglected Role of Spatial Form;" paper presented at the 33rd Annual Meeting of the Urban Affairs Association, Cleveland, Ohio, March 27-30, 2003.

Invited Speaker, "Teach-In on Iraq;" Barnard College, New York City, November 8, 2002.

Panelist, "Colloquium on Responding to Violence," in honor of Virginia C. Gildersleeve Lecturer, Jody Williams, Barnard Center for Research on Women, Barnard College, New York City, October 25, 2002.

Panel Moderator, "Who is Brooklyn?" at *The Future of Brooklyn* Conference, Brooklyn College, June 7, 2002.

"Asian and Latino Participation in New York City: The 2000 Presidential Election," paper presented at the 97th Annual Meeting of the American Political Science Association, San Francisco, August 29 – September 2, 2001; co-authored with John H. Mollenkopf.

Organizer and Panelist, *The Changing Face of New York's Electorate: The Immigrant Vote in 2000 and Beyond*, A Panel Discussion and Media Briefing sponsored by the New York Immigration Coalition and Barnard College, New York City, May 2, 2001.

Organizer and Panelist, *The Muslim Communities in New York City Project; A One-Day Conference*, sponsored by the Center for Urban Research and Policy and the Middle East Institute at the School of International and Public Affairs, Columbia University, New York City, April 30, 2001.

Panelist, *Democratizing New York City; Re-imagining City Government*, sponsored by the Center for Humanities, CUNY Graduate Center, New York City, March 27, 2001.

Organizer and Panel Moderator, *Independent Politics in A Global World*, sponsored by the Independent Politics Group, CUNY Graduate Center, New York City, October 6-7, 2000.

"Political Capital and Political Participation," paper presented at the 96th Annual Meeting of the American Political Science Association, Washington, D.C., August 31-September 3, 2000; co-authored with Ester R. Fuchs and Robert Y. Shapiro.

"The Political Participation of Immigrants in New York," at *Immigrant Political Participation in New York City; A One-Day Working Conference*, sponsored by the Center for Urban Research/CUNY and the International Center for Migration, Ethnicity, and Citizenship, New York City, June 16, 2000

"The Muslim Community in New York City Project," with Louis Abdellatif Cristillo; *Muslims in New York: An Educational Program for Religious Leaders in New York City*, seminar on faith traditions in New York; sponsored by the Interfaith Center of New York and the Imans Council of New York, New York City, June 14, 2000.

"The Political Participation of Immigrants in New York," Session VI on *Integration of Immigrants and Their Descendants*, Center for Migration Studies 20th Annual National Legal Conference on Immigration and Refugee Policy, Washington, D.C., March 30-31, 2000.

"The Changing Arab New York Community," with Louis Abdellatif Cristillo; *A Community of Many Worlds: Arab Americans in New York City*, symposium sponsored by the Museum of the City of New York, New York City, February 5-6, 2000.

"The Political Incorporation of Immigrants in New York," paper presented at the 95th Annual Meeting of the American Political Science Association, Atlanta, September 1-4, 1999; co-authored with Jennifer Holdaway and Ronald Hayduk.

"Political Capital and Political Participation," co-authored with Ester R. Fuchs and Robert Y. Shapiro; paper presented at the 58th Annual Meeting of the Midwest Political Science Association, Chicago, April 15-17, 1999.

"Racial and Ethnic and Urban/Suburban Differences in Public Opinion and Policy Priorities," paper presented at the 58th Annual Meeting of the Midwest Political Science Association, Chicago, April 15-17, 1999; co-authored with Ester R. Fuchs, Robert Y. Shapiro, and Gustavo Cano.

“The Importance of Full Disclosure of Non-response Due to Refusals and the Nature of Potential Bias in Phone Surveys,” with Robert Y. Shapiro, evening workshop presentation to the New York City chapter of the American Association for Public Opinion Research, New York City, March 9, 1999.

“White, Black and Latino Voter Turnout in the 1993 New York City Mayoral Election: A Comparison of Ecological Regression Techniques and Exit Poll Data,” paper presented at the 94th Annual Meeting of the American Political Science Association, Boston, September 4, 1998; co-authored with David K. Park and Daniel M. Slotwiner.

Panel Discussant, “Race, Rights, and American Politics,” panel at the 27th Annual Meeting of the Northeastern Political Science Association and International Studies Association-Northeast, Newark, New Jersey, November 9-11, 1995.

“Assessing the Quality of Political Reform: Redistricting and the Case of New York City,” paper presented at the Annual Meeting of the New York State Political Science Association, Albany, New York, April 22, 1994.

Research Reports

A Basic Income for Camden, Rutgers Equity Alliance for Community Health, with Ebshey Mikaeil, Erick Watt-Udogu, and Nelson Zhong; *forthcoming*.

How to Think About Voter Participation, White Paper, New York City Charter Revision Commission, July 2010.

The Myth of Voter Fraud, White Paper, Dēmos – A Network for Ideas and Action, May 2002.

Evaluation of the New York Immigration Coalition's '200,000 in 2000: New Americans Pledging to Strengthen Democracy and New York' Initiative, Final Report to the New York Foundation, with John H. Mollenkopf, August 2001.

A Study of Attitudes Among Low-Income Parents Toward Environmental Health Risks and Childhood Disease: The Brooklyn College COPC Survey, with Immanuel Ness, June 2001.

Political Participation and Political Representation in New York City: With a Special Focus on Latino New Yorkers, Report of the Columbia University/Hispanic Education and Legal Fund Opinion Research Project, co-authored with Robert Y. Shapiro and Ester R. Fuchs, December 1997.

Expert Participation in Federal and State Voting Rights Cases

Expert Witness, *Missouri State Conference of the NAACP v. State of Missouri*, Circuit Court of Cole County, Missouri, 2023.

Expert Witness, *Mi Familia Vota and Voto Latino v. Fontes*, U.S. District Court for the District of Arizona, 2023.

Expert Report, *Sixth District of the African Methodist Episcopal Church v. Kemp*, U.S. District Court for the Northern District of Georgia, 2022.

Affidavit, *Democratic Party of Pennsylvania v. Kathy Boockvar*, Supreme Court of Pennsylvania, 2020.

Expert Report, *Donald J. Trump, Inc. v. Kathy Boockvar*, U.S. District Court for the Western District of Pennsylvania, 2020.

Expert Witness, *Missouri State Conference of the NAACP v. State of Missouri*, Circuit Court of Cole County, Missouri, 2020.

Expert Report, *North Carolina State Conference of the NAACP v. Hirsch (formerly Cooper)*, U.S. District Court for the Middle District of North Carolina, 2019-present.

Expert Witness, *Fair Fight Action, Inc. v. Raffensperger*, U.S. District Court for the Northern District of Georgia, 2018-2022.

Expert Witness, *League of Women Voters of New Hampshire v. Gardner*, State of New Hampshire Superior Court, Hillsborough, SS, Southern District, 2018.

Expert Witness, *Fish v. Kobach*, U.S. District Court for the District of Kansas, 2016-2018.

Expert Witness, *One Wisconsin Institute v. Nichols et al.*, U.S. District Court for the Western District of Wisconsin, 2016.

Expert Witness, *Lee v. Virginia State Board of Elections*, U.S. District Court for the Eastern District of Virginia, 2016.

Expert Witness, *Ohio Democratic Party v. Husted*, U.S. District Court for the Southern District of Ohio, 2015.

Expert Witness, *North Carolina State Conference of the NAACP v. McCrory*, U.S. District Court for the Middle District of North Carolina, 2014-2016.

Expert Witness, *Veasey v. Perry*, U.S. District Court for the Southern District of Texas, 2014-2015.

Expert Witness, *Frank v. Walker/LULAC (formerly Jones) et al. v. Deininger*, U.S. District Court for the Eastern District of Wisconsin, 2012-2013.

Expert Witness, *Applewhite v. Commonwealth of Pennsylvania*, Commonwealth Court of Pennsylvania, 2012-2013.

Expert Report, *Rutgers University Student Assembly et al. v. Middlesex County Board of Elections*, Superior Court of New Jersey/Middlesex County, 2011.

Expert Witness, *Democratic National Committee, et al. v. Republican National Committee, et al.*, U.S. District Court in the District of New Jersey, 2008-2009.

Amicus Filings and Congressional and Other Testimony

Brnovich v. Democratic National Committee, U.S. Supreme Court, Brief of *Amici Curiae* Empirical Elections Scholars in Support of Respondents, January 2021 (lead author).

Missouri Conference of the NAACP v. State of Missouri, Missouri Supreme Court, Brief of *Amicus Curiae* Professor Lorraine Minnite, Ph.D. in Support of Appellants, June 2020.

U.S. Commission on Civil Rights Briefing, “An Assessment of Minority Voting Rights Obstacles in the United States,” Raleigh, North Carolina, February 2, 2018 (oral and written testimony).

Shelby County, Alabama v. Holder; U.S. Supreme Court, Brief of Historians and Social Scientists as *Amici Curiae* in Support of Respondents, February 1, 2013 (signatory).

League of Women Voters v. Rokita; Supreme Court of Indiana, Brief of *Amici Curiae* Lonna Rae Atkeson, Matt A. Barreto, Lorraine C. Minnite, Jonathan Nagler, Stephen A. Nuño and Gabriel Ramon Sanchez in Opposition to Defendant’s Petition to Transfer, November 2009.

U.S. Senate Committee on Rules and Administration, *Hearing on In-Person Voter Fraud: Myth and Trigger for Voter Disenfranchisement?*, March 12, 2008 (invited written testimony).

Expert Witness, U.S. House Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Civil Liberties, *Oversight Hearing on Voter Suppression*, February 26th, 2008 (oral and written testimony).

William Crawford, et al. v. Marion County Election Board, et al.; Indiana Democratic Party, et al. v. Todd Rokita et al.; U.S. Supreme Court, Brief of *Amici Curiae* The Brennan Center for Justice, Demos: A Network for Ideas and Action, Lorraine C. Minnite, Project Vote, and People for the American Way Foundation in Support of Petitioners, November 2007.

William Crawford, et al. v. Marion County Election Board, et al.; Indiana Democratic Party, et al. v. Todd Rokita et al.; U.S. Supreme Court, Brief of *Amici Curiae* of Historians and Other Scholars in Support of Petitioners, November 2007 (signatory).

Fact Witness, *ACORN et al. v. Bysiewicz*, U.S. District Court in the District of Connecticut, 2004-2005.

RESEARCH AND OTHER GRANTS

Recipient, “A Basic Income for Camden,” Growing Democracy Grant, Centennial Center of the American Political Science Association, 2024-2025 (\$10,000).

Principal Investigator, “A Basic Income for Camden,” Rutgers Equity Alliance for Community Health Grant, 2024 (\$81,235).

Recipient, “Urban and Sustainable Development in Cuba,” Rutgers University Centers for Global Advancement and International Affairs, Study Abroad International Service Learning Innovation Grant, 2020-2022 (\$5,000).

Principle Investigator, “Camden City Exit Poll,” Rutgers Research Council Award, 2018-2019 (\$2,000).

Co-Recipient, Rutgers University Centers for Global Advancement and International Affairs, 2016 (\$10,000).

Recipient, Rutgers University-Camden Learning Abroad Office, Course Development Grant, 2015 (\$1,000).

Principle Investigator, “The Political Exclusion of the Urban Poor,” Rutgers Research Council Award, 2013-2014 (\$3,000).

Recipient, RU FAIR ADVANCE (NSF) Rutgers-Camden Travel Award, March/April 2013 (\$1,590).

Funded by the Rutgers University Office for the Promotion of Women in Science, Engineering, and Mathematics (SciWomen) Institutional Transformation grant from the ADVANCE program of the National Science Foundation.

Principal Investigator, “University Collaborative Exit Poll,” November 2008 to October 2009 (\$30,000). Funded by Columbia University Institute of Social and Economic Research and Policy, Center for Urban Research at the Graduate School and University Center of the City University of New York, and the New York Latino Research and Resources Network at the University of Albany, State University of New York.

Co-Principal Investigator, “2006 New Americans Exit Poll,” November 2006 to October 2007 (\$10,000). Funded by the Graduate School of Arts and Sciences, Columbia University.

Recipient, Special Assistant Professor Leave Travel Grant, September 2003 to September 2005 (\$7,700). Funded by the Provost's Office, Winston Fund, Barnard College.

Recipient, Conference Grant, September 2003 to September 2005 (\$3,000). Funded by the Provost's Office, Forman Fund, Barnard College.

Member, Working Group on New York's Recovery from September 11th, June 2002 to June 2005 (\$30,000). Funded by the Russell Sage Foundation.

Principal Investigator, “2002 New Americans Exit Poll,” December 2002 to March 2003 (\$1,800). Funded by the Faculty Research Fund of Barnard College.

Principal Investigator, “Evaluation of the New York Immigration Coalition's '200,000 in 2000' Campaign,” July 2000 to July 2001 (\$40,000). Barnard College, Columbia University. Funded by the New York Foundation.

Co-Principal Investigator, “Muslim Communities in New York City,” July 1998 to July 2001 (\$350,000). The Center for Urban Research and Policy, Columbia University. Funded by the Ford Foundation.

ACADEMIC AND PROFESSIONAL HONORS

Rutgers University-Camden Chancellor's Award for Excellence in Mentoring, 2021

Distinguished Alumni Award, Department of Political Science, CUNY Graduate School, 2014

Jay Sigler Award for Teaching Excellence, Rutgers University-Camden Public Administration Student Association, 2013

Affiliated Faculty, Center for Community Leadership, Rutgers University-Camden, 2013 to present

Affiliated Faculty, Center for Urban Research and Education, Rutgers University-Camden, 2012 to present

Civic Engagement Faculty Fellow, Rutgers University-Camden, 2012

Selected a “Top Wonk” in Democracy and Elections, The Agenda Project, 2012

2011 *Choice Magazine* “Outstanding Academic Title” for *The Myth of Voter Fraud*
Carnegie Corporation of New York Special Opportunities Fund Award (\$50,000), 2007
Senior Fellow, Dēmos – A Network for Ideas and Action, 2006 to 2014
Member, Working Group on Immigration Challenges, The Century Foundation Homeland Security Project, 2004
Faculty Fellow, Institute for Social and Economic Research and Policy, Columbia University, 2002 to 2011
Member, Working Group on New York's Recovery from 9-11, Russell Sage Foundation, 2002 to 2005
Curriculum Development Award (\$1,500), Barnard Project on Diaspora and Migration, 2000
CUNY Graduate School Dissertation Year Fellowship (\$10,000), 1996-1997

PROFESSIONAL AFFILIATIONS

American Political Science Association
American Sociological Association
Law and Society Association
Midwest Political Science Association
Scholars Strategy Network
Social Science History Association
Southern Political Science Association
Urban Affairs Association
Urban History Association

TEACHING ACTIVITIES

Doctoral Supervision

I am or have served as the chair of 12 doctoral committees at Rutgers University-Camden, and as a committee member for six more candidates. I have also served as an external examiner for a doctoral candidate at the Fielding Graduate School's Program in Human and Organizational Development, and on various doctoral exam and dissertation committees for Columbia University's Political Science Department and Graduate School of Architecture, Planning and Preservation, and the City University of New York's Ph.D. Program in Political Science.

Courses Taught

Rutgers University-Camden (Graduate)

Alternative Development Strategies for Distressed Cities (M.S./Ph.D.)
Civic Engagement, Nonprofits and Community Development (M.S./Ph.D.)
Directed (Independent) Study (M.S./Ph.D.)
Foundations of Policy Analysis (MPA and Executive MPA)
Logic of Social Inquiry (M.S./Ph.D.)
Politics of Community Development (M.S./Ph.D.)
Research Workshop (MPA)
The Solidarity Economy (M.S./Ph.D.)
Theory and History of Community Development (M.S./Ph.D.)
Urbanism and Sustainable Development in Cuba (Undergraduate and Graduate-level Study Trip)

Rutgers University-Camden (Undergraduate)

Honors College Seminar: Democracy and The Right to Vote
Poverty and the Urban Environment

Barnard College, Columbia University (Undergraduate)

American Urban Politics
Contemporary Urban Problems
Dynamics of American Politics
Participation and Democracy
Senior Research Seminar in American Politics
Urban Myths and the American City

New York University (Undergraduate)

PAID CONSULTANTSHIPS

American Civil Liberties Union Voting Rights Project, 2016-2018; 2020; 2022-present.

Wrote expert reports and testified at trial for plaintiffs in *Fish v. Kobach*, U.S. District Court for the District of Kansas; wrote expert reports and gave deposition trial testimony for plaintiffs in *Missouri Conference of the NAACP v. State of Missouri*, Circuit Court of Cole County, Missouri; wrote expert reports for plaintiffs in *Trump v. Boockvar*, U.S. District Court for the Western District of Pennsylvania; and for plaintiffs in *Sixth District of the African Methodist Episcopal District v. Kemp*, U.S. District Court for the Northern District of Georgia.

Arnold & Porter LLP, 2012-2013, 2019-present.

Wrote expert report and supplemental expert reports for plaintiffs in *North Carolina State Conference of the NAACP v. Hirsch (formerly Cooper)*, U.S. District Court for the Middle District of North Carolina; wrote expert reports for plaintiffs (2012, 2013) and testified (2012) at trial in *Applewhite v. Commonwealth of Pennsylvania*, Commonwealth Court of Pennsylvania.

Elias Law Group, LLP, 2022-2023.

Wrote expert report and testified at trial for plaintiffs in *Mi Familia Vota v. Fontes, and Consolidated Cases*, U.S. District Court for the District of Arizona.

American Civil Liberties Union of Missouri Foundation, 2022-2023.

Wrote expert and supplemental reports for plaintiffs and testified at trial in *Missouri State Conference of the NAACP v. State of Missouri*, Circuit Court of Cole County, Missouri.

Fair Fight Action, Inc., 2018-2022.

Wrote expert reports and testified at trial for plaintiffs in *Fair Fight Act, Inc. v. Raffensperger*, U.S. District Court for the Northern District of Georgia.

Perkins Coie, LLP, 2015-2018.

Wrote expert reports and testified at trial for plaintiffs in *Ohio Democratic Party v. Husted*, U.S. District Court for the Southern District of Ohio, Eastern Division; *Lee v. Virginia State Board of Elections*, U.S. District Court for the Eastern District in Virginia, Richmond Division; *One Wisconsin v. Wisconsin Government Accountability Board* in the U.S. District of the Western District of Wisconsin; and *League of Women Voters of New Hampshire v. Gardner*, State of New Hampshire Superior Court, Hillsborough SS., Southern District.

Kirkland & Ellis, LLP, 2014-2016.

Wrote expert reports and testified at trial for plaintiffs in *North Carolina State Conference of NAACP v. McCrory*, U.S. District Court for the Middle District of North Carolina.

Dechert, LLP, 2014.

Wrote expert report and testified at trial for plaintiffs in *Veasey v. Perry*, U.S. District Court for the Southern District of Texas.

New York City Charter Revision Commission, 2010.

Analyzed the problem of voter participation in New York City and possible solutions for consideration by Commissioners as they prepared ballot referenda to be placed before the voters in 2010.

New York Latino Research and Resources Network at the University of Albany, State University of New York, 2008.

Analyzed survey and other data and wrote report on Latino political participation in New York City and New York State in the 2008 presidential election.

New York Immigration Coalition, New York, New York, 2006.

Provided technical assistance to a three-city exit poll survey project for the 2006 national midterm elections.

Brennan Center for Justice at New York University School of Law, 2004-2005.

Provided expert report on voter fraud and testified as a fact witness in *ACORN, et al. v. Bysiewicz*, U.S. District Court for the District of Connecticut.

Howard Samuels State Management and Policy Center, Graduate School and University Center of CUNY, 2002.
Consulted on survey design for a project on the efficacy of community-based organizations.

Dēmos, New York, New York, 2001 to 2002.
Researched and wrote a study of voter fraud in contemporary American politics.

1199 Child Care Fund, New York, New York, 2000 to 2002.
Prepared demographic data for Fund-eligible union members and their children.