ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

May 12, 2022

Matthew Mowers
40 Deer Run Lane
Gilford, NH 03249

Re: Matt Mowers, Alleged Wrongful Voting

Mr. Mowers:

Our Office conducted an investigation into questions of wrongful voting regarding your conduct in 2016 and 2020 raised by press accounts and complaints we received. You cooperated with our inquiry and supplied a significant number of documents per our requests. Based on that investigation, we conclude that you did not commit any New Hampshire election law violations.

Our review considered two issues: (1) were you properly domiciled in New Hampshire at the times you voted in New Hampshire elections; and (2) did you violate New Hampshire law prohibiting voting in more than one state by voting here and in another jurisdiction during the same election year. We conclude, based on a review of extensive documentary evidence, that you established domicile in New Hampshire for voting purposes during the time periods in which you voted here. We also conclude that your 2016 votes in the presidential primaries in New Hampshire and New Jersey do not constitute a violation of New Hampshire election law as you established domicile in New Jersey prior to voting there, entitling you to safe harbor under RSA 659:34-a, IV. This letter summarizes our investigation and conclusions.

INVESTIGATION

On April 5, 2022, the Associated Press filed an article alleging that you potentially violated federal and state law by voting in the New Hampshire Presidential Primary on February 9, 2016, and then also voting in the New Jersey Presidential Primary on June 7, 2016. Following that publication, we also received complaints regarding your voting from New Hampshire voters referencing that Associated Press article.

On April 5, 2022, you were interviewed for a New Hampshire Journal podcast entitled, "Matt Mowers on Voting Twice in 2016: I did not break the law."[1] To summarize, you stated that you moved to Manchester, New Hampshire in 2013 to serve as director for the NH GOP,

[1] URL viewed 4/5/22, available at: https://nhjournal.com/podcast-matt-mowers-on-voting-twice-in-2016-i-did-not-break-the-law/

then joined the presidential campaign of then-New Jersey Governor Chris Christie. You indicated that when Governor Christie dropped out of the presidential race, you had no employment and moved back to New Jersey. You were subsequently asked to work for the Donald Trump presidential campaign and also become a New Jersey convention delegate for then-candidate Trump.

On April 6, 2022, you were interviewed on Jack Heath's "The Pulse of New Hampshire" radio show.[2] In summary, you stated that you moved between New Hampshire and New Jersey for work and that you voted where you lived. You acknowledged that you voted in the February 9, 2016 New Hampshire Presidential Primary and then in the June 7, 2016 New Jersey Presidential Primary. You again stated that, after moving to New Jersey, you began working for the Trump campaign and were asked to represent then-candidate Trump as a New Jersey convention delegate. You also indicated that you sought legal counsel regarding your statuses and conduct in New Hampshire and New Jersey, and that you acted in conformity with the advice received.

Chronological Review of Documentation

You rented an apartment on Hanover Street in Manchester from November 7, 2013, to March 17, 2016. On November 18, 2013, you first registered to vote in New Hampshire, listing a Hanover Street address. On your voter registration application, you listed an East Brunswick, New Jersey address as the last place at which you were registered to vote. You used your New Jersey driver license when registering to vote in Manchester.

You first applied for a New Hampshire driver license on January 10, 2014, utilizing your Manchester address. You indicated on your application that you was surrendering a New Jersey driver license, and used a January 10, 2014 car registration showing your Manchester address as proof of residency.

A review of ElectioNet, the State's elections database, shows that you first voted in New Hampshire in the September 9, 2014 State Primary. You voted a total of five times in Manchester from that date including the February 9, 2016 Presidential Primary.

You stated that following the February 9, 2016 New Hampshire Presidential Primary, Governor Christie suspended his presidential campaign, on which you were working. At that point, you had no employment and returned to New Jersey.

You acquired a New Jersey driver license on March 22, 2016. New Hampshire records indicated that you surrendered your New Hampshire license to New Jersey officials when receiving your New Jersey license.

On March 22, 2016, you registered to vote in New Jersey, listing an address on Washington Street in Hoboken. You supplied a New Jersey driver license number. On April 4, 2016, Mercury LLC issued a press release announcing that you were joining the company as a

[2] URL viewed 4/6/22, available at: https://thepulseofnh.com/uncategorized/mowers-says-i-did-nothing-wrong/

vice president working out of the New Jersey office. The release noted that you had most recently worked as New Hampshire State Director for Chris Christie for President.

You were listed on a lease for the Washington Street, Hoboken address from June 1, 2016, to August 17, 2016. However, we reviewed documentation indicating that you sub-let the apartment from March 17, 2016, to May 31, 2016, when you took over the lease.

Hudson County New Jersey records show that you voted in Hudson County in the June 7, 2016 Presidential Primary. On September 8, 2016, you registered to vote in Middlesex County, using an East Brunswick address. You voted in Middlesex County in the November 8, 2016 General Election. That Middlesex registration was removed on March 5, 2022, as you were an inactive voter in the county at that point in time.

In 2017 and 2018, you worked for the United States Department of State. In 2017 and 2018, you lived at an address on Corocran Street, Washington, DC, and purchased a property on Girard Street in Washington, DC, on August 20, 2018.

You moved back to New Hampshire in August 2019. You reapplied for a New Hampshire driver license on November 1, 2019, listing a Bedford residence. The application indicated that you surrendered a Washington, DC driver license, and presented a Bedford address lease agreement that started on August 1, 2019. You rented an apartment on Hawthorne Drive in Bedford from December 30, 2019, to January 1, 2021. You rented an apartment on Cooper Lane in Bedford from January 1, 2021, to July 12, 2021. On January 4, 2021, you submitted a United States Postal Service change of address request moving your address from Hawthorne Drive to Cooper Lane.

You did not vote in New Hampshire in 2017, 2018, or 2019. As an inactive voter, you were removed from the Manchester checklist on November 5, 2019. You re-registered to vote in New Hampshire on August 21, 2020, in Bedford. You voted in New Hampshire in the February 11, 2020 Presidential Primary. You voted a total of five times while registered in Bedford from February 2020 to March 2021.

You purchased a Gilford house on June 21, 2021. On July 9, 2021, you submitted a United States Postal Service change of address request moving your address from Cooper Lane to your Gilford residence. On July 29, 2021, you registered to vote with your residential address in Gilford. On August 10, 2021, you submitted an address change request to the State of New Hampshire, Division of Motor Vehicles, updating your driver license address to your Gilford residence. You registered a vehicle in Gilford on August 19, 2021. You voted for the first time at your Gilford address on March 8, 2022.

Finally, our Office reviewed your filed tax returns and tax documents. We are satisfied that the information contained therein regarding employment and claimed residences is consistent with the documentation otherwise reviewed during the course of our investigation.

ANALYSIS

Domicile

In New Hampshire, in order to vote in a town, ward, or unincorporated place a person must be domiciled there. A "domicile for voting purposes is that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government." RSA 654:1, I.[3] "A person has the right to change domicile at any time, however, a mere intention to change domicile in the future does not, of itself, terminate an established domicile before the person actually moves." Id.

RSA 654:11 creates a presumption that the applicant is qualified to vote and authorizes the supervisors of the checklist to reject the application only if they conclude that it is more likely than not that the applicant is not qualified. See New Hampshire Election Procedure Manual: 2020-2021, Pg. 170.

The supervisors must consider the applicant's manifestations of intent to maintain a single, continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government. There are many types of documents that satisfy this requirement. Among those documents, election officials have recognized that a New Hampshire driver's license or non-driver ID showing the applicant's current domicile address is satisfactory proof of domicile. Similarly, a New Hampshire resident motor vehicle registration showing the applicant's domicile address is also satisfactory proof of domicile.[4]

However, the question of domicile is a continuing analysis that is not isolated to the proof provided at the time a voter registers to vote. When this Office is contacted with complaints or reports involving the domicile of a voter, it must review the totality of the circumstances to determine if a voter was in fact domiciled for voting purposes in the town or city in which he/she registered and voted.

In your case, our assessments related to your domiciles considered your own statements, voter registration records, voting history, driver license documents, rental and lease agreements, property closing documents, property records, vehicle registrations, correspondences, press notices, public records, and tax records. The totality of circumstances indicates that you established domiciles at your New Hampshire residences sufficient for the purposes of voting in New Hampshire during the times when you voted in New Hampshire.

---

[3] Pursuant to an order issued by the Hillsborough Superior Court in the matter of League of Woman Voters of New Hampshire, *et al.* v. William M. Gardner, *et al.*, docket number 226-2017-CV-00433, in April of 2020, Laws of 2017, Chapter 205 (also known as "SB3") was struck down. As a result, the version of RSA Chapter 654 used here is the one in effect in 2016. The version of RSA 654:2 in effect in 2016 did not contemplate the concept of temporary presence, which was added by SB3.

[4] "A document showing that the applicant owns the place the applicant is domiciled at, such as a deed, property tax bill, or other similar document that has the applicant's name and address" would also constitute satisfactory proof of domicile. See New Hampshire Election Procedure Manual: 2020-2021, Pgs. 173-74.

Voting In More Than One State

RSA 659:34-a makes criminal voting in the same election year in another state "where one or more federal or statewide offices or statewide questions are listed."[5] Essentially, the question as it relates to your voting history is whether the 2016 primary elections in which you voted in New Hampshire and New Jersey are "elections" within the definition in RSA 659:34-a. This Office concludes that they are, however, RSA 659:34-a, IV specifically states: "If the election in New Hampshire and the other state or territory are held on different dates, it is an affirmative defense that the person legitimately moved his or her domicile to or from the other state or territory between the dates when the elections were held."

To begin the analysis on voting twice in the same "election year," RSA 652:1 defines election:

> "Election" shall mean the choosing of a public officer or of a delegate to a party convention or the nominating of a candidate for public office by voters by means of a direct vote conducted under the election laws. The term does not include caucuses or conventions. The types of elections are further defined in this chapter.

RSA 652:1. RSAs 652:2-10 define various elections: state, state general, state primary, presidential primary, town, city, school district, and village district. However, RSA 659:34-a broadly includes elections by looking at the types of offices up for a vote, not the particular name of the election, such as those listed in RSA 652:2-10. For our purposes, the operative phrase from RSA 652:1 is voting to "[nominate] a candidate for public office by voters by means of a direct vote."

Both the February 9, 2016 New Hampshire Presidential Primary and the June 7, 2016 New Jersey Presidential Primary included the same race—for a party candidate for United States president. While the primary elections in New Hampshire and New Jersey were not held on the

---

[5] 659:34-a Voting in More Than One State Prohibited. –
I. A person is guilty of a class B felony if, at any election, such person knowingly checks in at the checklist and casts a New Hampshire ballot on which one or more federal or statewide offices or statewide questions are listed if the person also casts a ballot in the same election year in any election held in any other state or territory of the United States where one or more federal or statewide offices or statewide questions are listed. For federal or statewide offices and statewide questions, neither the candidates nor the questions need be the same in both jurisdictions for a violation to occur. The titles for offices need not be identical, but must serve an equivalent role in government, for a violation to occur.
II. Two or more elections occur with the same election year if:
(a) The election for federal or statewide office or on a question being voted on statewide in another state or territory is held on the same day that New Hampshire holds its general election; or
(b) The term of office for any office listed on the ballot in the other state or territory starts in the same year as the term of office for that office or its equivalent in New Hampshire.
III. The state shall not be required to prove that the person actually marked the ballot for a candidate for any specific office; it shall be sufficient to prove that the person cast a ballot. Evidence that a person was checked off on the checklist, or the equivalent record in another state or territory, as having voted is prima facie evidence that the person cast a ballot in that election.
IV. If the election in New Hampshire and the other state or territory are held on different dates, it is an affirmative defense that the person legitimately moved your or her domicile to or from the other state or territory between the dates when the elections were held.

same day, they were nevertheless in the "same election year" as they both concerned the 2016 presidential election.

As noted earlier, RSA 659:34-a, IV specifically provides a safe harbor against voting in more than one state if a person moved his or her domicile to another state between the dates when the elections were held. As provided above, the totality of circumstances indicates that you established a domicile in New Jersey in 2016 prior to voting in the June 7, 2016 Presidential Primary. As such, you are entitled to the RSA 659:34-a, IV affirmative defense as a matter of New Hampshire law.

Our investigation and conclusions are limited to compliance with New Hampshire law. The complaints we received also reference 52 U.S.C. § 10307(e). Since we are not authorized to enforce New Jersey or federal law, we take no position on whether your conduct was in compliance with either New Jersey or federal law.

CONCLUSION

We conclude that you did not commit any New Hampshire election law violations. We conclude, based on a review of extensive documentary evidence, that you established domicile in New Hampshire for voting purposes during the time periods in which you voted here. We also conclude that your 2016 votes in the presidential primaries in New Hampshire and New Jersey do not constitute a violation of New Hampshire election law as you established domicile in New Jersey prior to voting there, entitling you to safe harbor under RSA 659:34-a, IV.

This matter is closed.

Sincerely,

Myles B. Matteson
Deputy General Counsel
Attorney General's Office

CC: Keith Cota