

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

May 24, 2018

Honorable Regina Birdsell
Chair, Senate Committee on Election Law and Internal Affairs
Legislative Office Building, Room 102
107 North Main Street
Concord, NH 03301

Honorable Barbara Griffin
Chair, House Committee on Election Law
107 North Main Street
Concord, NH 03301

Dear Senator Birdsell and Representative Griffin:

Enclosed please find the Election Law Complaint Status Report submitted pursuant to RSA 7:6-c for the reporting period September 1, 2016 – May 24, 2018. Assistant Attorney General Matthew Broadhead, who leads the Election Law Unit, is prepared to respond to any questions you may have. He can be reached at 603-271-3650 or Matthew.Broadhead@doj.nh.gov.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gordon J. MacDonald".

Gordon J. MacDonald
Attorney General

Enclosure

STATE OF NEW HAMPSHIRE

DEPARTMENT OF JUSTICE

SENATE COMMITTEE ON ELECTION LAW AND INTERNAL AFFAIRS

HOUSE COMMITTEE ON ELECTION LAW

Election Law Complaint Status Report

Submitted Pursuant to RSA 7:6-c

Reporting Period September 1, 2016 – May 24, 2018

Prepared by:

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INTRODUCTION

Part I, Article 11 of the New Hampshire Constitution provides, in part, that “[a]ll elections are to be free, and every inhabitant of the State of 18 years of age and upwards shall have an equal right to vote in any election.” To safeguard this constitutional provision, and pursuant to RSA 7:6-c, the Legislature has designated the Attorney General to enforce all election laws in New Hampshire. In 2017, the Attorney General established a free-standing Election Law Unit within the Office staffed by one full-time attorney, Assistant Attorney General Matthew Broadhead. In addition, last year, the Legislature authorized the funding of a full-time elections investigator. Chief Investigator Richard Tracy now has that assignment. This Election Law Unit is responsible for investigating, enforcing, and prosecuting violations of the State’s laws pertaining to elections, lobbying, and campaign finance.

These changes have enabled this Office to dedicate more resources toward this endeavor. For example, pursuant to RSA 664:19, this Office will, for the first time, be implementing a systematic examination of the financial disclosure statements filed by every candidate and political committee during the 2018 Primary and General Election campaign to ensure that each report is timely and in compliance with the minimum disclosure requirements. Additionally, we will be conducting randomized audits of financial disclosures. Further, the addition of these dedicated resources, plus the addition of substantial resources from law enforcement and the Department of State, has permitted a more robust investigation into domicile and qualified voter affidavits, pursuant to RSA 654:12, V (f). These resources have helped allow this Office, for the first time, to file a report with the Legislature pursuant to RSA 654:12, V (f). A copy of the Affidavit Investigation Report is enclosed at the end of this Report.

Pursuant to RSA 7:6-c, II, (a), the Attorney General hereby submits to the New Hampshire House of Representatives and the Senate this report on the status of all complaints of alleged violations of election laws received since our last report dated September 1, 2016. This report is divided into three parts. Section I, pursuant to RSA 7:6-c, II (b), includes a summary of complaints received since September 1, 2016 and a categorization of complaints received by type of complaint and month received as required by RSA 7:6-c, II (b). Section II contains an index of matters that have been closed during the reporting period, and pursuant to RSA 7:6-c, II (c), attached hereto are the closure letters, settlement agreements, cease and desist orders, and other official communications that describe the results of each complaint that has been investigated or an explanation of why the complaint was closed without an investigation. Finally, Section III lists all complaints received prior to this reporting period which remain open.

I.

SUMMARY OF COMPLAINTS RECEIVED SINCE SEPTEMBER 1, 2016

| Complaint Against | Complainant | Date of complaint | Allegations | Date Closed |
|--|---|--------------------------|--|--------------------|
| Save the Children Action Network | Richard Girard | 9/2/2016 | RSA 664:2 | 11/21/16 |
| Eric Estevez | Harrison DeBree | 9/4/2016 | RSA 664:14 | 11/21/16 |
| Brookline | Keith F. Thompson | 9/13/2016 | Polling Location Complaint | 11/21/16 |
| Shawn Jasper | Albert Abramson | 9/9/2016 | RSA 664:5-b | 10/21/16 |
| Don Winterton | Vincent Lembo, Jr. | 9/19/2016 | Voter Intimidation | 10/21/16 |
| Derry | Rep Katherine Prudhomme O'Brien | 9/23/2016 | Moderator Misconduct; RSA 659:62 and RSA 659:63 | 10/20/16 |
| Citizens of a Transparent Government PAC | Bob Goodman | 9/26/2016 | RSA 664:14 | |
| Unknown | Mrs. Ann Carpenter | 10/11/2016 | 664:17 - signs stolen from lawn | 11/21/16 |
| John Simonds Election | Hon. James Reed | 10/20/2016 | 664:17 - signs fail to list fiscal agent or representative | 11/15/16 |
| Town of Wolfeboro | John White | 10/1/2016 | Wolfeboro - report of possible election law violation | 11/1/16 |
| Messmer, Mindi & Murray, Kate | Lily Sparks | 10/26/2016 | RSA 664:14 - signs fail to list fiscal agent or representative | 10/28/16 |
| Blache, Herbert J | Dottie Marsden | 10/28/2016 | Alleged Voter Fraud; Deceased Voter | 2/24/17 |
| Chris Bell | Caroline & Steve Anstey | 11/2/2016 | RSA 664:17 - Sign removal | 11/2/16 |
| Michael Lewis | Town of Hooksett | 11/10/2016 | Alleged Voter Fraud | |
| Derry, Moderator, Hood Middle School | John Herrholz and Lawrence Guros, complainants) | 11/8/2016 | Alleged Electioneering in guardrail – wearing clothing | 5/10/2017 |

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|--|---|------------|---|-----------|
| Hinsdale | Lisa Cameron | 11/8/2016 | Hinsdale - alleged voting rights violated | 3/2/17 |
| Johnson, Stuart Woodward Davis | Pat Waterman, Wolfeboro Town Clerk | 11/15/2016 | Alleged Voter Fraud | 1/31/17 |
| Malia Boaz for New Hampshire | Bill Christie | 11/7/2016 | Facebook Postings | 3/17/17 |
| Kongsaiya, Tim & Sunsannie - | Linda Guyette | 11/8/2016 | Voter Challenge | 12/27/16 |
| Chesterfield, Town of | Pat Haley | 11/3/2016 | ID complaint | 3/20/17 |
| Krasko, Bob | Jonathan Dowling | 11/10/2016 | Alleged 659:13 - Misleading voters | 3/19/17 |
| David K. Wheeler & Joseph D. Kenney | Raymond Buckley, NHDP | 10/28/2016 | RSA 664 | 12/8/2017 |
| Leavitt, Christopher | Matthew Normand Manchester City Clerk, Sandi LeVasseur Town of Hudson | 11/29/2016 | Alleged Voter Fraud | 1/4/2017 |
| Luis, Lissette & Jose Cid | Maryellen Pelletier Plaistow Town Clerk | 12/7/2016 | Alleged Voter Fraud | 1/4/2017 |
| Shawn Jasper for NH & Rep. Dick Hinch | Rep. Joseph Hoell & Dan Hynes | 11/28/2016 | RSA 664:6 | |
| Melissa J. Tremblay | Marcia Roddy Rochester Deputy City Clerk | 12/19/2016 | Alleged Voter Fraud | 1/31/17 |
| Robert Cheney,Jr. | Marcia Roddy Rochester Deputy City Clerk | 12/16/2016 | Alleged Voter Fraud | 1/31/17 |
| Angie Ward | Sherry Henry, Hill Town Clerk | 11/22/2016 | Alleged Voter Fraud | |
| Stowell, Pamela | Lynda Faulkner Town of Swanzey | 12/2/2016 | Alleged Voter Fraud | 2/1/17 |
| Couture, Jacques | Sue Croteau Town of Stark | 11/10/2016 | Alleged Voter Fraud | 3/21/2018 |
| Town of Barrington | Diane Gagnon | 12/9/2016 | Disability Complaint | 6/20/17 |
| Town of Plaistow | Ty Vitale | 12/22/2016 | Warrant Article Complaint | 1/30/17 |
| William Gardner | Joseph Haas | 12/23/2016 | RSA 667:21 | 9/5/2017 |
| Joseph Kenney et al | Joseph Haas | 12/27/2016 | RSA 660:27 | 6/21/17 |
| Nicholas J. Flanders | Michael Horne Town of Hooksett | 1/2/2017 | Alleged Voter Fraud | 3/28/17 |
| Shea, Kendrah Rae | Matthew | 1/24/2017 | Alleged Voter | 3/28/17 |

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|----------------------------------|-------------------------------------|-----------|--|------------|
| | Normand, City of Manchester | | Fraud | |
| Linnehan, Hugh | JP Pontbriand, Moderator | 2/3/2017 | Alleged Voter Fraud | 4/14/17 |
| Various | Ty Vitale | 2/16/2017 | Warrant Article Complaint | 5/3/17 |
| Gatsas, Theodore | Raymond Buckley, NHDP | 2/22/2017 | Campaign Finance Law Violation | 4/4/17 |
| Loosigian, William | Arleen Andreozzi Town of Hampton | 3/9/2017 | Alleged Voter Fraud | 10/25/2017 |
| Nightingale, Craig | Joel Tuttle | 3/10/2017 | Alleged Voter Fraud | 8/22/2017 |
| Principal Memorial School Newton | Commissioner Kevin St. James | 3/13/2017 | RSA 659:44-a | 5/3/17 |
| Absentee Fraud | Christ, Sam | 3/14/2017 | Alleged Absentee Ballot Fraud | 4/14/17 |
| Town of Seabrook | Anonymous | 3/16/2017 | Various Complaints (BB Closed as Unfounded and no address to return letter to) | 6/8/2017 |
| Town of New Boston | Patrick Burke | 3/8/2017 | New Fire Station Warrant | 5/1/2017 |
| Farmington School Employees | Kathy Seaver | 3/10/2017 | RSA 659:44-a | 5/24/2017 |
| Town of Fremont | SOS | 3/14/2017 | Electioneering Inside | 5/3/17 |
| Town of Grafton | Anonymous | 3/24/2017 | Ballot Changes | |
| Jack Flanagan | Keith F. Thompson | 3/17/2017 | Ineligible Voter | 4/25/17 |
| Whitney Nowak School Nurse | Stacie Ohsberg | 3/9/2017 | RSA 659:44-a | 6/8/2017 |
| Sanborn School District | Jim Rigby | 3/9/2017 | Political Material/Ethics | 5/1/2017 |
| Todd Santora | Stacie Ohsberg | 3/16/2017 | Political Signs | 5/17/2017 |
| Bethlehem Selectboard | Andrea Bryant | 2/11/2017 | RSA 659:44-a | |
| Newmarket School District | Jeffrey Clay | 3/1/2017 | RSA 659:44-a | 5/10/2017 |
| Grafton Library | SOS | 3/3/2017 | Library Mailing Survey with Raffle | |
| Hampton Falls Town Meeting | Allen Margaret K. | 3/20/2017 | Various Complaints | 5/24/2017 |
| Hampton Falls Electioneering | Steve Sabatini | 3/16/2017 | Electioneering Violations | 5/10/2017 |

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|--|------------------------------------|------------|----------------------------------|------------|
| Town of Derry | Flattes, Marc | 3/22/2017 | RSA 669:3 | 5/10/2017 |
| Feeney, Mary | Matthew Normand | 4/4/2017 | Alleged Voter Fraud | 6/9/2017 |
| Rep. Michael Sylvia | Chief Deputy David Perkins | 4/3/2017 | Qualifications of Office | 5/17/2018 |
| Fraser, Roberta | Fraser, Tory | 4/24/2017 | Sign Complaint | 5/16/2017 |
| Emerald Lake Village District | Anonymous | 4/25/2017 | Voting RSA Violations | |
| Caron, Martha | Anonymous | 4/27/2017 | Alleged Voter Fraud | |
| Earle Brooks, Mary | Paolilli, Joseph | 5/29/2017 | Alleged Voter Fraud | 7/20/2017 |
| Newport School Board | Bert Spaulding Sr. | 5/1/2017 | Flyer Complaint | |
| Rights and Democracy | NH Republican State Committee | 7/13/2017 | Alleged Voter suppression | 7/20/2017 |
| LMP New Hampshire | Sweeney, Sennick & Forrester | 7/5/2017 | Political Committee Registration | 7/21/2017 |
| Concord Ward 9 Moderator | NH GOP | 7/20/2017 | Ballot Check-In ID Issue | |
| Plosjaz, Tom | Frothingham, Judith | 7/15/2017 | Residence Issue | |
| Unknown | Kirshner, Ralph | 7/17/2017 | RSA 664:14 | 8/3/2017 |
| Gatsas for Mayor | Mahoney, Ryan | 7/20/2017 | RSA 664:14 | 8/14/2017 |
| Unknown | Snow, Richard | 7/10/2017 | RSA 664:14 | |
| Chester Building Inspector | Jerome Gesel | 7/21/2017 | RSA 664:17 | |
| Rep. Joel Elber | Rep Lisa Freeman | 7/31/2017 | RSA 659:44 | |
| Rich, Mathias Ashael | Dominic Biello | 9/14/2017 | Address Misuse | 2/28/2018 |
| Manchester Democratic City Comm | Gatsas for Mayor | 9/13/2017 | RSA 666:6 and 666:7 | 10/24/2017 |
| Donna Giberson | Richard Aziz | 9/29/2017 | JP Fraud | |
| Scene Street Owner Scott Gregory | Mattos, Rich | 10/11/2017 | RSA 659:40 | 10/24/2017 |
| Kelsey Sullivan | SOS | 10/20/2017 | Domicile Affidavit | 3/20/2018 |
| Portsmouth City Council Election Unknown | Zelin, Gerald | 10/22/2017 | RSA 664:14 | 12/7/2017 |
| Sullivan, Brian | Sparks, Matt | 10/23/2017 | RSA 664:6 | |
| Button, Andrew | Liepold, Jean | 10/25/2017 | Alleged Voter Fraud | |
| Nashua Performing Arts Center | Nashua City Clerk Patricia Piecuch | 10/24/2017 | RSA 664:14 | |
| Theodore Gatsas | Raymond | 10/27/2017 | RSA 657:24 | 12/7/2017 |

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|---|---|------------|--|-----------|
| | Buckley, NHDP | | | |
| NH AFL-CIO | Anonymous | 10/2017 | Report Violations | |
| Robert O'Sullivan Campaign | Will Stewart Campaign c/o Patrick Arnold Law Office | 11/1/2017 | RSA 664:14 | |
| Chester Selectmen and Police Chief | Sweet, Jay | 11/7/2017 | RSA 643:1 | 12/7/2017 |
| NE Opportunity Project | NH Democratic Party | 11/3/2017 | RSA 664:3, I | |
| Erika Conners | James Lehoux | 11/6/2017 | RSA 664:14 | |
| Clayton, Ryan | SOS | 11/7/2017 | RSA 659:47 Absentee Voter | 12/7/2017 |
| Hamilton, Robert Et Al | Casey, Dennis | 12/11/2017 | RSA 664:14; 664:2 | 4/4/2018 |
| John Doe 1 | AG's Office: 2017 Affidavit Investigation | 12/18/2017 | Alleged Voter Fraud RSA 659:34 | |
| John Doe 2 | AG's Office: 2017 Affidavit Investigation | 12/18/2017 | Alleged Voter Fraud RSA 659:34 | |
| Jane Doe | AG's Office: 2017 Affidavit Investigation | 12/18/2017 | Alleged Voter Fraud RSA 659:34 | |
| Gilmanton Community Information | Cornett, Debra Town Clerk Gilmanton | 2/21/2018 | RSA 664:17 | 2/22/2018 |
| Rights and Democracy | Sweeney, Joseph | 2/16/2018 | RSA 664 | |
| Frederick, Jon Jaffrey Town Manager | Geiger, Kellen, Hamilton, Robert | 2/28/2018 | RSA 659:44-a | |
| Town of Epping | Parent, Sheldon | 2/27/2018 | | 4/3/2018 |
| Louiselle, Metzler Dube (Timberlane) | Boyle, Brian & O'Neil Shawn | 2/23/2018 | RSAs 671, 669, 456-B:2 | |
| Manchester Ward 1 Election | Bud Fitch SOS | 2/27/2018 | Wrong Ballots Issued | |
| Jackson Election Officials | Jackson Registered Voters | 3/5/2018 | RSA 654:27 | 3/26/2018 |
| Town of Exeter | Petrillo, Kathleen; Griset, Brian | 3/14/2018 | Town Election Irregularities | |
| Town of Washington | SOS AG Office | 3/15/2018 | Postponement of March 13, 2018 Town Election | 3/15/2018 |
| Johannesen, Sheila Town of Danville | Judi Cogswell Town of Danville | 3/17/2018 | RSA 657:24 | |
| Scrivani, Lorraine | Self-Report | 3/19/2018 | RSA 664:14 | |

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|--|--|-----------|---|-----------|
| | Scrivani, Lorraine | | | |
| Committee for New Town Hall (Rye) | Erlebacher, Frances | 3/22/2018 | Mailer | |
| Unknown | Town of Effingham | 3/22/2018 | Theft of Ballots RSA 659:38 | |
| Town of Rindge | Several Complainants | 3/22/2018 | Absentee Ballot Fraud | |
| Deerfield Community School Board | Thompson, Leila | 3/24/2018 | RSA 659:44-a; RSA 671:21; RSA 657:15 | |
| Hollis Brookline Co-Op Annual Meeting | LeCours, Eliza | 4/4/2018 | RSA 669:30 | |
| Concord Republican City Committee | Merrimack County Democrats | 3/27/2018 | RSA 664:5, I | |
| Hudson School District School Board SAU 81 | Huard, Peggy | 3/27/2018 | False Statements/Warrant Article | 4/30/2018 |
| Billbrough, Tom | Hantman, Barry Town of Danville | 3/24/2018 | Harassment of an Election Official | 4/30/2018 |
| Savoie, William | William Pribis Cleveland Waters & Bass | 4/16/2018 | RSA 654:12 | |
| Unknown | Acton, Dennis Town of Fremont | 3/26/2018 | Election Cyber Attack | |
| Lentini, Joe Conway School Board | Long, Eugene | 4/1/2018 | 14 th Amendment to US Constitution | 4/30/2018 |
| Campbell, Bernard Windham Town Attorney | Roberts, Doug | 4/2/2018 | Alleged Citizens Zoning Petitions Alterations | |
| Shakir, Raymond & Maryann Revocable Trust | Meier, Christopher Cooper Cargill Chant PA | 4/5/2018 | RSA 664:14 | |
| Fallon, Judith | Ladd, William Esquire | 4/13/2018 | Alleged Domicile Fraud | |
| John Doe, Plymouth, NH | State of NH | 4/30/2018 | Alleged Voter Fraud RSA 659:34 | |
| Therrien, Brooke A. | State of NH | 4/30/2018 | Alleged Voter Fraud RSA 659:34 | |
| John Doe Calls to State Reps. | State of NH | 4/27/2018 | RSA 666:6; RSA 666:7-a; RSA 664:14-b | |

A. Number of Complaints Received Per Month

| Month/ year | Number of Complaints |
|--------------------|-----------------------------|
| September 2016 | 8 |
| October 2016 | 6 |
| November 2016 | 14 |
| December 2016 | 8 |
| January 2017 | 2 |
| February 2017 | 4 |
| March 2017 | 21 |
| April 2017 | 5 |
| May 2017 | 2 |
| June 2017 | 0 |
| July 2017 | 9 |
| August 2017 | 2 |
| September 2017 | 3 |
| October 2017 | 8 |
| November 2017 | 7 |
| December 2017 | 4 |
| January 2018 | 0 |
| February 2018 | 6 |
| March 2018 | 12 |
| April 2018 | 9 |
| TOTAL: | 130 |

B. Complaints Received by Type of Complaint

| Type of Complaint | RSA Violations | Number of Complaints |
|---|---|-----------------------------|
| Alleged Wrongful Voting or Alleged Voting by Individual Not Qualified | (RSA 659:34; RSA 654:12; RSA 659:13, IV (b)) | 28 |
| Voting Rights Violation | | 2 |
| Political Advertising Violations | (RSA 664:14, RSA 664:17) | 28 |
| Campaign Finance | (RSA 664:2; RSA 664:5-b; RSA 664:5-b; RSA 664:6) | 7 |
| Disability Complaint | | 1 |
| Electioneering | (RSA 659:44-a) | 11 |
| ID Complaint | | 2 |
| Polling Location Complaint | | 1 |
| Town Election Irregularities | | 1 |
| Voter Intimidation / Suppression | (RSA 659:40) | 3 |
| Warrant Article Complaint | | 5 |
| Notarial Acts Complaint | (RSA 456-B:2) | 1 |
| Abuse of Office | (RSA 643:3, I) | 2 |
| Complaint Against a Public Officials for Procedural Violation of Election Laws | (RSA 654:27, RSA 654:29, RSA 660:27, RSA 669:1; 669:3, RSA 671) | 7 |
| Qualifications of Candidate | (RSA 655:8) | 1 |
| Absentee Ballot Complaint | (RSA 657:24) | 2 |
| Forgery/Removing Ballots | (RSA 659:38) | 2 |
| Other | | 26 |
| TOTAL: | | 130 |

II.

INDEX OF CLOSURE LETTERS/COMMUNICATIONS

| Alleged Violation | Date Closed | Bates Page Number |
|---|--------------------|--------------------------|
| State Primary Election Deficiencies | October 20, 2016 | 000001-000004 |
| Voter Intimidation Complaint | October 20, 2016 | 000005-000006 |
| RSA 664:5-b | October 21, 2016 | 000007 |
| State Primary Election Deficiencies | November 1, 2016 | 000008-000009 |
| Removal of Political Advertising | November 16, 2016 | 000010-000011 |
| Illegal Campaign Signs in Sullivan County | November 15, 2016 | 000012 |
| RSA 664:14 | November 21, 2016 | 000013 |
| Polling Location Complaint | November 28, 2016 | 000014 |
| Voter Challenge | December 27, 2016 | 000015 |
| RSA 654:2 | January 4, 2017 | 000016-000017 |
| Voter Fraud | January 4, 2017 | 000018 |
| Warrant Article Complaint | January 30, 2017 | 000019-000020 |
| Voter Fraud | February 1, 2017 | 000021 |
| Voter Fraud | January 17, 2017 | 000022 |
| Voter Fraud | January 31, 2017 | 000023 |
| RSA 659:44 | January 31, 2017 | 000024 |
| Voter Fraud | January 31, 2017 | 000025 |
| Voter Fraud | January 31, 2017 | 000026 |
| RSA 659:43, I | February 24, 2017 | 000027-000028 |
| ID Complaint | March 2, 2017 | 000029-000030 |
| RSA 659:40 | March 17, 2017 | 000031 |
| RSA 659:13, II | March 19, 2017 | 000032-000033 |
| RSA 659:13, II | March 20, 2017 | 000034-000035 |
| Voter Fraud | March 28, 2017 | 000036 |
| Voter Fraud | March 28, 2017 | 000037 |
| NH Campaign Finance Law Violation | April 4, 2017 | 000038-000040 |
| Voter Fraud | April 14, 2017 | 000041-000042 |
| Absentee Fraud | April 14, 2017 | 000043-000044 |
| Voter Fraud | April 25, 2017 | 000045-000046 |
| Political Material | May 2, 2017 | 000047 |
| RSA 664:14 | May 2, 2017 | 000048 |
| RSA 659:44-a | May 3, 2017 | 000049-000050 |
| Intent Statement Violation | May 3, 2017 | 000051-000058 |
| RSA 659:43 | May 3, 2017 | 000059-000060 |
| RSA 659:44-a | May 10, 2017 | 000061-000062 |

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|---|-------------------|---------------|
| RSA 659:44-a | May 10, 2017 | 000063-000064 |
| RSA 659:43, I | May 10, 2017 | 000065-000066 |
| RSA 669:1 | May 10, 2017 | 000067 |
| RSA 669:1 | May 10, 2017 | 000068 |
| Sign Complaint | May 16, 2017 | 000069-000070 |
| RSA 657:15 | May 24, 2017 | 000071-000073 |
| RSA 659:44-a | May 24, 2017 | 000074 |
| Absentee Ballot Complaint | June 8, 2017 | 000075 |
| RSA 659:44-a | June 8, 2017 | 000076-000077 |
| Voter Fraud | June 9, 2017 | 000078 |
| Disability Complaint | June 20, 2017 | 000079 |
| RSA 660:27 | June 21, 2017 | 000080 |
| Voter Suppression | July 13, 2017 | 000081 |
| RSA 664:3 | July 21, 2017 | 000082 |
| Voter Fraud | July 20, 2017 | 000083 |
| RSA 664:14 | August 3, 2017 | 000084 |
| RSA 664:14 | August 14, 2017 | 000085-000086 |
| Voter Fraud | August 22, 2017 | 000087 |
| RSA 666:7 | October 24, 2017 | 000088-000089 |
| RSA 659:34 | October 25, 2017 | 000090-000092 |
| RSA 667:21 | October 31, 2017 | 000093-000094 |
| RSA 657:24 | December 7, 2017 | 000095-000096 |
| RSA 640:2 | October 24, 2017 | 000097-000098 |
| RSA 664:14, I & II | December 7, 2017 | 000099-000100 |
| RSA 657:24 | December 7, 2017 | 000101-000102 |
| RSA 643:1 | December 7, 2017 | 000103-000104 |
| RSA 664:6 & 7 | December 8, 2017 | 000105-000106 |
| RSA 664:6 & & | December 8, 2017 | 000107-000108 |
| RSA 664:14 | February 22, 2018 | 000109-000110 |
| Political Advertisement | February 28, 2018 | 000111 |
| RSA 659:34 | March 20, 2018 | 000112-000113 |
| Voter Suppression | March 26, 2018 | 000114 |
| Town of Washington Election Postponement | March 15, 2018 | 000115-000118 |
| RSA 659:34 | March 21, 2018 | 000119-000120 |
| RSA 659:34 | March 21, 2018 | 000121-000123 |
| Alleged Election Official Harassment Violation | April 30, 2018 | 000124 |
| Alleged School Board Violation | April 30, 2018 | 000125 |
| Alleged 14 th Amendment to the U.S. Constitution Violation | April 30, 2018 | 000126 |
| Alleged Disqualification from holding Office | May 17, 2018 | 000127 |

III.

INVESTIGATIONS OPEN PRIOR TO THE REPORTING PERIOD, WHICH REMAIN OPEN

| Alleged Violation | Date Opened |
|--|--------------------|
| Robo-Call RSA 664:14-a | 1/10/2012 |
| Push-Poll RSA 664:16-a | 8/29/2012 |
| Push-Poll RSA 664:16-a | 9/4/2012 |
| Robo-Call RSA 664:14-a | 9/21/2012 |
| Registration RSA 664:3 | 9/20/2012 |
| Registration RSA 664:3 | 9/20/2012 |
| Registration RSA 664:3 | 9/20/2012 |
| Registration RSA 664:3 | 9/20/2012 |
| Robo-Call RSA 664:14-a | 10/2/2012 |
| Political Advertising RSA 664:14 | 11/2/2012 |
| Absentee Ballot RSA 657:1 | 10/22/2012 |
| Absentee Ballot RSA 657:1 | 10/24/2012 |
| Campaign Materials at Polling Place RSA 659:43 | 11/8/2012 |
| Legality of Vote | 3/14/2013 |
| Id Disclosure RSA 664:14 | 5/8/2013 |
| Warrant Article RSA 39:3 | 10/7/2013 |
| Id Disclosure RSA 664:14 | 11/4/2013 |
| Warrant Article RSA 39:3 | 2/25/2014 |
| Electioneering RSA 659:44 | 3/3/2014 |
| Electioneering RSA 659:44 | 4/25/2014 |
| Reporting by Political Committee RSA 664:6 | 8/27/2014 |
| Robo-Call RSA 664:14-a | 9/3/2014 |
| Reporting by Candidate RSA 664:7 | 9/4/2014 |
| Reporting by Political Committee RSA 664:6 | 9/16/2014 |
| Reporting by Candidate RSA 664:7 | 9/18/2014 |
| Reporting by Political Committee RSA 664:6 | 9/23/2014 |
| Removal of Political Adv. RSA 664:17 | 9/23/2014 |
| UOCAVA RSA 659:19 | 9/29/2014 |
| Receiving a Ballot RSA 659:13 | 10/3/2014 |
| Placement of Political Adv RSA 664:17 | 11/6/2014 |
| Registration of Political Committee RSA 664:3 | 11/10/2014 |
| Wrongful Voting RSA 659:34 | 11/10/2014 |
| Wrongful Voting RSA 659:34 | 11/19/2014 |
| Removal of Political Adv. RSA 664:17 | 11/26/2014 |
| Political Committee Registration RSA 664:3 | 12/2/2014 |

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|---|-----------|
| End of Day RSA 652:20 | 2/2/2015 |
| Preparation of Ballots | 2/11/2015 |
| Placement of Political Advertising RSA 664:17 | 2/13/2015 |
| Political Advertising RSA 664:14 | 3/9/2015 |
| Polling Time Hours RSA 39:2 | 3/13/2015 |
| Display of Ballot RSA 659:35 | 3/17/2015 |
| False Documents, Names or Endorsement RSA 666:6 | 5/15/2015 |
| RSA 359-E:11 | 1/21/2016 |
| RSA 664:14-b | 2/3/2016 |
| Voter Suppression | 2/10/2016 |
| RSA 659:34 | 2/9/2016 |
| RSA 659:34 | 2/11/2016 |
| Polling Hours | 2/18/2016 |
| RSA 659:44 | 2/19/2016 |
| RSA 664:17 | 2/26/2016 |
| RSA 654:34 | 2/24/2016 |
| RSA 569:34 | 3/2/2016 |
| RSA 569:35 | 3/2/2016 |
| RSA 569:36 | 3/2/2016 |
| Electioneering | 3/3/2016 |
| RSA 655:5-a | 3/10/2016 |
| Placement of Political Advertising RSA 664:17 | 3/13/2016 |
| Placement of Political Advertising RSA 664:17 | 3/21/2016 |
| RSA 657:15 | 3/18/2016 |
| RSA 654:34 | 2/9/2016 |
| Voter Fraud | 4/1/2016 |
| Voter Fraud | 4/1/2016 |
| Robo-Call RSA 664:14-a | 2/5/2016 |
| Wrongful Voting | 5/16/2016 |
| RSA 664:6 | 6/29/2016 |

**Closure Letters, Settlement Agreements,
Cease and Desist Orders, Complaints Filed With A Court,
Or Other Official Communications**

THE STATE OF NEW HAMPSHIRE



WILLIAM M. GARDNER
SECRETARY OF STATE
107 N. Main Street, Room 204
Concord, NH 03301-4989
Phone: (603) 271-3242
Fax: (603) 271-6316

JOSEPH A. FOSTER
ATTORNEY GENERAL
33 Capitol Street
Concord, NH 03301-6397
Phone: (603) 271-3650
Fax: (603) 271-2110

October 20, 2016

Mary Till



Re: State Primary Election

Dear Ms. Till:

We received two complaints regarding you in your role as Derry Town Moderator relating to your actions during the state primary election held on September 13, 2016. As a result, the Secretary of State's office conducted a review of those procedures you employed during the election and determined many actions taken are not permitted by New Hampshire law and serve to undermine confidence in the election process.

We are writing to ask you to correct these deficiencies in the upcoming general election and plan to have on site in Derry state officials pursuant RSA 659:77, III to assist and to confirm corrective actions have been implemented.

I. Failure to Identify a Central Polling Place

None of Derry's three polling places have been designated or are known as a "central polling place." RSA 658:10 provides a mechanism for towns, such as Derry, to employ more than one polling place on election day with separate voting districts for each polling place. The law requires, however, that the polling place "presided over by the moderator of the town or ward shall be known as the central polling place and all other polling places shall be known as

000001

Mary Till
Re: State Primary Election
October 20, 2016
Page 2

additional polling places.” RSA 658:11. These additional polling places are to be overseen by an assistant moderator that you as Moderator would appoint and an assistant clerk appointed by the town clerk. RSA 658:14. Both of those individuals are to be domiciled in the voting district covered by the additional polling place. RSA 658:14. There is confusion as to whether there is a central polling place in Derry and if so, where it is located.

One of the statutory functions of the central polling place is to receive the ballots from the additional polling places for public counting inside the guardrail of the central polling place. RSA 659:62; RSA 659:63. This was not done during the state primary election. Instead it was conducted at the Derry Municipal Building which is not a polling place. This constitutes a violation of RSA 659:62 and RSA 659:63.

II. Moderator Handling of Ballots

RSA 658:24 was modified, effective July 4, 2016, so that moderators, whose names are on a ballot for elective office, cannot handle marked ballots or be involved in the counting of votes. You violated this provision of law by overseeing the counting of ballots and ordering a partial recount.

III. Delivery of Ballots

The manner in which ballots were delivered to the Municipal Building was not consistent with the requirement that the ballots from the additional polling places be delivered by two election officials appointed by the assistant moderator, one from each party. RSA 659:62. Instead a police cruiser was used to deliver some ballots to the Municipal Building. Further, other ballots were transported in the private vehicle of one Derry Councilor with a second Councilor following in a separate private vehicle. Neither method of delivery is permitted by New Hampshire law. This violated RSA 659:62 which requires that two election officials from each party deliver these materials. Pursuant to this provision, the ballots must be accompanied by those two individuals throughout the entire delivery, including when the ballots are inside a moving vehicle. Further, while the ballots being transported were sealed, there was no certification by the assistant clerk at the additional polling place as required by RSA 659:62. This process is vital to ensure the integrity of the ballots and the election.

IV. Recount

Of greater concern, you conducted a hand recount of an AccuVote machine, an act which was not sanctioned or approved by the Secretary of State and is not permitted by any provision of New Hampshire law. Moreover, the manner in which the ballots to be recounted were delivered to the Municipal Building was not consistent with state law and generated concern and at least one complaint to the Attorney General's Office and the Secretary of State's Office by candidates who were on the ballot.

Mary Till
Re: State Primary Election
October 20, 2016
Page 3

You have cited RSA 659:77 as a justification for the AccuVote recount that you ordered. However, you were specifically instructed by the Secretary of State, prior to the election, that you had no authority to do a recount. Additionally, RSA 659:77 provides that any moderator who neglects to provide an accurate count may be guilty of a violation---but it nowhere authorizes a recount as a means to assure an accurate count occurred. Instead, the provision must be read in conjunction with the rest of the section which sets forth the types of activities that might be implicated by that phrase such as providing a return of votes in an untimely fashion, or with "significant defects," or where the vote count is significantly inaccurate following a recount performed by the Secretary of State pursuant to statutory authorization. It must also be read in conjunction with RSA 660 *et seq.*, which governs the conduct of recounts in New Hampshire elections. Recounts are performed upon application by candidates, and are conducted exclusively within the jurisdiction of the New Hampshire Secretary of State.

As previously stated, prior to the primary election, you were counseled by the Secretary of State's office that there was no statutory authority for you to conduct a recount yet you did so anyway. The Secretary of State has learned you informed town officials that you intend to conduct a similar recount at the general election. You are required to provide the Attorney General written confirmation received in his office no later than October 28, 2016, that you will not conduct another recount of an AccuVote machine during the general election or in the future.

V. Conclusion

The serious violations described in this letter directly resulted in complaints received by the Secretary of State and the Attorney General. The complainants have indicated confusion and concern over the process that you employed in addition to doubt as to the accuracy of the election results.

Accordingly, pursuant to RSA 659:77 and the findings contained in this letter, the Secretary of State, in consultation with the Attorney General, will appoint at least one election monitor for the general election, possibly more. The election monitor will attend the ballot casting and the entire ballot counting in Derry and oversee your activities as Moderator. There will also be a monitor assigned to each of Derry's additional polling places prior to and during the close of those polls. Pursuant to RSA 659:77, III, you may appeal this decision to the New Hampshire Ballot Law Commission.

It is imperative that, going forward, you ensure that your practices and procedures comply with New Hampshire law and that no further unauthorized recounts be performed. Election officials must comply with the law not simply to prevent fraud or misconduct, but to maintain public confidence in the electoral process. When statutes are broken or ignored, or

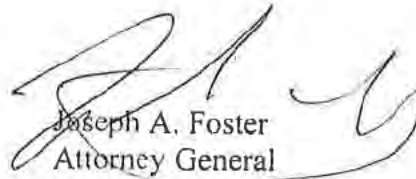
Mary Till
Re: State Primary Election
October 20, 2016
Page 4

when the directives from the Secretary of State's office are dismissed, public confidence in the election process is undermined.

Sincerely,



William M. Gardner
Secretary of State



Joseph A. Foster
Attorney General

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

October 20, 2016

Vincent F. Lembo Jr.
[REDACTED]

Re: Voter Intimidation Complaint

Dear Mr. Lembo:

I write with regard to your election law complaint dated September 19, 2016. In it, you allege that Mr. Don Winterton and Mr. Richard Boivert engaged in intimidation and harassment at the Hooksett Polls during the September 13, 2016 state primary election.

When you described the incident, you stated that Mr. Winterton was raising his voice as voters came into the polling place. He was yelling things such as "write me in" and "vote for me." You described his behavior as "obnoxious" and that the Town Clerk had to come out and speak to him. You were also concerned with his being a selectmen and campaigning at the same time. You further alleged that you and Mr. Boivert engaged in what you described as a "shouting match" relative to your respective opinions on the major party candidates for United States President, Hillary Clinton and Donald Trump. During that argument, you allege that Mr. Boivert grabbed your arm.


RSA 659:40, II provides that "[n]o person shall use or threaten force, violence, or any other tactic of coercion or intimidation to knowingly induce or compel any other person to vote or refrain from voting, vote or refrain from voting for any particular candidate or ballot measure or refrain from registering to vote." Upon review of your complaint and the details that you provided to support your allegations, I have concluded that Mr. Winterton and Mr. Boivert did not engage in voter intimidation. While Mr. Winterton and Mr. Boivert may have been angry or intemperate while electioneering, that does not constitute voter intimidation. To the extent that you have also alleged that Mr. Boivert committed a battery against you, that allegation would fall under the jurisdiction of local law enforcement.

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Vincent F. Lembo, Jr.
Re: Voter Intimidation Complainant
October 21, 2016
Page 2

I have also concluded that Mr. Winterton, as a local selectman, did not violate any election law where his electioneering activities took place entirely outside of the polling place.

Sincerely,



Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
Fax: (603) 271-2110
brian.buonamano@doj.nh.gov

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ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. POSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

October 21, 2016

Mr. Albert Abramson

Re: Shawn Jasper for NH (RSA 664:5-b)

Dear Mr. Abramson:

I have reviewed your complaint dated September 9, 2016. In it, you allege that Speaker of the House Shaun Jasper had exceeded the voluntary spending contributions set forth in RSA 664:5-b as reported by him in his Report of Receipts and Expenditures for the primary election. I have concluded that Speaker Jasper's report does not indicate spending above the limits relative to his campaign for a seat in the New Hampshire House of Representatives.

Upon review of the attachment to the report, it breaks down the total spending figure, \$22,545.96 into two separate amounts. One amount is the total spending for Jasper's race for a seat in the New Hampshire House of Representatives, totaling \$12,193.20. The second amount is Jasper's spending as to his candidacy for Speaker of the New Hampshire House of Representatives, totaling \$10,352.76. There are no spending limits relative to running for Speaker of the House. The spending reported for his House race does not exceed the voluntary limits set forth in RSA 664:5-b, V.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
Fax: (603) 271-2110
brian.buonamano@doj.nh.gov

BWB/bwb
Enclosure

cc: Speaker Shawn N. Jasper, House of Representatives
1528072

000007

November 1, 2016

Randy Walker


Re: Wolfeboro – State Primary Election

Dear Mr. Walker:

I write to you relative to an election law complaint received in this office on October 1, 2016. You are the moderator for the town of Wolfeboro. The complainant alleges that the state primary election results posted by Wolfeboro for the 1st district Carroll County commissioner race did not include any write-in votes. According to the complainant, he and several others had wrote in Burt Weiss for that office.

On October 13, 2016, an investigator from my office spoke with you about the complaint. You confirmed that no write in votes were documented for Burt Weiss. You suggested that your volunteers had greater concern about the larger number of write in votes and ensuring that the documents being sent to the Secretary of State were accurate. You stated that no write in votes were overlooked on purpose. You have asked for clarification as to the “magic number” of write in votes that are required to be reported to the Secretary of State on the election return.

The reporting of write in votes on the election return is governed by RSA 659:73, I(b) and RSA 659:73, II. It provides that the initial election return form shall include “...the total number of votes cast for each write-in candidate who received 5 or more votes...along with the aggregate number of all other write-in votes case for each candidate receiving less than 5 votes...” Therefore, any write in votes for Burt Weiss was required to be included in the initial report either as a report as to his total number of votes or as included in an aggregate total of write in votes for candidates who received less than 5 votes. Even if Mr. Weiss had less than 5 votes, a report must be made to the Secretary of State within 48 hours of all specifically identified write-in candidates receiving between one and 4 votes in the election. RSA 659:73, II. This was not done relative to the write in votes for Burt Weiss.

These failures constitute a violation of RSA 659:73. As moderator, you are responsible for overseeing the counting of votes by other election officers. RSA 659:60. Going forward, you must fully instruct the election officials that you are overseeing as to the requirements of

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RSA 659:73 and ensure that those officials sufficiently document all write in votes. Failure to do so in the future so will trigger further action by this office consistent with RSA 659:77 (General Neglect By Town or Ward Moderator and Clerk).

Sincerely,

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
Fax: (603) 271-2110
brian.buonamano@doj.nh.gov

cc: John White

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

November 16, 2016

Skyla Mooney
[REDACTED]

Re: Removal of Political Advertising

Dear Ms. Mooney:

I write to you with regard to a complaint received in this office relative to the unlawful removal of political advertising along the side of Route 107 in Belmont New Hampshire on October 11, 2016. The complainant identified a Ford sedan with NH license [REDACTED] that stopped by the signs where a female then exited the vehicle and removed the signs. After investigation, it was determined that the vehicle was owned by [REDACTED] of Laconia New Hampshire. Ms. [REDACTED] informed the investigator that she owned the vehicle, but that it was in the possession of [REDACTED] of Laconia New Hampshire. When the investigator spoke to Ms. [REDACTED] by phone, he was told that you were Ms. [REDACTED] daughter and that you had been using the vehicle.

On October 19, 2016, you spoke by telephone with our investigators and explained that you and your boyfriend, [REDACTED] had spotted the signs as you were driving along Route 107 and that because your mother likes Donald Trump you decided to take some signs for her. Mr. [REDACTED] then proceeded to remove four signs from the ground.

RSA 664:17 provides that "[n]o person shall remove, deface, or knowingly destroy any political advertising which is placed on or affixed to public property or private property except for removal by the owner of the property..." RSA 664:21, VI provides that whoever violates this provision is subject to a civil penalty not to exceed \$1,000. Your conduct in removing political advertising from the side of Route 107 constitutes a violation of RSA 664:17 and as such you are subject to the fine set forth in RSA 664:21, VI. However, due to your cooperation with the investigation and your honesty with investigators, this office will not be seeking a civil penalty as a result of this violation.

Skyla Mooney
Re: Removal of Political Advertising
November 16, 2016
Page 2

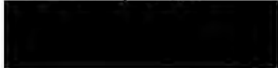
Please be advised that any future violations of RSA 664:17 will be pursued by this office and you will be subject to the civil penalties provided for by New Hampshire law. I trust that you now understand what the law prohibits relative to the removal of political advertising and that no further action by this office is required.

Should you have any questions about this matter, do not hesitate to contact me at (603) 271-1392.

Sincerely,



Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
Fax: (603) 271-2110
brian.buonamano@doj.nh.gov

cc: Ann Carpenter


Events Note to File

Illegal Campaign Signs in
Sullivan County (Hon. James
Reed,

██████████ 11/15/2016 Note to File
2:57:45 PM

Closing Note: Matter resolved through telephone communication between subject of complaint and this office. Mr. Simonds promised to get labels on all of this his signs and no further complaint was received by this office.

Events Note to File

Estevezs, Eric (RSA 664:14
Complainant- Harrison deBree)

██████████ 11/21/2016 Note to File
11:48:30

Closed 11/21/16: Campaign did not have reliable contact information and was unable to reach candidate during election season. Election ended and the matter is being closed as a moot election enforcement matter.

Events Note to File

Brookline (Polling Location
Complainant: Keith F Thompson)



11/28/2016 Note to File
1:51:13 PM

Closing Note: Closed due to Legal Analysis. Complaint does not state an election law violation.

December 27, 2016

Linda Guyette
[REDACTED]

Re: Kongsaiya, Tim & Sunsannie - voter challenge (Linda Guyette, complainant)

Dear Ms. Guyette:

I write with regard to your complaint dated November 8, 2016. The results of the investigation are such that this office has determined that the complaint is unfounded. We appreciate that you notified us about what you observed since it allowed this office to make a determination as to whether or not New Hampshire Election laws were violated.

Please do not hesitate to contact me with any questions.

Sincerely,

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
Fax: (603) 271-2110
brian.buonamano@doj.nh.gov

cc: Kathleen Chapman, [REDACTED] NH, [REDACTED]
1582786

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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

January 4, 2017

Maryellen Pelletier
Town Clerk
Town of Plaistow
145 Main Street, Ste. 2
Plaistow, NH 03865

Re: Jose & Lissette Cid - (Plaistow Town Clerk, complainant)

Dear Ms. Pelletier:

I write with regard to your complaint dated December 7, 2016. You notified this office that voters Jose and Lissette Cid documented a UPS storefront address as their Plaistow domiciliary address. The investigation revealed that Jose and Lissette Cid resided in Plaistow until they lost their home in a foreclosure action. They both maintain a mailing address in Plaistow while they reside with relatives in Londonderry. They do not consider Londonderry to be their permanent home.

RSA 654:2 provides that a temporary absence does not cause one to lose an already established domicile and that "[d]omicile for the purpose of voting...once existing, continues to exist until another such domicile is gained." In this matter, Jose and Lissette Cid left Plaistow not because of their own choices but because they lost their home. Their present living arrangement with relatives is temporary while they look for new housing. Under these circumstances, Jose and Lissette Cid are properly domiciled in Plaistow since, given their living arrangement and stated intentions; Londonderry is not a permanent home for them and not therefore their domicile for the purpose of voting. Therefore, Plaistow remains the location where they may properly vote.

We appreciate that you notified us about what you observed since it allowed this office to make a determination as to whether or not New Hampshire election laws were violated.

000016

Maryellen Pelletier, Clerk, Town of Plaistow
Re: Jose & Lissette Cid
January 5, 2016
Page 2

Please do not hesitate to contact me with any questions.

Sincerely,



Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
Fax: (603) 271-2110
brian.buonamano@doj.nh.gov

cc: Jose Luis Cid & Lissette Cid



**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

January 4, 2017

Matthew Normand
City Clerk
One City Hall Plaza
Manchester, NH 03101

Re: Christopher J. Leavitt - Voter Fraud

Dear Clerk Normand:

I write with regard to your complaint dated November 29, 2016. The results of the investigation are such that this office has determined that the complaint is unfounded. It appears that when Daniel Leavitt voted in Hudson, New Hampshire, the clerk mistakenly crossed off Christopher Leavitt's name on the checklist. Christopher Leavitt is Daniel Leavitt's brother.

We appreciate that you notified us about what you observed since it allowed this office to make a determination as to whether or not New Hampshire Election laws were violated.

Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
Fax: (603) 271-2110
brian.buonamano@doj.nh.gov

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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

January 30, 2017

Town of Plaistow
Board of Selectmen
145 Main St.
Plaistow, NH 03865

Re: Town of Plaistow - Warrant Article Complaint (Ty Vitale, complainant)

Dear Plaistow Board of Selectmen:

I write with regard to an election law complaint received in this office on December 22, 2016. In it, the complainant alleges that the draft 2017 Town Meeting Warrant for the Town of Plaistow contains "intent statements" that describe the Board of Selectmen's intent in including each article for consideration. For example, Article P-17-02 has an intent statement that states that a highway appropriation would allow "for the orderly replacement of highway vehicles by leveling the yearly tax impact." These intent statements are not authorized by New Hampshire law.

New Hampshire statutes govern exactly what may be placed on an official warrant. *See* RSA 39:2 ("all business to be acted upon at the town meeting shall be distinctly stated in the warrant."); RSA 39:3 ("...the selectmen shall insert in their warrant for such meeting the petitioned article with only such minor textual changes as may be required."); RSA 32:5, V(a)-(b), V-a ("The article shall contain a notation of whether or not that appropriation is recommended by the governing body, and, if there is a budget committee, a notation of whether or not it is recommended by the budget committee...the revised recommendation shall appear on the ballot for the second session of the meeting...the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article."); RSA 40:13 ("...the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article."); RSA 675:3, VIII ("A notation on the ballot stating the planning board's approval or disapproval shall immediately follow the question's description."); RSA 675:4, III ("A notation on the ballot stating the planning board's approval or disapproval shall immediately follow the question's description.")

Town of Plaistow, Board of Selectmen

Re: Town of Plaistow - Warrant Article Complaint (Ty Vitale, complainant)

January 30, 2017

Page 2

The legislature has therefore specified exactly what is permitted on a warrant article and under what circumstances. There is no statutory provision that permits intent statements on an official warrant or ballot. The doctrine of "*expression unis est exclusio alterius*" provides that "the expression of one thing in a statute normally implies the exclusion of another." Applied to warrant articles and ballots, the doctrine means that only those things specified in New Hampshire statute may be printed on a warrant or ballot. *Gentry v. Warden, N. N.H. Corr. Facility*, 163 N.H. 280,(2012); *St. Joseph Hosp. V. Rizzo*, 141 N.H. 9, 12 (1996). This is consistent with the general prohibition on electioneering at a polling place. See RSA 659:43 (prohibiting distribution of campaign materials at polling place); RSA 659:44 (prohibiting electioneering by election officers).

In light of these considerations, we have concluded that all information on a warrant or ballot that is not specifically authorized is prohibited. It is our understanding that the Board has voted to remove the intent statements and so no further action will be taken by this office. We appreciate the Board's cooperation relative to this matter. Please do not hesitate to contact this office should you have any questions.

Sincerely,



Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
Fax: (603) 271-2110
brian.buonamano@doj.nh.gov

cc: Plaistow Town Manager, 145 Main St. Plaistow, NH 03865
Ty Vitale, [REDACTED]

1606664

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Events Note to File

Stowell, Pamela - Voter Fraud



2/1/2017
2:37 PM

Note to File

Closing Notation: Complaint was withdrawn by clerk's office upon discovering that it was Thelma Stowell that voted in Swanzey, not Pam Stowell. Matter is being closed as of today's date.

[REDACTED]

Buonamano, Brian W

From: Lynda Faulkner [REDACTED]
Sent: Tuesday, January 17, 2017 9:52 AM
To: Buonamano, Brian W
Subject: FW: Election Day

Follow Up Flag: Follow up
Flag Status: Flagged

Brian:

I am notifying you in regards to a letter I received from you dated 1/3/17 in regards to Pam Stowell. I thought that I had notified you when we discovered that it was Thelma Stowell that voted in Swanzey, not Pam.

This should be all set.

If you have any questions, please feel free to contact me.

Lynda J. Faulkner
Supervisory of Checklist
Town of Swanzey

Lynda J. Faulkner, Manager
NMLS# 795511
Cheshire County Federal Credit Union
143 Marlboro St, Keene, NH 03431
[REDACTED]

From: Lynda Faulkner [mailto:[REDACTED]]
Sent: Friday, December 02, 2016 1:27 PM
To: 'Town Clerk' <townclerk@town.swanzey.nh.us>
Subject: RE: Election Day

That's fine. I just called Thelma and it was her that voted, not Pam.

Thanks.

Lynda J. Faulkner, Manager
NMLS# 795511
Cheshire County Federal Credit Union
143 Marlboro St, Keene, NH 03431
Tel: [REDACTED]

From: Town Clerk [mailto:townclerk@town.swanzey.nh.us]
Sent: Friday, December 02, 2016 1:12 PM
To: Lynda Faulkner <[REDACTED]>
Subject: RE: Election Day

Dear Lynda.

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



January 31, 2017

Marcia Roddy
Deputy City Clerk
City of Rochester
31 Wakefield Street
Rochester, NH 03867

Re: Melissa J. Tremblay - Voter Fraud

Dear Ms. Roddy:

I write with regard to your complaint dated December 29, 2016. The results of the investigation are such that this office has determined that the complaint is unfounded. Melissa J. Tremblay, who voted in Rochester on November 8, 2016, shares a name with another individual who voted in Atkinson, NH. The system erroneously identified Ms. Tremblay as having also voted in Atkinson when in fact she had never voted in Atkinson. We have determined that these are two separate individuals with different dates of birth.

We appreciate that you notified us about what you encountered since it allowed this office to make a determination as to whether or not New Hampshire Election laws were violated.

Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
Fax: (603) 271-2110
brian.buonamano@doj.nh.gov

cc: Melissa J. Tremblay, [REDACTED]
1614465

000023

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

January 31, 2017

Elizabeth Ruediger
Selectperson
Town of Dummer
75 Hill Road
Dummer, NH 03588

Re: Mariann Letarte

Dear Ms. Ruediger:

I write with regard to your complaint dated June 14, 2016 relative to your allegations against Mariann Letarte. The results of the investigation are such that this office has determined that there is insufficient evidence to proceed. As such, the matter is being closed.

Thank you for bringing this matter to our attention. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
Fax: (603) 271-2110
brian.buonamano@doj.nh.gov

1614787

000024

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

January 31, 2017

Marcia H. Roddy
Deputy City Clerk
City of Rochester
31 Wakefield Street
Rochester, NH 03867

Re: Robert Cheney, Jr. - Voter Fraud

Dear Ms. Roddy:

I write with regard to your complaint dated December 16, 2016. The results of the investigation are such that this office has determined that the complaint is unfounded. We have concluded that Mr. Robert Cheney Jr. voted once in Rochester on November 8, 2016. When his father, Mr. Robert Cheney Sr. voted in Dover ward 4, his son's name was mistakenly crossed off the checklist.

We appreciate that you notified us about what you observed since it allowed this office to make a determination as to whether or not New Hampshire Election laws were violated.

Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
Fax: (603) 271-2110
brian.buonamano@doj.nh.gov

cc: Robert Cheney Jr., [REDACTED]
1614567

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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

January 31, 2017

Patricia M. Waterman
Town Clerk
84 South Main St
P.O. Box 629
Wolfeboro, NH 03894

Re: Stuart Woodward Davis Johnson - Voter Fraud

Dear Ms. Waterman:

I write with regard to your complaint dated November 15, 2016. The results of the investigation are such that this office has determined that the complaint is unfounded. It is our conclusion that Mr. Stuart Woodward Davis Johnson is properly domiciled in Wolfeboro, New Hampshire. We appreciate that you notified us about what you observed since it allowed this office to make a determination as to whether or not New Hampshire Election laws were violated.

Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
Fax: (603) 271-2110
brian.buonamano@doj.nh.gov

cc: Stuart Woodward Davis Johnson, [REDACTED]
1614415

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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

February 24, 2017

Elaine I. Blache

Re: Violation RSA 659:43, I

Dear Mrs. Blache:

On October 28, 2016, the Pelham Town Clerk, Dorothy Marsden, notified the New Hampshire Secretary of State that her office had received an absentee ballot from a deceased individual, Herbert J. Blache. This office investigated.

During the investigation, this office confirmed that you completed your late husband's ballot and that you submitted his absentee ballot to be counted during the November 8, 2016 general election. Investigator Kevin O'Brien spoke with you on November 29, 2016. When O'Brien disclosed the purpose of his investigation, you stated that your husband had completed his absentee ballot prior to his death. When O'Brien disclosed that the absentee ballot was sent on October 6, 2016—four days following Mr. Blache's death—you admitted that you received the ballots in the mail for both you and your husband and that you decided to complete them both. You stated that you knew how he wanted to vote.

Be advised that RSA 659:34, I provides in pertinent part that "[a] person is subject to a civil penalty not to exceed \$5,000 if such person:

- (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 domicile 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;

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- (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; or
- (g) Presents falsified proof of identity at any election.

You admitted in your communications with Investigator O'Brien that you received the absentee ballots in the mail for both you and your husband and that you decided to complete them both and submit them. As such, this office has determined that you violated RSA 659:34, I. We find that you marked a ballot intended for your late husband, completed the affidavit on the exterior of the ballot envelope indicating falsely that the ballot was being submitted by your late husband, and mailed it to the clerk's office intending and expecting that it be cast during the general election. You then completed and submitted a ballot intended for you. As such, you voted more than once for an office or measure and thereby violated RSA 659:34, I(a).

RSA 659:34, III authorizes the Attorney General to impose civil penalties for violations of RSA 659:34, I. The Attorney General has "...exclusive power to compromise, mitigate, or remit such civil penalties." RSA 659:34, V.

This letter serves as official written notice that this office is hereby imposing a civil penalty of \$500 against you pursuant to RSA 659:34, III, because you violated RSA 659:34, I(e). This amount shall become immediately due and payable within thirty (30) days of the date of this letter. Payment shall be made by check drawn in the name of "Treasurer, State of New Hampshire" and mailed to the Office of the Attorney General, 33 Capitol St. Concord, NH 03301, Attn: Assistant Attorney General Brian Buonamano.

Pursuant to RSA 659:34, IV, you may appeal this decision to superior court. You must file an appeal within 30 days of the date you receive this letter.

Thank you for your cooperation in this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
Fax: (603) 271-2110
brian.buonamano@doj.nh.gov

cc: William M. Gardner, Secretary of State
David M. Scanlan, Deputy Secretary of State

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. POSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

March 2, 2017

Town of Hinsdale
Attn: Richard S. Johnson, Sr., Moderator
171 Prospect Street
Hinsdale, NH 03451

Re: Hinsdale Complaint

Dear Mr. Johnson:

I write you in your capacity as moderator for the Town of Hinsdale. I am conducting follow-up on the general election relative to complaints received in this office. I received the attached complaint that states that a voter was turned away for not presenting an ID and was told that there was nothing that could be done. The complainant further alleges that she had to return to the check-in table asking about challenged voter affidavits in order for the clerks to permit her to vote.

Please review this complaint and if you are able to verify whether the incident described in the complaint in fact occurred, please let me know. Please ensure that all ballot clerks are familiar with the process for managing voters who lack photo identification. *See RSA 659:13* ("If the voter does not have a valid photo identification, the ballot clerk shall inform the voter that he or she may execute a challenged voter affidavit."). It is important that ballot clerks properly manage voters who do not present photo identification at check-in and that they understand that voters should not be turned away for lack of identification.

Thank you for your attention to this matter, do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
Fax: (603) 271-2110
brian.buonamano@doj.nh.gov

BWB/bwb
Enclosure

000029

[REDACTED]

From: Buonamano, Brian W
Sent: Wednesday, November 16, 2016 12:55 PM
To: Duquette, Stephanie
Subject: FW: VOTING RIGHTS VIOLATED
Attachments: voting rights poster.pdf; ATT00001.txt

Election matter

-----Original Message-----

From: Lisa Cameron [mailto:[REDACTED]]
Sent: Tuesday, November 08, 2016 6:25 PM
To: electionlaw
Subject: VOTING RIGHTS VIOLATED

Hello,

I wanted to let you know that my voting rights were violated less than one hour ago at my polling location.

I am a property tax-paying resident of Hinsdale, NH and I was treated so poorly at my polling location that I almost did not vote. I approached the check-in woman and looked in my wallet only to find that my driver's license was not there. I told the woman that I did not have my license. She shrugged her shoulders and asked the other check-in woman if she knew me. That woman snapped "I don't know you! Why would I know you?" I didn't attest in any way that I knew this woman and her response was rude. I was embarrassed as many other people were waiting in line to listen. The original check in woman asked me if I knew anyone there. I told her I did not. I asked if ID was a law; she told me it was. I asked if there was anything that could be done? She looked at the woman behind her handing out ballots and they both shook their heads no. No apology, no offer of assistance....NOTHING. I left in search of my driver's license.

Once I located my driver's license I returned to the polling location and waited another 25 minutes in line (after already waiting in line for 25 minutes and being turned away). While waiting in line I reviewed the law online and was surprised to read that these women could have offered me a challenged voter affidavit and taken my photo. I would then have been allowed to vote. Instead they turned me away.

As I approached the check in woman for a second time and presented my ID I advised her that she should have offered me a challenged voter affidavit and took my photo. The woman handing out the ballots chimed in at this point to say "no one told you that you couldn't vote." I couldn't believe it. These women were scrambling to get their stories straight! These woman all said NO when I presented myself to vote without ID and when I asked if there was anything that could be done they shook their heads left to right indicating NO.

I was finally given a ballot and was able to cast my vote. I spoke with the moderator on the way out who was of no help and offered no resolution.

I couldn't be anymore disgusted with my polling location. They treated me poorly and could have cared less that they did so.

If I had not located my ID I would not have been allowed to vote.

Sincerely,
Lisa Cameron

[REDACTED]

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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

March 17, 2017

Malia Boaz
[REDACTED]

Re: Malia Boaz for New Hampshire (Monadnock Region Voting Locations)

Dear Ms. Boaz:

I write with regard to an election complaint filed with this office on November 7, 2016. The complaint alleged that you posted on Facebook an announcement as to the election date which included the statement "November 9th if you are a democrat/illegal." November 9 was not an election day. When I reached you by phone relative to this complaint, you had already taken the post down and apologized. You described the post as a joke.

RSA 659:40 makes it a class B felony to "engage in voter suppression by knowingly attempting to prevent or deter another person from voting or registering to vote based on fraudulent, deceptive, misleading, or spurious grounds or information." Your Facebook post could have caused confused and deterred individuals from coming to the polls on the correct date. Based on the context of your post and the fact that it appears to be intended as a joke, I have concluded that you were not genuinely seeking to deter voters. This office will not be taking any formal action on this complaint. Please be advised, however, that this type of action is potentially a crime and will be treated as such should it occur again.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

BWB/bwb
1653709

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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

March 19, 2017

Dean Bouffard, Moderator
Town of Greenland
28 McIntosh Way
Greenland, NH 03840

Re: Bob Krasko - misleading voters

Dear Mr. Bouffard:

I write with regard to the attached complaint. As you may already be aware, lack of photo identification does not prevent individuals from being permitted to vote. *See* RSA 659:13, II. Please ensure that your ballot clerks and poll workers are familiar with all of the forms of identification, including challenge voter affidavits, that may be used by voters when they seek to obtain a ballot; they are enumerated in RSA 659:13, II. Do not have any announcements, signs or postings that indicate that photo identification is required.

I trust that you will address this going forward, and this office will not be taking any further action on this complaint. Should you have any questions, please do not hesitate to contact me at (603)271-1392.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

BWB/bwb
Enclosure

000032

ELECTION LAW COMPLAINT FORM
State of New Hampshire

Use this form to report a violation of Title III of the Help America Vote Act of 2002, or any New Hampshire Election laws

COMPLAINANT INFORMATION

Name Jonathan Pauline Home Phone [REDACTED] Work Phone -
Address [REDACTED] County Rockingham Cell Phone same as home #
City [REDACTED] State NH Zip Code [REDACTED]
Email Address [REDACTED]

PERSON, CANDIDATE, POLITICAL COMMITTEE, ELECTION OFFICIAL, TOWN, CITY, OR VILLAGE
DISTRICT AGAINST WHOM COMPLAINT IS BROUGHT

Name Bob Krasko Home Phone _____ Work Phone _____
Address _____ County Rockingham Cell Phone _____
City [REDACTED] State NH Zip Code [REDACTED]
Email Address _____

STATEMENT OF FACTS

Location of Violation Greendale Central School Polling Station Line
Date and Time of Violation 11/8/16 8am

Please explain the basis for your complaint. If necessary, attach additional sheets.

please see attached document

Names and phone numbers of witnesses or other victims: [REDACTED]

State or Federal Statute you believe was violated (if known) 659:13 Voter ID Law

SIGNATURE

By signing and filing this complaint, you are stating under penalty of law that the information you are providing is true and correct to the best of your knowledge.

Signature [Signature]

Date 11/10/16

Below For Federal Title III Complaints ONLY:

THE STATE OF NEW HAMPSHIRE

_____, ss
On the ____ day of _____, 20__ before me, _____ (Print name of
Notary Public/Justice of the Peace), the undersigned officer, appeared _____, (Print name of
person whose signature is being notarized) (known to me) (or satisfactorily proven)(circle one) to be the person
whose name appears above, and s/he subscribed his/her name to the foregoing complaint and swore that the facts
contained in this Affidavit are true to the best of his/her knowledge and belief.

Notary Public/Justice of the Peace

My Commission expires: _____

(seal)

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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

March 20, 2017

Rebecca Elizabeth Todd, Moderator
Town of Chesterfield
123 Coyote Canyon Road
Chesterfield, NH 03466

Re: Town of Chesterfield - ID complaint

Dear Ms. Todd:

I write with regard to the attached complaint. As you may already be aware, a United States Passport is an acceptable form of identification for the purposes of obtaining a ballot. See RSA 659:13, II(a)(4). Please ensure that your ballot clerks are familiar with all of the forms of identification that may be used by voters when they seek to obtain a ballot; they are enumerated in RSA 659:13, II. I trust that you will address this going forward, and this office will not be taking any further action on this complaint.

Should you have any questions, please do not hesitate to contact me at (603)721-1040.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

cc: Pat Healy, [REDACTED]

000034

ELECTION LAW COMPLAINT FORM
State of New Hampshire

Use this form to report a violation of Title III of the Help America Vote Act of 2002, or any New Hampshire Election laws

COMPLAINANT INFORMATION

Name Pat Haley Home Phone _____ Work Phone NA
Address _____ County Cheshire Cell Phone _____
City _____ State NH Zip Code _____
Email Address _____
mailing address _____

PERSON, CANDIDATE, POLITICAL PARTY OR DISTRICT AGAINST WHOM COMPLAINT IS BROUGHT

Name Town of Chesterfield Home Phone _____ Work Phone _____
Address Town Hall " " County Cheshire Cell Phone _____
City _____ State _____ Zip Code _____
Email Address _____

STATEMENT OF FACTS

Location of Violation Chesterfield NH
Date and Time of Violation Sept 13 2016

Please explain the basis for your complaint. If necessary, attach additional sheets.

When I went to vote, I offered my valid US Passport. The poll worker refused it as I do not have my address. I have had passports for 50 yrs and none had my address. There were two female poll workers so I assume her co-worker saw this occur!

State or Federal Statute you believe was violated (if known) _____

SIGNATURE

By signing and filing this complaint, you are stating under penalty of law that the information you are providing is true and correct to the best of your knowledge.

Signature Pat Haley Date Nov 3 2016

Below For Federal Title III Complaints ONLY:

THE STATE OF NEW HAMPSHIRE
Cheshire, ss

On the 3 day of November, 2016 before me, Andrew A. Willis (Print name of Notary Public/Justice of the Peace), the undersigned officer, appeared Pat Haley (Print name of person whose signature is being notarized) (known to me) (or satisfactorily proven) (circle one) to be the person whose name appears above, and s/he subscribed his/her name to the foregoing complaint and swore that the facts contained in this Affidavit are true to the best of his/her knowledge and belief.

ANDREW A. WILLIS
Notary Public - New Hampshire
My Commission Expires August 3, 2021
My Commission expires: August 3, 2021 (seal)

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

March 28, 2017

Michael Horne, Chair
Supervisors of the Checklist
35 Main Street
Hooksett, NH 03106

Re: Nicholas J. Flanders - Voter Fraud

Dear Mr. Horne:

I write with regard to your election law complaint dated January 2, 2017. In it, you alleged that a voter registered and voted in Hooksett when he in fact lived in Manchester. According to the complaint, Nicholas Flanders [REDACTED] a student at the Southern New Hampshire University, lives in a university dorm located in Manchester, New Hampshire. Despite this, Mr. Flanders appeared at the Hooksett polling location, registered to vote and voted there. Upon discovering this, you submitted a complaint to this office. We investigated.

Investigator Myrdek from this office spoke with Mr. Flanders about why he voted in Hooksett. According to Mr. Flanders, he initially went to a Manchester polling location to vote, and that a poll worker told him that he was supposed to vote in Hooksett because all SNHU students were considered Hooksett residents. Mr. Flanders then went to Hooksett and registered and voted with his SNHU ID.

It appears that confusion at the Manchester polling place regarding the boundaries between Manchester and Hooksett relative to the SNHU campus caused an unfortunate instruction to Mr. Flanders that he vote in Hooksett despite living in Manchester. In light of this, I do not conclude that Mr. Flanders purposely, knowingly or willfully violated RSA 659:34. As such, this office will not be taking any further action and the file will be closed.

Let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

cc: Nicholas J. Flanders, [REDACTED]
1662792

000036

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

March 28, 2017

Matthew Normand
City Clerk
Office of the City Clerk
One City Hall Plaza
Manchester, NH 03101

Re: Kedrah Shea - Voter Fraud


Dear Mr. Normand:

I write you with regard to your complaint dated January 24, 2017. In it, you stated that on November 8, 2016, Kedrah Rae Shea of [REDACTED] registered at the Manchester ward 12 poll, transferring her registration from 130 Manning Street in Manchester, and voted. During scanning of the checklist, it was discovered that Ms. Shea's name was crossed off as having voted on the ward 7 checklist as well. You made a complaint to this office and we investigated.

After interviewing Ms. Shea and conducting an investigation, there is insufficient evidence to conclude that Ms. Shea engaged in wrongful voting contrary to RSA 659:34, I. It appears possible and plausible that the individual above Ms. Shea's name on the checklist voted that day at ward 7 and that Ms. Shea's name was crossed off instead. That individual's name was not crossed off on the checklist despite informing our investigator that she did vote that day.

This file is now closed; please do not hesitate to contact me if you have any questions.

Sincerely,


Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

cc: Kedrah Rae Shea, [REDACTED]
1663136

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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397


ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

April 4, 2017

Mayor Theodore Gatsas
City of Manchester
1 City Hall Plaza
Manchester NH 03101

Re: Theodore Gatsas - NH Campaign Finance Law Violation

Dear Mayor Gatsas:

I write with regard to the election law complaint filed by the New Hampshire Democratic Party on March 1, 2017 (the "Complaint"). The complainant alleges that your gubernatorial campaign accepted and spent campaign contributions beyond the limits set by RSA 664:4. Specifically, the complainant identified 66 contributors who donated \$7,000 each and alleged that the campaign impermissibly expended each \$7,000 donation entirely on the primary campaign. The Complaint also alleges that the campaign impermissibly accepted 10 donations that exceeded \$1,000 where those donations were made following your filing as a candidate for Governor on June 10, 2016.

You submitted your response to this office on March 17, 2017. Relative to the donations made by William and Alyson Giles, you stated that while it was reported as single donations made on June 10, 2016 and July 19, 2016, the contribution should be split and allocated to William and Alyson Giles each, putting their individual contributions below \$5,000 for the June 10, 2016 contribution and at \$1,000 limit for the July 19, 2016 contribution. Your response also indicated that 7 out of the 10 donations that the complainant alleged were made following your June 10, 2016 filing were in fact made before the June 10, 2016 filing, but were recorded in your management system on June 11, 2016. You provided copies of the checks indicating that they were signed prior to June 10, 2016, and you provided a deposit slip indicating a deposit of those donations on June 9, 2016. Relative to the remainder of the complainant's allegations, you submitted copies of checks showing that, in March of this year, you paid refunds to 68 entities and individuals identified by the complainant totaling \$68,000. According to your response, these payments "negate" the complaint as to those contributions.

RSA 664:4 imposes limitations on the making of political contributions. A "contribution" is defined as "a payment, gift, subscription, assessment, contract, payment for services, dues advance, forbearance or loan to a candidate or political committee made for the purpose of influencing the nomination or election of any candidate." RSA 664:2, VIII. According to RSA 664:4:

No contribution, whether tangible or intangible shall be made to a candidate, a political committee, or political party, or in behalf of a candidate or political committee or political party, directly or indirectly, for the purpose of promoting the success or defeat of any candidate or political party at any state primary or general election:

- V. By any person (1) if in excess of \$5,000 in value, except for contributions made by a candidate in behalf of his own candidacy, or if in excess of \$1,000 in value by any person or by any political committee working on behalf of a candidate who does not voluntarily agree to limit his campaign expenditures...as provided for in RSA 664:5-a.

Thus, the permissible contribution level is dependent on a candidate's acceptance or rejection of the expenditure cap established in RSA 664:5-a. The per person contribution limit for a candidate who has agreed to the expenditure cap is \$5000, whereas the per person limit for a candidate who has declined the cap is \$1000. RSA 664:4, V(1). This office has previously interpreted RSA 664:4 as setting separate contribution limits during three distinct periods of time: (1) any exploratory campaign period (pre-declaration of candidacy); (2) Primary Election; and (3) General Election. *See Letter of Attorney General Michael Delaney to Secretary of State William Gardner, dated February 10, 2012.* Specifically, this office concluded that amounts contributed to the exploratory campaign, the primary election, and the general election will be treated separately for the purpose of determining how much a person can contribute. For candidates who do not accept the campaign expenditure limits in RSA 664:5-a, such as yourself, this allows contributions of \$5,000 during the pre-declaration period, an additional \$1,000 for the primary election, and an additional \$1,000 for the general election.

In an effort to provide clear guidance to campaigns and contributors, ensure fairness to candidates, equalize funding opportunities and enable consistent enforcement, this office announced the following interpretation relative to when the \$1,000 contribution limit would become effective:

The \$1,000 contribution limit established in RSA 664:4, V will take effect at midnight on either the day that the candidate affirmatively declares she or he will not voluntarily comply with the expenditure limits or the day that the candidate's opportunity to file an affidavit stating his or her willingness to abide by those limits [expires], whichever is earlier. Any contribution made prior to that time will be deemed to have been made in the exploratory phase and if made by a person will be governed by the first clause of RSA 664:4, V(1)...

See Letter of Attorney General Joseph Foster to Jennifer Horn, dated August 1, 2014. This office also announced a rule relative to when a contribution is deemed to have been made:

A contribution will be deemed to have been made on the day it leaves the contributor's control on a direct path to the campaign. For the purposes of clarity, that includes on the day a contribution was mailed as evidenced by a postmark; on the day a contribution was placed with a courier service for direct delivery to a candidate or candidate committee; on the day when a credit card donation was made, as evidenced by the contributor's credit card statement; or on the date when an electronic transfer was made, as evidenced by the contributor's bank record.

See Letter of Attorney General Joseph Foster to Jennifer Horn, dated August 1, 2014.

Mayor Theodore Gatsas
Re: Theodore Gatsas - NH Campaign Finance Law Violation
April 4, 2017
Page 3

You filed your declaration of candidacy on June 10, 2016. Contemporaneous with that filing, you executed an affidavit affirmatively declaring that you would not voluntarily comply with the expenditure limits.

Applying the above analysis to the circumstances here, it is our conclusion that you violated RSA 664:4, V(1) by accepting and expending contributions during the primary campaign beyond the limits set by RSA 664:4, V(1). Specifically, while you were permitted to accept up to \$5,000 from each donor for use during the exploratory phase and up to \$1,000 for use during your primary campaign, you accepted \$7,000 from each donor. Your expenditures exceeded the \$6,000 aggregate limit as to each donor since your primary campaign spent all of its receipts with the exception of a \$6,509.16 surplus.

While you took steps to remedy this clear violation, you only did so months after the close of the primary and *after* the filing of the Complaint. Given the sequence of events, a civil penalty may well have been warranted. However, the legislature has chosen not to provide this office the statutory authority to assess a civil fine in such circumstances. Because there is no such authority, this file will now be closed.

Should you choose to run in the future, we would recommend that you establish a separate account to hold funds which are limited for use for in the general election so that improper and/or unintended violations do not take place.

Sincerely,



Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

cc: Raymond Buckley, II, Chair
New Hampshire Democratic Party
105 North State Street
Concord NH 03301

000040

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

April 14, 2017

Hugh Linnehan
[REDACTED]

Re: Hugh Linnehan - Voter Fraud

Dear Mr. Linnehan:

I write with regard to an election law complaint filed with this office on February 8, 2017. In it, the moderator for Hampton Falls alleged that you had stated to him while voting that you had been living outside of New Hampshire for about 20 years. As a result, he filed this complaint concerned that you may not be eligible to vote in New Hampshire. This office investigated.

The investigation revealed that you had been living abroad in Austria for eleven years, before you returned to the United States. Prior to living in Austria, you lived in New Hampshire. Specifically, you lived in Portsmouth and Hampton Falls where you were domiciled respectively. During your time abroad, you voted absentee in New Hampshire. When you returned to the United States, you lived in an apartment in New Jersey which you described as temporary. On Election Day--November 8, 2016--you drove to New Hampshire in order to vote because you believed that was the only place you could vote and because you thought you were not registered to vote in New Jersey. You do not presently inhabit the State of New Hampshire and you have not done so for over a decade. During that time, however, you voted absentee as a New Hampshire domiciliary despite not having a physical presence in New Hampshire.

RSA 654:1 provides that inhabitants of New Hampshire are entitled to vote in the town, ward or unincorporated place of their domicile. A domicile 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. This requirement is modified, however, by the provisions of RSA 654:2 relative to a temporary absence. Under that statute, "[a] domicile for voting purposes acquired by any person in nay town shall not be interrupted or lost by a temporary absence therefrom with an intention of returning thereto as his or her

000041

Hugh Linnehan
Re: Hugh Linnehan - Voter Fraud
April 14, 2017
Page 2

domicile. Domicile for the purpose of voting as defined in RSA 654:1, once existing, continues to exist until another such domicile is gained.”

Applied to the circumstances here, we find that you did not violate the law by voting in New Hampshire on November 8, 2016 as you remained domiciled in New Hampshire at that time. Prior to your leaving the country, you were domiciled in New Hampshire, and the investigation revealed that you had intent to return during your time abroad. Therefore, during your time abroad, you were on a temporary absence pursuant to RSA 654:2. Upon your return to the United States, you lived on a temporary basis in New Jersey. Therefore, because you had not established a new domicile in New Jersey at that time, your existing domicile in New Hampshire continued pursuant to RSA 654:2.

Based on our interviews with you, we understand that you now intend to purchase a home in New Jersey to live in on a permanent basis. Should that occur, you will have established a new domicile in New Jersey, which would discontinue your domicile in New Hampshire and, with it, your right to vote as a New Hampshire domiciliary.

Given these conclusions, this file is now closed. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

cc: JP Pontbriand, [REDACTED]
1677003

000042

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

April 14, 2017

William Kiley
[REDACTED]

Re: Absentee Fraud

Dear Mr. Kiley:

I write with regard to an election law complaint received in this office on March 15, 2017. The complainant sent a screen shot of one of your Facebook posts. The post stated that you had just voted absentee in New Hampshire and you thanked someone for "persuading me that the extra vote for Clinton has high expected value..." The complainant alleged that you lived and worked permanently outside of the State of New Hampshire. This office investigated.

You spoke with an investigator from my office. During that conversation, you explained that you recently moved to Austin Texas from Hollis New Hampshire, and that prior to your departure you visited the Hollis town hall in order to vote absentee. You stated that your post only meant to indicate that you were glad you registered and voted by absentee because you were going to be in Texas on Election Day. You moved to Texas on October 25, 2016. You assured our investigator that you only voted once.

RSA 654:1 provides that inhabitants of New Hampshire are entitled to vote in the town, ward or unincorporated place of their domicile. A domicile 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. This requirement is modified, however, by the provisions of RSA 654:2. Under that statute, "[d]omicile for the purpose of voting as defined in RSA 654:1, once existing, continues to exist until another such domicile is gained."

Applied to the circumstances here, we conclude that on Election Day you arguably had not yet established your new domicile in Texas and it was therefore acceptable for you to submit an absentee ballot in New Hampshire. We have no evidence that you voted more than once.

000043

William Kiley
Re: Absentee Fraud
April 14, 2017
Page 2

Going forward, we would anticipate that you will be voting in Texas now that you have moved there on a permanent basis.

Given these conclusions, this file is now closed. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

1677659

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

April 25, 2017

Keith F. Thompson
[REDACTED]

Re: Jack Flanagan - Voter Fraud

Dear Mr. Thompson:

I write with regard to the election law complaint you filed on March 17, 2017. In it, you allege that Jack Flanagan used a commercial property as his address so that he could improperly vote in the Town of Brookline without actually residing there.

Department of Justice Investigator Calice Ducey followed up on the complaint. Her investigation revealed that Mr. Flanagan had previously used the address of [REDACTED] in [REDACTED] New Hampshire for voting purposes. He changed his address to [REDACTED] [REDACTED] New Hampshire on September 13, 2016. The Town assessor's office confirmed that there is a building on the property that is being rented as a domicile. Investigator Ducey spoke with the owner of the property in question, Jerry Farwell, who explained that the property is "mixed-use" and has a 2 bedroom/2 bathroom residential unit that Jack Flanagan lives in. According to Farwell, Flanagan has been living there since getting divorced.

Upon visiting the property, Ducey observed that it was a construction site with several buildings and heavy equipment and trucks. Farwell owns a construction company and uses the property for his business needs. A duplex the size of a trailer home is also located on the property. Flanagan lives on one side of that duplex. Farwell confirmed that Flanagan had been renting the space since Flanagan had sold his prior home in a divorce.

RSA 654:1 provides that "[e]very inhabitant of the state, having a single established domicile for voting purposes, being a citizen of the United States, of the age provided for in Article 11 of Part First of the Constitution of New Hampshire, shall have a right at any meeting or election, to vote in the town, ward, or unincorporated place in which he or she is domiciled." Based on the information gathered in this investigation, we conclude that Mr. Flanagan is domiciled in [REDACTED], New Hampshire and that he has a right to vote at any meeting or election held in the Town of [REDACTED] until such time as he no longer has his domicile in [REDACTED].

000045

Keith F. Thompson
Re: Jack Flanagan – Voter Fraud
April 25, 2017
Page 2

This file will now be closed; do not hesitate to contact me if you have any questions.

Sincerely,



Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

cc: Jack Flanagan, [REDACTED]
1689563

000046

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

May 2, 2017

Via Email Only

James Rigby
[REDACTED]

Re: Newton - election question re political material

Dear Mr. Rigby:

I write with regard to the election inquiry you made to this office on March 9, 2017. You expressed concern relative to a candidate's forum held at an auditorium in a Sanborn Regional School District building. You state that at the entrance to the auditorium, political materials were being distributed and that the superintendent and principal were both passing through those same doors.

I have concluded that these allegations do not constitute a violation of New Hampshire election law. While New Hampshire law does prohibit electioneering by public employees while in the performance of their official duties, it does not prohibit election related events from taking place inside a school facility. *See* RSA 659:44-a ("No public employee, as defined in RSA 273-A:1, IX, shall electioneer while in the performance of his or her official duties..."). Nor does the law prohibit political materials from being present on school property where it is related to a candidate's forum.

In light of these conclusions, this office will not be taking any further action. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

000047

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

May 2, 2017

Via Email Only

Patrick Burke
[REDACTED]

Re: New Boston Fire Department


Dear Mr. Burke:

I write with regard to the election law complaint you filed with this office on March 8, 2017. In it, you allege that the New Boston Fire Department violated RSA 664:14 in paying for and mailing out flyers that asked voters to support the department's budget request in the upcoming local election. You attached an image of the flyer which specifically asks voters to vote "yes" on the department's budget request.

After reviewing your complaint and the attached flyer, I conclude that the flyer did not violate RSA 664:14. RSA 664:14, I provides that "[a]ll political advertising shall be signed at the beginning or the end with the names and addresses of the candidate, his fiscal agent, or the name and address of the chairman or the treasurer of a political committee, or the name and address of a natural person, according to whether a candidate, political committee, or natural person is responsible for it." This flyer includes both the website and the mailing address of the fire department. *See* RSA 664:14, VIII ("Political advertising in the form of signs or placards may contain an Internet address in lieu of the signature and identification requirements of this section.")

In light of these conclusions, this office will not taking any further action on the complaint. Please do not hesitate to contact me if you have any questions.

Sincerely,


Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

000048

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



May 3, 2017

Deborah Bulkley, Principal
Memorial Elementary School
31 West Main Street
Newton, NH 03858

Re: Cease & Desist - Violation of RSA 659:44-a (electioneering)

Dear Ms. Bulkley:

I write with regard to an election law complaint received in this office on March 13, 2017. The complaint alleges that the "Principal's Message" that was posted on the Memorial Elementary School's website in March of 2017 contained improper electioneering communications contrary to RSA 659:44-a. You are the principal of the Memorial Elementary School in Newton, New Hampshire.

After receiving the complaint, I reviewed the message that was posted on the website. The message asked parents to "support our school district this year" and discussed the upcoming vote on the school's budget, including a statement that "...if candidates aligned with the budget committee are elected, they can revert school spending back to the lower levels of the budget initially proposed by the budget committee, can cut teaching positions, and ignore the will of the citizens who attended the deliberative session." The message also included endorsements for two specific candidates for the school board, Jan Bennett and Michael Giordano.

RSA 659:44-a provides that "[n]o public employee, as defined in RSA 273-A:1, IX, shall electioneer while the in the performance of his or her official duties or use government property, including, but not limited to, telephones, facsimile machines, vehicles, and computers, for electioneering." The statute also defines electioneering as "to act in any way specifically designed to influence the vote of a voter on any question or office." A public employee is defined as "any person employed by a public employer" with some limited exceptions. RSA 273-A:1, IX. A "public employer" is defined as "the state, and any political subdivision thereof..." The Sanborn Regional School District is a political subdivision of the State of New Hampshire. We therefore conclude that you are a public employee of a public employer, the Sanborn Regional School District and that you are subject to the prohibitions contained in RSA 659:44-a.

000049

Deborah Bulkley, Principal, Memorial Elementary School, Newton, NH
Re: Cease & Desist - Violation of RSA 659:44-a (electioneering)
May 3, 2017
Page 2

On review of the content of the letter and given its placement on the school's official website, we conclude that your message violated RSA 659:44-a. Specifically, we conclude that the endorsements of Jan Bennett and Michael Giordano were specifically designed to influence the votes of voters during the upcoming vote. Further, the message was also designed to influence voters against supporting candidates "aligned with the budget committee." While it is not clear that this message was drafted or issued while you were performing official duties as principal; it is clear that you used government property, the School's website, for electioneering contrary to the statute.

In light of these conclusions we order that you cease and desist any further electioneering communications while performing your duties as principal or in using the school's official website or any other public property. In the event of future violations, this office will take further action. Please be advised that violations of RSA 659:44-a are criminal misdemeanors. We thank you for your anticipated cooperation with this matter.

Sincerely,



Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

cc: Commissioner Kevin St. James, [REDACTED]

Dr. Brian J. Blake, Superintendent, School Administrative Unit 17, [REDACTED]
[REDACTED] New Hampshire, [REDACTED]

1690949

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

May 3, 2017

Timberlane Regional School Board
30 Greenough Road
Plaistow, NH 03865

Re: Intent Statement Violation

Dear Timberlane Regional School Board:

I write with regard to election law complaints filed with this office on February 16, 2017 and March 28, 2017. The complaints allege that the Timberlane Regional School District placed intent statements directly on the official warrant. Attached to the complaint is a copy of the official warrant put to voters on March 14, 2017. The warrant contained, for example, an intent statement for Article 3, stating: "[t]his article puts money aside for future capital improvements. Money is only put into this Capital Reserve Fund if it is available at the end of the fiscal year."

New Hampshire statutes govern exactly what may be placed on an official warrant. *See* RSA 39:2 ("all business to be acted upon at the town meeting shall be distinctly stated in the warrant."); RSA 39:3 ("...the selectmen shall insert in their warrant for such meeting the petitioned article with only such minor textual changes as may be required."); RSA 32:5, V(a)-(b), V-a ("The article shall contain a notation of whether or not that appropriation is recommended by the governing body, and, if there is a budget committee, a notation of whether or not it is recommended by the budget committee...the revised recommendation shall appear on the ballot for the second session of the meeting...the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article."); RSA 40:13 ("...the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article."); RSA 675:3, VIII ("A notation on the ballot stating the planning board's approval or disapproval shall immediately follow the question's description."); RSA 675:4, III ("A notation on the ballot stating the planning board's approval or disapproval shall immediately follow the question's description.")

The legislature has therefore specified exactly what is permitted on a warrant article and under what circumstances. There is no statutory provision that permits intent statements on an official warrant or ballot. The doctrine of "*expressio unius est exclusio alterius*" provides that "the expression of one thing in a statute normally implies the exclusion of another." Applied to

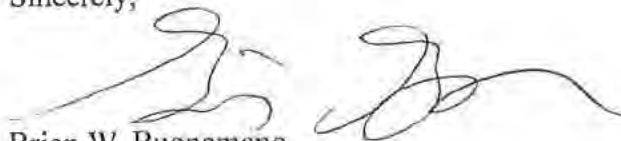
000051

Timberlane Regional School Board
Re: Intent Statement Violation
May 3, 2017
Page 2

warrant articles and ballots, the doctrine means that only those things specified in New Hampshire statute may be printed on a warrant or ballot. *Gentry v. Warden, N. N.H. Corr. Facility*, 163 N.H. 280,(2012); *St. Joseph Hosp. V. Rizzo*, 141 N.H. 9, 12 (1996). This is consistent with the general prohibition on electioneering at a polling place. See RSA 659:43 (prohibiting distribution of campaign materials at polling place); RSA 659:44 (prohibiting electioneering by election officers).

In light of these considerations, we have concluded that all information on a warrant or ballot that is not specifically authorized is prohibited. It is our expectation that intent statements will not be placed on official warrants going forward. Please do not hesitate to contact this office should you have any questions.

Sincerely,



Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
Fax: (603) 271-2110

cc: Ty Vitale, [REDACTED]
Enclosure
1690570

000052

Total Votes 5781 1890 ^{cast} 1069 Cost Ballots



**ABSENTEE
OFFICIAL BALLOT
ANNUAL TOWN ELECTION
PLAISTOW, NEW HAMPSHIRE
MARCH 14, 2017**

BALLOT 1 OF 6

Margaret Pelletier
TOWN CLERK

INSTRUCTIONS TO VOTERS

- A. TO VOTE, completely fill in the OVAL to the RIGHT of your choice(s) like this: ●
- B. Follow directions as to the number of candidates to be marked for each office.
- C. To vote for a person whose name is not printed on the ballot, write the candidate's name on the line provided and completely fill in the OVAL.

SELECTMAN
Vote for not more than ONE
THREE YEAR TERM

FRANCINE HART 514 ○

STEVEN RANLETT 515 ○

Total Write In = 6 (Write-in) ○

PLANNING BOARD
Vote for not more than TWO
THREE YEAR TERM

LISA LAMBERT 662 ○*

TIMOTHY E MOORE 548 ○*

Total Write In = 16 (Write-in) ○

CONFLICT OF INTEREST
Vote for not more than ONE
ONE YEAR TERM

BENNY SANTOSUOSSO 687 ○*

Total Write In = 140 (Write-in) ○

BUDGET COMMITTEE
Vote for not more than THREE
THREE YEAR TERM

JAY DeROCHE 592 ○

WILLIAM D GERNS 231 ○

BOB HAMILTON 441 ○

LISA LAMBERT 565 ○

RICHARD A BLAIR 224 ○

DARRELL BRITTON 233 ○

Total Write In = 16 (Write-in) ○

LIBRARY TRUSTEE
Vote for not more than ONE
THREE YEAR TERM

JENNIFER KIARIS 818 ○*

Total Write In = 2 (Write-in) ○

TRUSTEES OF THE TRUST FUND
Vote for not more than ONE
THREE YEAR TERM

KARA ANN GILROY 710 ○*

Total Write In = 20 (Write-in) ○

CONFLICT OF INTEREST
Vote for not more than TWO
THREE YEAR TERM

DAVID BIRD 591 ○*

JOHN MOYNIHAN 592 ○*

Total Write In = 9 (Write-in) ○

CONFLICT OF INTEREST
Vote for not more than ONE
TWO YEAR TERM

TY VITALE 562 ○*

Total Write In = 27 (Write-in) ○

SUPERVISOR OF THE VOTER CHECKLIST
Vote for not more than ONE
ONE YEAR TERM

NANCY BOLDOC 729 ○*

TY VITALE 201 ○

Wendy Bolduc 1 (Write-in) ○

ARTICLES

TOWN UNIT COLLECTIVE BARGAINING AGREEMENT

Article P-17-02: Shall the Town vote to raise and appropriate the sum of \$13,921.13 for the current fiscal year and to approve the items included in the proposed 2-year collective bargaining agreement reached between the Town of Plaistow and Teamsters Local 633 Union comprised of Town supervisory employees, including the Code Enforcement Officer, Health Officer, Highway Department Foreman, Highway Laborers, Assistant Town Clerk, Town Crossing Guards and administrative staff. The contract calls for the following increases in salaries and benefits:

| Calendar Year | Increase % | Estimated Gross Payroll Cost | Estimated Health Insurance Savings | Estimated Net Contract Cost |
|---------------|------------|------------------------------|------------------------------------|-----------------------------|
| 2017 | 4% Wage | \$13,921.13 | (\$23,994.07) | (\$10,072.94) |
| 2018* | 3% Wage | \$14,477.98 | (\$5,737.30) | \$8,740.68 |

*Estimated 2016 health care cost level funded

(Recommended by the Board of Selectmen (5-0-0) and the Budget Committee (8-0-0).

TURN BALLOT OVER AND CONTINUE VOTING

719
YES ○
NO ○
237



**ABSENTEE
OFFICIAL BALLOT
ANNUAL TOWN ELECTION
PLAISTOW, NEW HAMPSHIRE
MARCH 14, 2017**

BALLOT 2 OF 6

Margaret Pelletier
TOWN CLERK

ARTICLES CONTINUED

BUILDING/BUILDING SYSTEMS CAPITAL RESERVE FUND

Article P-17-10: Shall the Town vote to raise and appropriate the sum of \$10,000 to deposit into the Building/Building Systems Capital Reserve Fund?

(Recommended by the Board of Selectmen (3-2-0) and the Budget Committee (2-5-0). This fund is in the Capital Improvement Program as approved by the Planning Board.)

Available balance of the Building/Building Systems Capital Reserve Fund is \$19,791.61 as of December 31, 2016.

392
YES
NO
615

ACQUISITION OF LAND AND/OR BUILDINGS CAPITAL RESERVE FUND

Article P-17-11: Shall the Town vote to raise and appropriate \$100,000 to be placed into the Acquisition of Land and/or Buildings Fund Capital Reserve Fund with \$100,000 coming from the Unassigned Fund Balance?

| | |
|--|------------|
| Appropriation: | \$100,000 |
| Withdrawal from the Unassigned Fund Balance: | -\$100,000 |
| Amount to be raised from new taxation: | \$0 |

(Recommended by the Board of Selectmen (5-0-0) and the Budget Committee (9-0-0). This expense is in the Capital Improvement Program as approved by the Planning Board.)

Available balance of the Acquisition of Land and/or Buildings Capital Reserve Fund is \$0.00 as of December 31, 2016.

630
YES
NO
382

LIBRARY CAPITAL RESERVE FUND

Article P-17-12: Shall the Town vote to raise and appropriate \$50,000 to be added to the Library Capital Reserve Fund for the purpose of capital improvements, repairs, renovations, and additions to the Library?

(Recommended by the Board of Selectmen (5-0-0) and the Budget Committee (5-1-1). This expense is in the Capital Improvement Program as approved by the Planning Board.)

Available balance of the Library Capital Reserve Fund is \$50,109.56 as of December 31, 2016.

573
YES
NO
445

CABLE DEPARTMENT CAPITAL RESERVE FUND

Article P-17-13: Shall the Town vote to raise \$30,000 from the General Unassigned Fund Balance and deposit it into the Cable Department Capital Reserve Fund?

(Recommended by the Board of Selectmen (5-0-0) and the Budget Committee (4-5-0). This expense is in the Capital Improvement Program as approved by the Planning Board.)

Amount to be raised from new taxation: \$0

Available balance of the Cable Department Capital Reserve Fund is \$29,980.25 as of December 31, 2016.

400
YES
NO
602

CONSERVATION 36-A FUND DEPOSIT

Article P-17-14: Shall the Town vote to raise and appropriate the sum of \$10,000 to deposit into the RSA 36-A Conservation Fund?

(Recommended by the Board of Selectmen (4-1-0) and the Budget Committee (7-1-1). This expense is in the Capital Improvement Program as approved by the Planning Board.)

Available balance of the Conservation Fund is \$105,713.57 as of December 31, 2016.

544
YES
NO
467

ENERGY CAPITAL RESERVE FUND CREATION

Article P-17-15: Shall the Town vote to create a Capital Reserve Fund for the purpose of funding energy projects that increase energy efficiency and energy projects that reduce the Town's energy costs and further raise and appropriate the sum of \$25,000 to make an initial deposit into this fund and designate the Board of Selectmen as Agents of the fund? This capital reserve fund is being established pursuant to RSA35:1.

(Recommended by the Board of Selectmen (5-0-0) and the Budget Committee (9-0-0). This expense is in the Capital Improvement Program as approved by the Planning Board.)

632
YES
NO
377

TURN BALLOT OVER AND CONTINUE VOTING

DET
ACURATE
TV



**ABSENTEE
OFFICIAL BALLOT
ANNUAL TOWN ELECTION
PLAISTOW, NEW HAMPSHIRE
MARCH 14, 2017**

BALLOT 3 OF 6

Manjella Pelletier
TOWN CLERK

ARTICLES CONTINUED

AMENDMENT Z-17-01 CONTINUED

- A. The ~~in-law/accessory apartment~~ *accessory dwelling unit* shall be designed so that the appearance of the building remains that of a single-family dwelling. Any new entrances shall be located on the side or in the rear of the building. *Where accessory dwelling units are attached to the primary dwelling unit there shall be a connecting door.*
- B. The single-family dwelling shall not be a mobile home or a condominium. *Accessory Dwelling Units are permitted in condominium units with written authorization from the condominium association. There shall not be more than one accessory dwelling unit per parcel.*
- C. The size of the ~~in-law/accessory apartment~~ *accessory dwelling unit* shall be ~~between 400 and 800 square feet~~ *not be any greater than 1,000 square feet.*
- D. ~~The first occupant of an in-law apartment must be a family member. At least one of the units, either the primary dwelling or the accessory dwelling unit, must be owner occupied.~~
- E. ~~Only one bedroom is~~ *No more than two bedrooms are permitted in the in-law/accessory apartment accessory dwelling unit.*
- F. ~~In no case shall there be more than two people residing within an in-law/accessory apartment accessory dwelling unit. RESERVED [Amended 3-14-2017 ATM by Art. XX]~~
- G. The accessory dwelling unit and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single-family dwelling.
- H. Prior to granting a building permit for a new ~~in-law/accessory apartment~~ *accessory dwelling unit* or a certificate of occupancy for an existing ~~in-law/accessory apartment~~ *accessory dwelling unit* the property owner shall provide to the Building Inspector the following:
 - a. The applicant for a new ~~in-law/accessory apartment~~ *accessory dwelling unit*, or an existing ~~in-law/accessory apartment~~ *accessory dwelling unit* without a State approved septic design, shall provide the Building Inspector's Office with a State of New Hampshire approved septic design. Any septic design shall specifically call out the number of bedrooms in the primary dwelling ~~in-law/accessory~~ *and the number of bedrooms in the accessory dwelling unit separately.* Prior to submission of any septic design to New Hampshire Department of Environmental Services, a test pit will be done and witnessed by the Town's Health or Deputy Health Officer and the proposed design shall be reviewed for compliance with all Zoning Ordinances.
 - b. A floor plan of one-fourth-inch-to-the-foot scale showing the proposed changes to the building.
 - c. A sketch plan (drawn to scale) of the lot, with existing and proposed structures and parking.
- I. All utilities in the ~~in-law/accessory apartment~~ *accessory dwelling unit* shall use the existing utility meters.
- J. ~~Once the initial family member ceases to occupy the unit and prior to it being occupied as a rental unit, An accessory dwelling unit may be rented, and the property owner shall apply for a certificate of occupancy for any new tenant under a lease of more than a one year term. A new certificate of occupancy shall be issued when the accessory dwelling unit is first constructed or thereafter remodeled. Before a certificate of occupancy will be issued, the unit shall be inspected for compliance with building and life safety codes.~~
- K. If a home with an ~~in-law/accessory apartment~~ *accessory dwelling unit* is sold, the new property owner shall make an application to the Department of Building Safety for a certificate of occupancy for any new tenant under a lease of more than a one year term, under the provisions in letters A through J in this ordinance.
- L. ~~in-law/accessory apartment~~ *Accessory dwelling units* may be added to single-family residence, an attached garage, or a detached garage. ~~The garage~~ *units* may be added on the same floor as the garage proper or may be built as a second story to the garage.
- M. For lots exceeding 160,000 square feet, an ~~in-law/accessory apartment~~ *accessory dwelling units* may be added as a stand-alone structure provided all other provisions of this ordinance are met.

L85
YES
NO
276

[INTENT: To bring the current In-Law/Accessory Apartment Ordinance into compliance with recent changes in the NHRSA's (SB-146) pertaining to Accessory Dwelling Units]

TURN BALLOT OVER AND CONTINUE VOTING



**ABSENTEE
OFFICIAL BALLOT
ANNUAL TOWN ELECTION
PLAISTOW, NEW HAMPSHIRE
MARCH 14, 2017**

BALLOT 4 OF 6

Margaret Pelletier
TOWN CLERK

ARTICLES CONTINUED

ZONING AMENDMENT Z-17-03 CONTINUED

C. Areas and dimensions.

- (1) Minimum lot size:
 - (a) Area: 80,000 square feet.
[Amended 3-12-2002 ATM by Art. P-42]
 - (b) Frontage: 150 feet.
- (2) Minimum yard dimensions: refer to Table 220-321.
- (3) Maximum lot coverage: 75%.
- (4) Maximum height: 45 feet or three stories, whichever is less.
- (5) Minimum building setback: 50 feet from the front property line.
[Added 3-9-2004 ATM by Art. P-32; amended 3-8-2005 ATM by Art. P-4]

D. No building permit for any bank kiosk use may be granted before at least one certificate of occupancy has been issued for an industrial use. [Amended 2015 ATM]

E. In an industrial development, no more than 10% of the total building footprint for the development can be used bank kiosk use. [Amended 2015 ATM]

F. The intent of allowing a bank kiosk in an industrial zone is to provide a convenient service for the employees of the industries in the industrial zone. [Amended 2015 ATM]

588
YES
NO
320

*Uses (10-Aviation and 14-Bank) removed from Permitted Uses on 3-10-2009 ATM by Art. P-09-26.
A retail use may be combined with a manufacturing use provided the retail sales are predominantly for the purpose of selling the items manufactured in the associated manufacturing facility.*

Proposed Plaistow Zoning Amendment Z-17-04

Are you in favor of amending the Zoning Ordinance "Article V - Establishment of Districts and District Regulations, Table 220-32K "Industrial II" Zoning District Table of Permitted Uses, by adding a combined Manufacturing & Retail use?

Table 220-32K
"INDII" - Industrial II
[Added 3-10-09 ATM by Art. P-09-26]

A. Objectives and characteristics. The purpose of this district is to provide locations for the establishment of plants to improve employment opportunities and broaden the tax base in the community. These areas should be selected so that they will not adversely affect developed residential areas, will have good access to transportation facilities, and will have the potential for being served by public water and sewer systems. A variety of types of manufacturing activities, distribution facilities, and offices should be permitted, as well as certain support facilities, especially of a commercial nature.

B. Uses.

Permitted Uses

Allowed by Special Exception
None

- 1. Light industry
- 2. Warehouse
- 3. Recycling facility (construction debris, household waste, and trash facilities are expressly prohibited)
- 4. Outdoor storage
- 5. Contractor's storage yard
- 6. Publishing
- 7. Research and testing labs
- 8. Office
- 9. Essential service
- 10. Aviation use
- 11. Public use limited to public safety, service and recreation
- 12. Accessory use or structure
- 13. Mini-storage
- 14. Bank
- 15. Bank kiosk
- 16. Manufacturing/Retail combined use²

ZONING AMENDMENT Z-17-04 CONTINUED ON BACK OF BALLOT

TURN BALLOT OVER AND CONTINUE VOTING



ABSENTEE
OFFICIAL BALLOT
ANNUAL TOWN ELECTION
PLAISTOW, NEW HAMPSHIRE
MARCH 14, 2017

BALLOT 5 OF 6

Maryellen Pelletier
TOWN CLERK

ARTICLES CONTINUED

ZONING AMENDMENT Z-17-04 CONTINUED

§ 220-35. Application of district regulations.

Any legal nonconforming use existing on the effective date of this chapter may be continued indefinitely to the extent set forth in this chapter. Otherwise, no building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

§ 220-36. Front yard setback.

Notwithstanding provisions for front yards elsewhere in these regulations, on streets with less than fifty-foot rights-of-way, the front yard requirement in any district shall be measured from the center line of the existing right-of-way, and 25 feet shall be added to the front yard requirement.

§ 220-37. Lots in two zoning districts.

Where a district boundary line divides a lot of record at the time such district boundary line is established, the regulations for either district of such lot shall extend not more than 30 feet into the other district, provided the lot has frontage on a street in the district for which the use is being granted.

§ 220-38. Building coverage, open porches, carports and garages.

In determining the percentage of building coverage of a lot or the size of yards, porches, or carports open at the sides but roofed, surfaced or paved areas, and all principal and accessory use or structure shall be included.

§ 220-39. Reduction of lot area.

No lot shall be so reduced in area that the area, yards, lot width, frontage, coverage or other requirements of this chapter shall be less than herein prescribed for each district. The provisions of this section shall not apply when part of a lot is taken for a public purpose.

§ 220-40. Required area of yards.

Space required under these regulations to satisfy area, yard, or other open space requirements in relation to one building shall not be counted as part of a required open space for any other building.

§ 220-41. Projection in yards.

Every part of a required yard shall be open from finished ground level to the sky, unobstructed, except for the ordinary projections of sills, cornices, pilasters, chimneys and eaves, provided that no such projections may extend more than two feet into any required yard.

§ 220-42. (Reserved)*

§ 220-43. Temporary uses and structures.

Temporary permits may be issued by the Building Inspector for a period not exceeding one year for nonconforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period of six months as long as construction is active.

§ 220-44. Excavations.

- A. Time limit. Within six months after work on an excavation for a building has begun, the excavation thus remaining shall be covered with building construction or filled to normal grade by owners.
- B. Abandoned excavations. For safety purposes, abandoned excavations with slopes exceeding one horizontal to two vertical shall be protected by a fence at least four feet in height.

[INTENT: To add a combined manufacturing & retail use to the table of permitted uses in order to allow the sale of products manufactured on-site and enhance business and economic potential in the Industrial II (INDII) Zoning District]

*A retail use may be combined with a manufacturing use provided the retail sales are predominantly for the purpose of selling the items manufactured in the associated manufacturing facility.

*Editor's Note: Former § 220-42, Location of driveways, as amended, was repealed 3-8-2005 ATM by Art. P-2. See now § 220-9.1.

560
YES
NO
340

TURN BALLOT OVER AND CONTINUE VOTING



**ABSENTEE
OFFICIAL BALLOT
ANNUAL TOWN ELECTION
PLAISTOW, NEW HAMPSHIRE
MARCH 14, 2017**

BALLOT 6 OF 6

Maryellen Pelletier
TOWN CLERK

ARTICLES CONTINUED

ZONING AMENDMENT Z-17-05 CONTINUED

- (2) If animals are to remain overnight, there must be at least one employee at the facility between the hours of closure on one day and the opening for business the next business day, or until all animals are removed. Accommodations for such a caretaker are permitted, although it is not the intent of the chapter to allow the facility to be the caretaker's residence in all districts except as a combined use in the ICR District.
- (3) The operator of the facility must present a plan that includes the type of animals that would be treated or cared for at the facility. There must be adequate exercise areas for the animals, if appropriate.
- (4) Large animals whose normal weight would exceed 180 pounds are prohibited under this section of the chapter.
- (5) The operator of the facility must present a plan that describes how the animal waste is to be disposed.
- (6) If appropriate, a stockade fence may be required to reduce or eliminate disturbing the animals by adjacent activities and likewise to reduce or eliminate disturbing the abutters by the animals.
- (7) To operate the facility at the proposed location if animals are to be treated by veterinarians or veterinary assistants, all necessary licenses must be presented before an occupancy permit shall be issued.
- (8) Any facility must also comply with all federal, state, and local health ordinances as applicable.
- (9) No animals can remain outside overnight, and if any animals are to remain outdoors during the daytime, then adequate facilities must be provided for shelter and water.
- (10) Facilities for the care and treatment of animals shall be a stand-alone business and shall not be located within a retail plaza [Added 3-8-2016 ATM by Art. Z-16-03]

E. Cl-Danville Road Overlay District. [Amended 3-11-14 ATM by Art. Z-14-1]

The Cl-Danville Road Overlay District as shown on the Zoning Map shall have the following additional permitted use:

Mixed Commercial/Residential Uses where the workplace or the residence must be owner occupied.

[**INTENT:** To add Nursing Homes, Convalescent Homes, Assisted Living Facilities, Hospitals and Urgent Care Facilities to the Table of Permitted Uses in the Commercial 1 (C1) Zoning District in order to enhance the types of services and commercial available to residents]

654
YES
NO
255

*See Paragraph D of this table for Special Exception criteria.

*See Subsection D in the definition of "business" in § 220-2 for definition. Evidence of the necessary credentials and qualifications required to operate the business and/or to conduct treatments related to the business, pursuant to pertinent sections of Title XXX, New Hampshire Revised Statutes Annotated, must be presented to and approved by the Health Officer of the Town prior to filing an application for site plan approval. Should site plan approval be granted, further approval by the Health Officer and Building Code Inspector must be obtained before an occupancy permit, approving use of the site for a specified purpose, shall be granted by the Building Inspector. The business shall be subject to inspections by the Health Officer, Building Inspector, and the New Hampshire Division of Public Health Services to assure continuing compliance with applicable sections of Title XXX of the New Hampshire Statutes, as well as with local health and building code ordinances. Upon a finding of noncompliance, the Town of Plaistow may suspend or revoke a license to operate; the State of New Hampshire may suspend or revoke a practitioner's license; and/or fines may be levied not to exceed the maximum amount which the state allows for violations found in the type of operation initially permitted.

!See Article XVIII – Adult-Oriented Business for further requirements.

TURN BALLOT OVER AND CONTINUE VOTING

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

May 3, 2017

Michael J. Rydeen, Moderator
Town of Freemont
58 Folsom Meadow
Freemont, NH 03044

Re: Fremont - bringing electioneering inside

Dear Mr. Rydeen:

I write with regard to your e-mail you sent the election law unit dated March 14, 2017. In it, you disclosed that you, as moderator for the town of Freemont, allowed those who were electioneering outside in the winter weather to come inside the polling place that you were overseeing. You cordoned off an area inside the polling place where individuals were permitted to engage in electioneering activities. In your e-mail, you stated that you did this because "[a]fter seeing them standing outside in the wind and cold, I could not with good conscience make them stand out in the storm." I write you to express our disapproval of this course of action.

RSA 659:43 provides that "[n]o person who is a candidate for office or who is representing or working for a candidate shall distribute or post at a polling place any campaign material in the form of a poster, card, handbill, placard, picture, or circular which is intended to influence the action of a voter within the building where the election is being held." By your actions, this statute was specifically broken. Indeed, you acknowledge that that your decision was "a diversion from the law." While I acknowledge your reasoning relative to the winter weather conditions outside, such is not a basis to deviate from the requirements of New Hampshire law. While those who seek to electioneer outside a polling place are free to do so consistent with the right of free expression and within the confines of New Hampshire law, there is no right to come inside the polling place in the event of inclement weather. As moderator, it is your responsibility to monitor compliance with RSA 659:43 and report violations, not to accommodate violations of RSA 659:43. *See* RSA 659:45 ("It shall be the responsibility of the moderator to report any violation occurring under RSA 659:34 through RSA 659:44 to the attorney general.").

000059

Michael J. Rydeen, Moderator, Town of Fremont
Re: Fremont - bringing electioneering inside
May 3, 2017
Page 2

Going forward, I trust that you will ensure that no improper electioneering takes place inside the Fremont polling station. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

1693993

000060

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

May 10, 2017

Mark Deblois, Principal
Lincoln Akerman School
8 Exeter Road
Hampton Falls, NH 03844
(603) 926-2539

Re: Cease & Desist - Hampton Falls - Electioneering

Dear Mr. DeBlois:

I write with regard to an election law complaint received in this office on March 16, 2017. The complaint alleges that you have sent many improper electioneering emails over many election cycles contrary to RSA 659:44-a, including an email on March 8, 2017 that specifically sought to influence voters in an upcoming town election. You are the principal of the Lincoln Ackerman School in Hampton Falls, New Hampshire.

After receiving the complaint, I reviewed the March 8, 2017 email that you wrote from your SAU email to parents in the district. You sent this email in your capacity as principal of the school, and it sought to influence votes at the upcoming election. The email contained various statements of support or opposition to specific warrant articles, and provided arguments to support your positions. To illustrate, relative to Article 1, you stated: "[t]he opponents of this article have brought out their 'Stop the \$10M Gym' signs from four years ago. These signs were disingenuous the first time they displayed them and they remain so today! **Fact: The total cost of the addition element of the proposed project, that includes a new gym, stage, music program space, Teachers' Room, an improved security entrance to the school and substantial storage, is \$3,746,400. THERE IS NO \$10M GYM!**" (emphasis in original).

RSA 659:44-a provides that "[n]o public employee, as defined in RSA 273-A:1, IX, shall electioneer while the in the performance of his or her official duties or use government property, including, but not limited to, telephones, facsimile machines, vehicles, and computers, for electioneering." The statute also defines electioneering as "to act in any way specifically designed to influence the vote of a voter on any question or office." A public employee is defined as "any person employed by a public employer" with some limited exceptions. RSA 273-A:1, IX. A "public employer" is defined as "the state, and any political subdivision thereof..." The Hampton Falls School District is a political subdivision of the State of New

Mark Deblois, Lincoln Akerman School
Re: Cease & Desist – Hampton Falls – Electioneering
May 10, 2017
Page 2

Hampshire. We therefore conclude that you are a public employee of a public employer, the Hampton Falls School District, and that you are subject to the prohibitions contained in RSA 659:44-a.

On review of the content of the email, the fact that it came from your school e-mail addressed to parents and was signed in your capacity as principal of the school, we conclude that your message violated RSA 659:44-a. Specifically, we conclude that the email was designed to influence the votes of voters during the upcoming vote. While it is not clear that this message was drafted or issued while you were performing official duties as principal; it is clear that you used government property, your school's email server, for electioneering contrary to the statute.

In light of these conclusions we order that you cease and desist any further electioneering communications while performing your duties as principal or in using the school's e-mail server, website or any other public property. In the event of future violations, this office will take further action. Please be advised that violations of RSA 659:44-a are criminal misdemeanors. We thank you for your anticipated cooperation with this matter.

Sincerely,



Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

cc: Steve Sabatini, [REDACTED]

Robert M. Sullivan Ed.D., Superintendent, SAU 21, [REDACTED]
03842

1702218

000062

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

May 10, 2017

Meredith Nadeau, Superintendent
Newmarket School District
186A Main Street
Newmarket, NH 03857

Re: Cease & Desist - Newmarket - violations of electioneering laws

Dear Superintendent Nadeau:

I write with regard to an election law complaint received in this office on March 1, 2017. The complaint alleges that Newmarket school officials and faculty have been posting electioneering communications on the school district website in contravention of RSA 659:44-a.

I have reviewed the Newmarket school district website identified in the complaint, <http://newmarketschoolprojects.com/>, and have observed a collection of videos linked on the website that show administration officials, faculty and students providing statements and information intended to influence voters at an upcoming town election. These videos are posted on "Youtube" and are linked from the website. The statements on the videos from students and faculty describe the need for additional renovations at Newmarket schools and ask parents to vote at the upcoming election.

The website also contains a message from you, the Superintendent, that indicates that the videos and website will explain how Newmarket school facilities "need immediate attention" and that also states "[o]ur schools are in need of upgrades and if they don't happen, the students suffer. Please join me in supporting Newmarket's youth with a foundation of a strong education. Throughout this website there is ample information available for you to digest about this project and we hope you support this come March!"

RSA 659:44-a provides that "[n]o public employee, as defined in RSA 273-A:1, IX, shall electioneer while the in the performance of his or her official duties or use government property, including, but not limited to, telephones, facsimile machines, vehicles, and computers, for electioneering." The statute also defines electioneering as "to act in any way specifically designed to influence the vote of a voter on any question or office." A public employee is defined as "any person employed by a public employer" with some limited exceptions. RSA 273-A:1, IX. A "public employer" is defined as "the state, and any political subdivision

Meredith Nadeau, Newmarket School District
Re: Cease & Desist - Newmarket - violations of electioneering laws
May 10, 2017
Page 2

thereof..." The Newmarket School District is a political subdivision of the State of New Hampshire. We therefore conclude that school district administration, faculty and staff are subject to the prohibitions in RSA 659:44-a.

On review of the content of the videos, the fact that they appear to have been produced and taped on school property and placed on the school's website, we conclude that these videos violate RSA 659:44-a. Specifically, we conclude that the videos were produced during school operations and that public property, the district website, was used to disseminate the videos, and that the videos are electioneering communications, contrary to the statute.

We also conclude that the superintendent's message posted on the website violates RSA 659:44-a in that you were specifically seeking to influence the vote of voters by emphasizing the need for renovations and expressly stating "we hope you support this come March!"

In light of these conclusions we order that you, district staff and faculty cease and desist any further electioneering communications while performing their duties or in using the school's e-mail server, websites or any other public property. We also order that the collection of videos on <http://newmarketschoolprojects.com/> be removed along with the Superintendent's statement. In the event of future violations, this office will take further action. Please be advised that violations of RSA 659:44-a are criminal misdemeanors. We thank you for your anticipated cooperation with this matter.

Sincerely,



Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

cc: Jeffrey Clay, [REDACTED]
1702922

000064

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

May 10, 2017

Mary Lomont Till



Re: Derry, Moderator, Hood Middle School

Dear Ms. Till:

I write with regard to an election law complaint this office received on November 8, 2016. The complaint alleges that an individual was wearing campaign apparel inside the polling place at the Hood Middle School in Derry, New Hampshire contrary to RSA 659:43, I. According to the complaint, when he made a report to election officials at the polling place, he was told that the campaign apparel was permitted. You are the moderator for the Town of Derry.

RSA 659:43, I provides that "[n]o person shall...wear...any campaign material in the form of...[an] article of clothing which is intended to influence the action of the voter within the building where the election is being held." In response to the complaint, I have reviewed the report issued by the State appointed election monitor, Eugene M. Van Loan, III, who was assigned to monitor Derry pursuant to RSA 659:77, III during the November 8, 2016 General Election. That report, issued in accordance with RSA 659:77, V, specifically addressed the prohibition contained within RSA 659:43, I relative to campaign apparel. The report states:

[i]n consultation with Derry election officials and Secretary of State personnel, I concluded that the critical determinant of whether voters entering the building should be confronted and told to remove or cover up their campaign logos, etc. (such as on hats, t-shirts, lapels and elsewhere) was whether such were being used to 'influence the action of a voter.' Accordingly, if a voter wearing such an item entered the polling place and simply went about the business of voting—as opposed to flaunting his/her campaign items by pointing to them, waving them around, etc.—there was no violation of the statute and election officials were not required to take any action.

Given the conclusion of the state appointed monitor relative to this issue, we recognize why the complainant was told that the campaign apparel in that instance was permitted; as there is no allegation that the individual was "flaunting" his campaign apparel. I write this letter, however,

Mary Lomont Till
Re: Derry, Moderator, Hood Middle School
May 10, 2017
Page 2

to express my concern about the interpretation articulated by Mr. Van Loan in his report. We view the prohibition contained in RSA 659:43, I as intending to prohibit the wearing of campaign related material inside a polling place. Adopting the interpretation suggested by Mr. Van Loan would prevent any meaningful enforcement of such a prohibition given that most individuals who choose to wear campaign apparel to a polling place are not intending to campaign inside a polling place, but are instead intending to vote. We therefore do not adopt this view.

Going forward, we anticipate that you will ask those who are wearing campaign apparel in contravention of RSA 659:43, I to remove the apparel before being permitted to vote. We recommend that you keep spare shirts or ponchos on hand to cover up any offending apparel as necessary. Relative to the concerns articulated in Mr. Van Loan's report regarding the potential for unpleasant confrontations at the polling place, we suggest that a person who absolutely refuses to remove apparel be permitted to vote, but that a report should be made to this office by the moderator pursuant to RSA 659:45 relative to a violation of RSA 659:43, I for follow up and investigation by this office.

Sincerely,



Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

cc: John Herrholz, [REDACTED]

Lawrence Guros, [REDACTED]

1689823

000066

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

May 10, 2017

Marc Flattes
[REDACTED]

Re: Derry - election process complaint

Dear Mr. Flattes:

I write with regard to your election law complaint dated March 22, 2017. In the complaint, you state that towns that decided to postpone town elections due to severe winter weather did so contrary to New Hampshire law. Specifically, you state "[t]he elections held yesterday in Derry, N.H. and other communities around the state were in violation of RSA 669:1, and many people, myself included, did not have the opportunity to vote specifically because a legitimate and statutorily required election has not been held." As a remedy, you ask that this office "nullify" the results of the town elections where they postponed due to a weather emergency under RSA 40:4.

HB 329 from the 2017 legislative session, which was signed by the Governor and was effective April 21, 2017, provides that "[a]ll elections of individuals to serve as members of a governing body of a political subdivision, school board, or any other elected position are hereby legalized, ratified, and confirmed" and that "[a]ll actions, votes, and proceedings, held at any town election, town meeting, school district election, school district meeting, village district election, or village district meeting, that was scheduled to take place March 14, 2017, but was postponed due to weather and was held at a later date, may be legalized, ratified, and confirmed by the governing body of the political subdivision following a properly noticed public hearing." Laws 2017, 20:6, III, IV.

In light of this, the legislature has addressed this issue. As such, this file will now be closed. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

cc: Mary Till, Moderator, [REDACTED]
1703122

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

May 10, 2017

Andrew J. Manuse
[REDACTED]

Re: Derry - Violation of RSA 669:1

Dear Mr. Manuse:

I write with regard to your election law complaint dated March 22, 2017. In the complaint, you state that towns that decided to postpone town elections due to severe winter weather did so contrary to New Hampshire law. Specifically, you state "[t]he elections held yesterday in Derry, N.H. and other communities around the state were in violation of RSA 669:1, and many people, myself included, did not have the opportunity to vote specifically because a legitimate and statutorily required election has not been held." As a remedy, you ask that this office "nullify" the results of the town elections where they postponed due to a weather emergency under RSA 40:4.

HB 329 from the 2017 legislative session, which was signed by the Governor and was effective April 21, 2017, provides that "[a]ll elections of individuals to serve as members of a governing body of a political subdivision, school board, or any other elected position are hereby legalized, ratified, and confirmed" and that "[a]ll actions, votes, and proceedings, held at any town election, town meeting, school district election, school district meeting, village district election, or village district meeting, that was scheduled to take place March 14, 2017, but was postponed due to weather and was held at a later date, may be legalized, ratified, and confirmed by the governing body of the political subdivision following a properly noticed public hearing." Laws 2017, 20:6, III, IV.

In light of this, the legislature has addressed this issue. As such, this file will now be closed. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

cc: Mary Till, Moderator, [REDACTED]
1702452

FRASER, ROBERT
Complaint
Fraser, Tory- Complainant

DOJ 34.17

000069

Close - no closing
letter as we do not
have contact info
for Tory Fraser
Brian left voice
message to TF.

May 16, 2017

Tory Fraser

Dear Mr. Fraser:

Our office conducted an inquiry to your complaint filed on April 24, 2017. There is insufficient evidence to proceed and this file will be closed.

If you have any questions, please do not hesitate to call.

Sincerely,

Brian W. Buonamano
Assistant Attorney General
Civil Bureau

BWB/sd
1714636

000070

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

May 24, 2017

Via Email Only

Margaret K. Allen
[REDACTED]

Re: Hampton Falls Town Meeting

Dear Ms. Allen:

I write with regard to your election law complaint received in this office on March 23, 2017. In your complaint, you allege that the Hampton Falls Town Clerk engaged in inappropriate behavior relative to absentee ballots intended for the town election held on March 16, 2017. You allege that "Town Hall was closed Tuesday and you could absentee vote on Wednesday as Town Hall (which is usually closed Wednesdays) would be open and the Town Clerk available and the election would be Thursday... the part-time Asst. Town Clerk was allowed to take at least 22 absentee ballots and applications from the Town Clerk's office and bring them over to the Fire Department on Tuesday... there was a sign on the door of Town Hall Tuesday, March 14 telling voters to go to the Vol Fire Department to vote via absentee ballot. That notification was not on the town website and definitely was not emailed to residents."

I have reviewed your complaint and conclude that it does not state a violation of New Hampshire election law. Your complaint appears to concern the lack of notice on the town website that absentee ballots were being provided at a location (the fire department) outside of the town hall on a day that the town hall was closed. New Hampshire law does not prohibit the personal delivery of ballots to voters by town clerk staff. Indeed, RSA 657:15 expressly provides that a town clerk may, among other options, "personally deliver" the ballot and materials to the applicant. Nor does New Hampshire law prevent clerk staff from receiving an application outside of the clerk's physical office and to immediately personally deliver a ballot pursuant to such application at that time. This is a common practice among clerks to accommodate those voters who find themselves suddenly unable to travel to the polling place on Election Day. The fact that this practice was unnoticed and occurred at a fire station when the town clerk's office was otherwise closed does not violate New Hampshire election law.

000071

Margaret K. Allen
Re: Hampton Falls Town Meeting
May 23, 2017
Page 2

In light of these conclusions, this file will be closed. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian W. Buonamano', with a long horizontal flourish extending to the right.

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

[REDACTED]

From: Duquette, Stephanie
Sent: Wednesday, May 24, 2017 12:21 PM
To: [REDACTED]
Subject: Hampton Falls Town Meeting
Attachments: Letter to Margaret Allen.pdf

Please see attached.

Stephanie Duquette
Legal Secretary IV
Dept. of Justice
33 Capitol Street
Concord, NH 03301
(603) 271-1223
stephanie.duquette@doj.nh.gov

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

May 24, 2017

Laurel Vachon
Farmington Teacher's Association
51 School Street
Farmington, NH 03835

Re: School Posters - electioneering

Dear Ms. Vachon:

I write with regard to an election law complaint received in this office on March 10, 2017. In it, the complainant alleges that teachers in the Farmington School District may have violated RSA 659:44-a by making posters in a school building asking voters to vote "yes" on the teacher's contract. The complainant also alleges that the teacher's association mailed out postcards with a similar message. The association paid for the postcards and the posters were created by teachers after school hours.

I write relative to this complaint to urge that your association exercise caution when putting together electioneering materials. RSA 659:44-a provides that "[n]o public employee, as defined in RSA 273-A:1, IX, shall electioneer while in the performance of his or her official duties or use government property, including, but not limited to, telephones, facsimile machines, vehicles, and computers, for electioneering." Electioneering is defined as "to act in any way specifically designed to influence the vote of a voter on any question or office." RSA 659:44-a. While I do not conclude that these materials were produced while in the performance of official teaching duties, the fact that the posters were created on school property could constitute a violation of RSA 659:44-a.

No further action will be taken by this office relative to this complaint. Please ensure, however, that care is taken to avoid inadvertent violations of RSA 659:44-a by members of your association.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

Events Note to File

Seabrook - absentee ballot
voting issues (anonymous
complainant)



6/8/2017
12:12:29

Note to File

Closing Note: I looked into allegations, spoke with former Town Clerk and Moderator. Insufficient evidence to determine accuracy of allegations, closed as unfounded. No indication of improper handling or issuance of absentee ballots.

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

June 8, 2017

Whitney Nowak
Lincoln Akerman School
8 Exeter Road
Hampton Falls, NH 03844

Re: Cease & Desist

Dear Ms. Nowak:

I write with regard to an electioneering complaint received in this office on March 9, 2017. I previously wrote to you regarding this complaint on May 3, 2017, and in your response, you admitted to sending an email during school hours on a school computer asking voters in Hampton Falls to support particular candidates in the upcoming local election. Thank you for your response.

RSA 659:44-a provides that "[n]o public employee, as defined in RSA 273-A:1, IX, shall electioneer while the in the performance of his or her official duties or use government property, including, but not limited to, telephones, facsimile machines, vehicles, and computers, for electioneering." The statute also defines electioneering as "to act in any way specifically designed to influence the vote of a voter on any question or office." A public employee is defined as "any person employed by a public employer" with some limited exceptions. RSA 273-A:1, IX. A "public employer" is defined as "the state, and any political subdivision thereof..." The Hampton Falls School District is a political subdivision of the State of New Hampshire. We therefore conclude that you are a public employee of a public employer, the Hampton Falls School District, and that you are subject to the prohibitions contained in RSA 659:44-a.

In light of your admissions, we conclude that you violated RSA 659:44-a by using school property to send electioneering communications during school hours while acting in your capacity as a school nurse for the Lincoln Ackerman School. We therefore order that you cease and desist any further electioneering communications while performing your duties as school nurse or in using the school's computers, e-mail server, or any other public property. In the event of future violations, this office will take further action. Please be advised that violations of

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Whitney Nowak
Re: Cease & Desist
June 8, 2017
Page 2

RSA 659:44-a are criminal misdemeanors. We thank you for your anticipated cooperation with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian W. Buonamano', with a long horizontal flourish extending to the right.

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

1730849

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

June 9, 2017

Karyn Kelley
[REDACTED]

Re: Mary Feeny - Voter Fraud

Dear Ms. Kelley:

I write with regard to your election law complaint dated April 4, 2017 relative to the domicile of Mary Feeny. The complaint alleges that Ms. Feeny voted in Manchester when she is not domiciled there. This office investigated.

The investigation revealed that Ms. Feeny owns property in Manchester but is temporarily residing in Maine with her parents to help take care of them. There is no record indicating that Ms. Feeny has registered to vote in Maine.

RSA 654:2 provides that "[a] domicile for voting purposes acquired by any person in any town shall not be interrupted or lost by a temporary absence therefrom with the intention of returning thereto as his or her domicile." In light of the fact that Ms. Feeny continues to own property in Manchester and has been staying in Maine for a specific and temporary purpose with the intention to return to Manchester, we conclude that Ms. Feeny is properly domiciled in Manchester.

Given these conclusions, this file will be closed. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

cc: Mary Feeny, [REDACTED]
1732268

000078

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

June 20, 2017

Diane I. Gagnon
[REDACTED]

Re: Town of Barrington - Disability Complaint

Dear Ms. Gagnon:

I write with regard to your election law complaint dated December 9, 2016. In it, you allege that the Fire Chief for the Town of Barrington closed an entrance to the gym at the Barrington Middle School that was being used for voting on November 8, 2016. You allege that this action was improper and unnecessary, as the entrance was used by individuals with disabilities. After looking into your complaint and discussing the matter with the Moderator, I conclude that the complaint fails to state an election law violation.

It appears that the entrance that you had been using is a fire exit, and was being routinely blocked by vehicles while voters went in to vote. For this reason, the Fire Chief closed the entrance because voters' vehicles were blocking a fire lane. This office lacks the authority to overrule the decision of the Fire Chief in this regard.

Further, the Middle school maintains a ramp from the parking lot that may be used by individuals with disabilities. There is also another door at ground level that provides access to an elevator that can bring individuals with disabilities to the second floor where voting occurs. While I recognize that this is less convenient, I do not conclude that the polling place is inaccessible by individuals with disabilities.

For this reason, this office will not be taking any further action on this complaint. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

cc: Stanley Swier, Moderator, Town of Barrington, 26 Tibbetts Road, Barrington, NH 03825
1739493

000079

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

June 21, 2017

Joseph S. Haas
[REDACTED]

Re: Joseph Kenney, et al - RSA 660:27

Dear Mr. Haas:

I write with regard to your complaint dated December 27, 2016 against the sitting executive councilors at the time the presidential electors for the State of New Hampshire met in Concord in December of 2016. Your complaint alleges that the council failed to be present to receive the notice of the number of electors who accept the office pursuant to RSA 660:27.

RSA 660:27 through RSA 660:30 governs the meetings of presidential electors. RSA 660:27 requires that when the electors meet in Concord, they "by 12 o'clock at midday, shall give notice to the governor and council of the number of electors who accept the office." You have provided documentation that no written notice was received by the governor and council. On review of your complaint, I conclude that no written notice is required by the statute, and I have no evidence that the electors otherwise failed to provide notice under RSA 660:27. To the extent that the Governor and Council were not physically present at the State House at the time the electors met, such would only be required in the event of an elector vacancy under RSA 660:28. See RSA 660:28 ("...the electors present who do accept, in the presence of the governor and council, shall forthwith choose by ballot the number needed.")

As a result of these findings, no further action will be taken on this complaint.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

cc: NH Executive Council, 107 North Main St., State House Room 107, Concord NH 03301
1689860

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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

July 13, 2017

NH Republican State Committee
10 Water Street
Concord, NH 03301

Re: Voter Suppression

Dear NH Republican State Committee:

The Attorney General's Office has received your complaint dated July 13, 2017, regarding the possible above-referenced violation. Your complaint will be reviewed by an attorney, and, if warranted, an investigation will be conducted. An attorney or an investigator from this office will contact you if further information is needed.

You will be informed of the outcome of your complaint once the matter is closed or if legal action is taken.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
Fax: (603) 271-2110
brian.buonamano@doj.nh.gov

BWB/kh

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

July 21, 2017

Shelbi Warner, Chair
LMP New Hampshire
1225 I St. NW
Suite 1250
Washington, DC 20005

Re: LMP New Hampshire

Dear Ms. Warner:

I write with regard to election law complaints received in this office on July 6, 2017. The complaints allege that LMP New Hampshire has sought to influence the race for Senate District 16 in the special election to be held on July 25, 2017 by distributing flyers supporting the democratic candidate without registering with the New Hampshire Secretary of State. The flyers contain disclosures that indicate you serve as Chair of LMP New Hampshire, with an address in Washington D.C.

After receiving the complaints, I reviewed the filing with the New Hampshire Secretary of State. It appears that LMP New Hampshire registered with the New Hampshire Secretary of State the same day this office received the complaints on July 6, 2017. Due to LMP's recent registration, no further action will be taken on this complaint. Please be advised, however, that RSA 664:3 requires that a political committee register with the New Hampshire Secretary of State within 48 hours of the committee meeting one of the criteria set forth in RSA 664:2, III.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

cc: Joseph Sweeney
Tara Sennick
Jeanie Forrester
1766170

000082

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

July 20, 2017

Joseph Paolilli
[REDACTED]

Re: Mary Earle Brooks - Voter Fraud

Dear Mr. Paolilli:

I write with regard to your election law complaint received in this office on May 29, 2017. In it, you state that Ms. Mary Earle Brooks is registered to vote in Rochester, New Hampshire and voted there during last year's presidential election despite living at [REDACTED]. This office investigated. Following the investigation, we find that Ms. Brooks is temporarily absent from Rochester, but that Rochester remains her voting domicile due to her present intention to return at a future date.

RSA 654:2 provides that "[a] domicile for voting purposes acquired by any person in any town shall not be interrupted or lost by temporary absence therefrom with the intention of returning thereto as his or her domicile. Domicile for purposes of voting as defined in RSA 654:1, once existing, continues to exist until another such domicile is gained." Here, Ms. Brooks has not established a domicile in Maine due to the fact that she left her Rochester domicile with the intent to return. According to Ms. Brooks, she temporarily left her home for personal reasons and rented out her home. As of right now, Ms. Brooks would like to return to her Rochester home as soon as the present tenants vacate the property. As such, she has not established a new domicile in Maine, and her domicile for voting purposes remains Rochester, New Hampshire.

As a result of these conclusions, no further action will be taken on this complaint. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

cc: Mary Earle Brooks, [REDACTED]
1765658

000083

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

August 3, 2017

Ralph Kirshner



Re: New Hampton political advertising violation

Dear Mr. Kirshner:

I write with regard to your election law complaint dated July 17, 2017. In it, you allege that a mailer violated RSA 664:14 relative to the lack of a signature or identification meeting the requirements of the statute. Because we are unable to determine the source of the flyer, or who was responsible for it, the matter is being closed due to lack of evidence.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

1778918

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

August 14, 2017

Ryan Mahoney
Manchester City Democrats Chairman
37 Mammoth Road
Manchester, NH 03109

Re: Gatsas for Mayor (Ryan Mahoney, complainant)

Dear Mr. Mahoney:

I write with regard to your complaint dated July 17, 2017. In it, you allege that a survey issued to residents of Manchester by Manchester Mayor Theodore Gatsas violates RSA 664:14 by not having a signature and identification required by RSA 664:14. On review of your complaint and the attached survey, we conclude that your complaint fails to state an election law violation.

Attached to your complaint is a questionnaire produced and paid for by the Ted Gatsas for Mayor campaign. It is enclosed with a cover letter from Mayor Gatsas that describes the questionnaire as the "2017 Mayor of Manchester Survey." The letter states that "[w]ith your feedback, I can work to make sure Manchester is heading in the direction that our friends and neighbors will think is best" and that "your answers will help me focus on the issues that are truly important to the Queen City." At the bottom of the letter is a disclosure stating: "Paid for by: Ted Gatsas for Mayor. T.Gatsas, Treasurer, PO BOX 6655, Manchester, NH 03108. The survey contains various questions seeking feedback from residents of Manchester. For example, the questionnaire asks, "[o]n a scale of 1 to 10, what would you rate the overall quality of life in the City of Manchester?" and "[w]hen it comes to growth and development, what is the city's greatest challenge?" Most of the questions are multiple choice, and a some are open ended. It is not clear that these questions are designed to influence the outcome of the Mayoral race.

RSA 664:14 requires that "[a]ll political advertising shall be signed at the beginning or the end with the names and addresses of the candidate, his fiscal agent, or the name and address of the chairman or the treasurer of a political committee, or the name and address of a natural person..." "Political advertising" is a legal term of art in New Hampshire election law, being defined as "... any communication, including buttons or printed material attached to motor vehicles, which expressly or implicitly advocates the success or defeat of any party, measure or person at any election." RSA 664:2, VI (emphasis added). The words "or implicitly" were

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struck from this statute by the U.S. District Court for the District of New Hampshire because they were "impermissibly vague." See Stenson v. McLaughlin, 2001 WL 1033614, 5, 7 (D.N.H. Aug. 24, 2001) (permanently enjoining the New Hampshire Attorney General "from enforcing RSA 664:14 and RSA 664:16 against any individual or organization engaging in political advertising that implicitly advocates the success or defeat of any party, measure or person at any election"). The United States Supreme Court has held that express advocacy communications are those which contain "express words of advocacy of election or defeat, such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for Congress,' 'vote against,' 'defeat,' 'reject.'" Buckley v. Valeo, 424 U.S. 1, at 44 n. 52, 80 n. 108.

Neither the cover letter nor the attached questionnaire contains words of express advocacy. It does not ask residents to support the Gatsas Mayoral campaign, nor does it ask residents to defeat any opposing candidates. Even if the questionnaire did constitute political advertising, the cover letter enclosing the survey clearly identifies the Gatsas campaign as being responsible for the survey's production and distribution and arguably constitutes a signature and identification as to the questionnaire.

Because the flyer in question does not contain express words of advocacy, it does not constitute "political advertising" under RSA 664:2. As a result of these conclusions, this file will be closed without further action.

Sincerely,



Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

cc: Ted Gatsas for Mayor, PO Box 6655, Manchester, NH 03108

000086

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

August 22, 2017

Joel Tuttle
[REDACTED]

Re: Craig Nightingale - Voter Fraud

Dear Mr. Tuttle:

I write with regard to your complaint to the election law unit made on March 10, 2017. After an investigation we have determined that there is no evidence to support the allegation that Craig Nightingale registered and voted on behalf of his deceased parents, Charles and Mary Nightingale. Voting records show that Charles and Mary Nightingale were removed from the voter checklist in 2006 and have not voted since. The complaint has been deemed unfounded and the matter is being closed.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Buonamano".

Brian W. Buonamano
Assistant Attorney General
Civil Bureau
(603) 271-1392
brian.buonamano@doj.nh.gov

cc: Craig Nightingale [REDACTED]
1793225

000087

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

October 24, 2017

Theodore Gatsas
Gatsas for Mayor
PO Box 6655
Manchester, NH 03109

Re: Complaint Against Manchester Democratic City Committee

Dear Mayor Gatsas:

I have reviewed your complaint, dated September 13, 2017, in which you allege that the Manchester Democratic City Committee has engaged in false representations in violation of RSA 666:6 and publication of a forged document in violation of RSA 666:7. The graphics that are the subject of your complaint were posted on September 9 and 10, 2017, on the Manchester Democrat's Twitter account and contain the "Ted Gatsas Mayor" campaign logo in the lower left corner of each graphic.

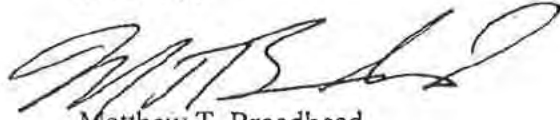
The first post states "[h]ere are the results of @Gatsas4Mayor's 8 years in office." Below it, there is a graphic that states "FACT – Only 29% of Manchester third graders are reading at grade level." A New Hampshire Department of Education website is cited as the source of the information at the bottom of the graphic.

The second post states "@Gatsas4Mayor continues to release the results of his bogus campaign survey, while ignoring the real challenges #mht.faces #nhpolitics." Below this statement is a graphic that states "Overdoses in June, July, and August 2017 are up 42% over 2016," and the source is identified on the bottom of the document as "Manchester Fire – Suspected Opioid OD Graph – 13 Month Comparison."

Both of the graphics are posted on a Twitter account that clearly identifies, on each post, that the Manchester Democrats are the authors of the posts. Each graphic also identifies the source of the information cited and contains explanatory statements which indicate that the author of the graphic is the account holder and not the Gatsas for Mayor campaign. The mere use of another campaign's logo, graphic, or design, as long as there are appropriate disclosures regarding the use of the logo, graphic, or design, does not constitute criminal false representation or forgery under either RSA 666:6 or RSA 666:7.

This file is now closed; please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'MTB', with a stylized flourish at the end.

Matthew T. Broadhead
Assistant Attorney General

CC: Manchester Democratic City Committee

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



October 25, 2017

William Loosigian
167 [REDACTED] Street
[REDACTED]

Re: Violation of RSA 659:34 - Wrongful Voting; Penalties for Voter Fraud

Dear Mr. Loosigian:

On March 9, 2017, this office received a complaint from Town of Hampton, Supervisors of the Checklist. It was reported that, according to their records, you voted in both Salem and Hampton during the November 8, 2016 General Election.

On April 14, 2017, you met with Department of Justice Investigator Mark Myrdek. You stated that you own residential properties in both Hampton and Salem. Although you work in Salem, you live and sleep in Hampton the majority of the time. Specifically, in 2016, you admitted that you stayed in Hampton "every night, unless [you] stayed in Londonderry [with your girlfriend]."

Your mother lives with you in Hampton for six months out of the year. You admitted that on November 8, 2016, you brought your mother to vote in Hampton. While at the Hampton polls, you requested a ballot and voted in Hampton that day. Later in the day on November 8, 2016, you traveled to Salem and voted there as well. You stated that you did not vote twice for the same office, such as President or Governor, but that you did vote for state representatives in both voting locations. You felt that it was acceptable to vote in both places so long as you only voted for local offices. You did indicate that you would stop doing this if it is illegal.

Be advised that RSA 659:34 authorizes this office to issue civil penalties for individuals who engage in wrongful voting or voter fraud. Specifically, RSA 659:34, I states, in pertinent part, that a "person is subject to a civil penalty not to exceed \$5,000 if such person:

- (a) ...
- (b) ...
- (c) ...
- (d) Applies for a ballot in his or her own name after he or she has voted once; [or]
- (e) Votes for any office or measure at an election if such person is not qualified to vote as provided in RSA 654;

RSA 659:34, I (d), (e).

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You have admitted in your communications to Investigator Myrdek that you voted twice in the November 8, 2016 General Election, first in Hampton and then in Salem. We find that you violated RSA 659:34, I(d) when you requested a ballot in Salem after having already voted in Hampton during this election. We also find that your conduct constitutes a violation of RSA 659:34, I(e) in that you voted in a location where you were not domiciled, and therefore not qualified to vote under RSA 654. A voter may have only one single established domicile for voting purposes. RSA 654:1.

A review of the State's voting records reveals that you have previously double voted during the November 4, 2008 General Election and the November 7, 2006 General Election. During your interview with Investigator Myrdek, you conceded that the State's record of your voting history is accurate.

Your actions are a serious violation of New Hampshire election laws. This letter serves as official written notice that this Office is hereby imposing a civil penalty of \$5,000.00 against you pursuant to RSA 659:34, III, because you violated RSA 659:34, I (d) and (e) on November 8, 2016. However, due to the circumstances surrounding your double voting as well as your cooperation in the investigation, **\$2,500.00 of the civil penalty shall be suspended for a period of two (2) years. Your payment of the non-suspended portion of the penalty in the amount of \$2,500.00 must be delivered to our office within ninety (90) days of this letter.** In the event that you either fail to make timely payment of this penalty, or if you once again violate RSA 659:34, I within two (2) years, then the suspended penalty shall become immediately due and payable.

Your payment of \$2,500.00 shall be made by check made payable to "Treasurer, State of New Hampshire" and mailed to the Office of the Attorney General, 33 Capitol Street, Concord, NH 03301, Attention: Assistant Attorney General Matthew T. Broadhead.

Be advised that any future violation of RSA 659:34 may also result in prosecution in superior court. Requesting a second ballot after already having voted under RSA 659:34, I (d) is a Class A misdemeanor if, at any election, such person purposely or knowingly commits the offense. RSA 659:34, II. A violation of RSA 659:34, I (e) may constitute a class B felony if the individual purposely or knowingly votes for any office or measure at an election where the individual is not qualified to vote. RSA 654:34, II. If you are convicted of a willful violation of the election laws, your right to vote can be forfeited under the New Hampshire Constitution, Part I, Article 11.

Pursuant to RSA 659:34, IV, you may appeal this decision to superior court. You must file an appeal within 30 days of the date you receive this letter. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'MTB' followed by a stylized flourish.

Matthew T. Broadhead
Assistant Attorney General

cc: Honorable William M. Gardner, Secretary of State
David M. Scanlan, Deputy Secretary of State

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

October 31, 2017

Joseph S. Haas
[REDACTED]

Re: William Gardner, et al - RSA 667:21 (Joseph Haas, complainant)

Dear Mr. Haas:

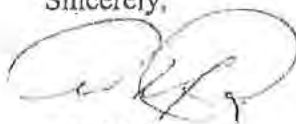
I write with regard to your complaint dated December 23, 2016 against Secretary of State William Gardner. In your complaint, you allege that Secretary Gardner improperly published the names and domiciles of presidential electors for the New Hampshire Democratic Party in the Union Leader newspaper without having received certification from both the chair and the clerk of the convention, contrary to RSA 667:21. You also complain that the Secretary of State lacked an appointment "paper" from the General Court authorizing him to administer oaths to the presidential electors under Part 2, Article 85 of the New Hampshire Constitution. Based on these actions, you assert that he should be charged with the misdemeanor offense of Official Oppression, RSA 643:1, or Official Misconduct, RSA 666:3.

In response to first part of your complaint, we have confirmed that the certification of the nominated electors was signed only by the chair, Raymond Buckley. However, we have reviewed the video of the New Hampshire Democratic convention where the slate of electors for the New Hampshire Democratic Party was selected. See <http://youtu.be/2ibD4W-L5Rc>. The video shows that the individuals identified in Mr. Buckley's letter dated June 22, 2016 were the same individuals nominated and selected at the Democratic Party convention held on June 18, 2016. In light of this finding, there was a technical violation at best. The Secretary of State and the New Hampshire Democratic Party Chair will be reminded of the certification requirement in RSA 667:21. No additional action will be taken on this complaint.

The second part of your complaint is premised on the incorrect assumption that presidential electors are required to take an oath of office. There is nothing in either the New Hampshire Constitution or statutes that impose such a requirement. Part 2, Art. 85 mandates that any person chosen as a civil officer take an oath prior to executing the duties of his or her office. Presidential electors, however, are not assuming a public office; their sole responsibility is to

cast a single vote for a presidential candidate of their choice. They could legally fulfill that responsibility without taking any oath. That the Secretary of State has historically administered one does not have any legal consequence.

Sincerely,



Ann M. Rice
Deputy Attorney General
(603) 271-4900
Ann.rice@doj.nh.gov

cc: Secretary of State William M. Gardner, 107 N Main St, Concord, NH 03301

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

December 7, 2017

Raymond Buckley
NH Democratic Party
105 North Main Street
Concord, NH 03301

Complainant: NH Democratic Party
Respondent: Hon. Theodore Gatsas
Subject: RSA 657:24: Advertisement Allegedly Promoting Misuse of Absentee Ballots

Dear Mr. Buckley:

The Attorney General's Office has completed its review of your complaint dated October 27, 2017. You alleged that Mayor Theodore Gatsas violated the law by sending out a mailer that "solicits voters to submit absentee ballot requests forms for reasons outside those legally permitted under state law."

The mailer in question contained three images. First, there was an image of cars with a caption underneath of "Out-of-Town Travel." Second, there was an image of a snow covered house with a downed electrical poll containing the caption "Halloween Blizzard 2011." Third, there was an image of the Elliot Hospital Emergency Room sign with a caption of "Emergency Medical Issues." The mailer also contained the following statements:

- "Life is unpredictable. We never know what tomorrow will bring."
- "The best insurance for protecting your vote is an absentee ballot."
- "Request your absentee ballot today."
- "Be prepared, and be counted, no matter what life throws at you."

Also enclosed were a political advertisement supporting Mayor Gatsas' candidacy and, importantly, an unaltered State-issued application for an absentee ballot.

000095

The State-issued absentee ballot request form contains the four lawful reasons that an individual may have used to request an absentee ballot in advance of the November 7, 2016 municipal election: (1) anticipated absence on election day; (2) observance of a religious commitment; (3) inability to vote in person due to a disability; and (4) an employment obligation that prevents a person from being able to appear at the polls in person on election day. RSA 657:1 & 4. On the form, the absentee voter is directed to choose one of the above reasons for voting absentee and contained the following warning in bold and conspicuous font: "Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor."

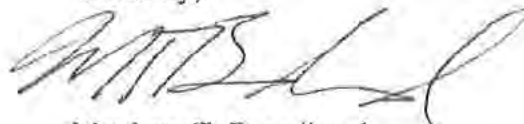
In light of the above facts, we have concluded that there is no violation of the law. RSA 657:24 provides, in pertinent part, that "[a]nyone who votes or attempts to vote [by absentee ballot] who is not entitled to vote by absentee ballot...shall be guilty of a misdemeanor." Note that this prohibition applies to the voter, not to campaigns. However, a person who conspires with another to violate this law may be guilty of a misdemeanor. RSA 629:3.

This mailer does not solicit or encourage a person to vote for an unlawful reason. In fact, the use of the State's absentee ballot form, unaltered, places the onus on the individual voter to decide whether he or she qualifies for an absentee ballot. The mailer, standing alone, does not constitute an overt act to conspire with or solicit someone to vote by absentee ballot for a reason that is unlawful.

Moreover, the images and statements on the mailer are subject to varying interpretations. Although you are correct that the mere possibility of a blizzard is not a lawful basis for requesting an absentee ballot, an emergency services worker who is unexpectedly called into service shortly prior to election day may, under certain circumstances, vote by absentee ballot. See RSA 657:21-a. Also, if an unexpected medical event were to actually occur prior to election day, that voter may be qualified to vote by absentee ballot due to a disability. RSA 657:1.

In light of the above facts, we have concluded that there is no violation of the law. This file is now closed; please do not hesitate to contact me if you have any questions.

Sincerely,



Matthew T. Broadhead
Assistant Attorney General
(603) 271-3650

CC: Hon. Theodore Gatsas

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

October 24, 2017

SENT VIA ELECTRONIC MAIL & U.S. MAIL

Richard Mattos & Tech Pros
700 Lancaster Street
Berlin, NH 03570

Scene Street, LLC & Scott Gregory
151 Main Street, Suite 3
Berlin, NH, 03570

Cease and Desist Order

Re: Raffles at Scene Street and Tech Pros in Berlin

Dear Mr. Mattos,

On October 11, 2017, you contacted our office inquiring about whether it is lawful for a person or business entity to conduct a raffle designed to encourage voting in the upcoming November 7, 2017 municipal election particularly if the raffle was not focused on voting for a specific candidate or issue. Relying principally on the facts as you described them to me, our office concludes that RSA 640:2 prohibits the described raffle and generally any raffle. Accordingly, this letter is being sent to you, Scene Street, LLC, Scott Gregory and Tech Pros ordering all parties to cease and desist from any further publication of or offering any such raffle and to refrain from giving to any person the advertised prizes in exchange for a person having voted.

On election days, some towns and cities hand out "I voted today" stickers when voters turn in their ballots. As you explained it, Scott Gregory manages a for-profit retail business, known as Scene Street, in Berlin. In his store and on its Facebook page, Mr. Gregory intends to advertise a raffle or "drawing" where any voter can receive a raffle ticket if he or she turns in an "I voted today" sticker during the November 7, 2017 municipal election. The advertisements for the raffle do not advocate for or against any particular candidate or issue and they expressly state that people can "vote for anyone" and receive a raffle ticket. The prizes being offered include a laptop, as well as two gift certificates (valued at \$50.00 and \$25.00) to Scene Street.

Additionally, last week, our office received an anonymous complaint that Tech Pros, a business that has a trade name registered to you, is also promoting a raffle at its store on Facebook. The advertisement that I reviewed appears to be a Facebook post in a group called "New Leadership for Berlin 2018." Similar to the above-described raffle at Scene Street, the advertisement offers the chance to win a computer to anyone who turns in an "I voted today" sticker. After speaking with you today, you indicated that your company, Tech Pros, is no longer offering or promoting this raffle.

New Hampshire law forbids the above-described raffles. It is a Class B felony offense if someone "promises, offers, or gives any pecuniary benefit to another with the purpose of influencing the other's action, decision, opinion, recommendation, vote, nomination, or other exercise of discretion as a [...] voter." RSA 640:2, I. A "[p]ecuniary benefit means any advantage in the form of money, property, commercial interest or anything else, the primary significance of which is economic gain[.]" RSA 640:2, II (c).

The rewards or prizes being offered, as described above, constitute pecuniary benefits that are designed to induce a person to vote. Neither raffle outlined above would be lawful regardless of their civic intent or non-partisan nature. Although federal law does not apply to this upcoming municipal election, we note that this outcome is consistent with federal law which also prohibits offering payments or items of pecuniary value in exchange for casting a vote during elections for federal office. *See* 52 U.S.C. § 10307 (c); *United States v. Garcia*, 719 F.2d 99 (5th Cir. 1983).

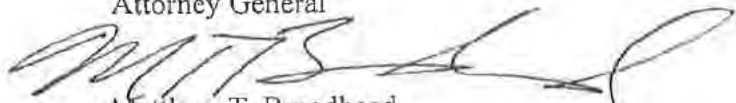
Finally, if a candidate (or a group advocating for a candidate or issue) were to promote or offer such a raffle, that may also constitute a Class B felony in that it is unlawful to "directly or indirectly bribe any person ... to vote for or against any question submitted to voters or to vote for or against any ticket or candidate for office at any election." RSA 659:40, I.

Pursuant to RSA 664:18, II, the above-captioned parties are hereby ordered to cease and desist any and all activities which violate RSA 640:2 and/or RSA 659:40. Please note that subsequent noncompliance with RSA 640:2 and/or RSA 659:40 could result in criminal or civil sanctions.

If you have any additional questions, please do not hesitate to contact me.

Cease and Desist Order Issued
By Authority of:

Gordon J. MacDonald
Attorney General



Matthew T. Broadhead
Assistant Attorney General

cc: Honorable William M. Gardner, Secretary of State
Honorable Paul Grenier, Mayor of Berlin

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GIBBON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

December 7, 2017

Peter Weeks

Complainant: Gerald Zelin
Respondent: Peter Weeks
Subject: Alleged Violation of RSA 664:14, I & II – Anonymous Leaflets

Dear Mr. Weeks:

On October 22, 2017, this office received a written complaint from Gerald Zelin regarding anonymous political advertising advocating for the success of nine (9) city councilors in Portsmouth. The advertisement in question was a two-inch by four-inch card allegedly handed out in large numbers prior to the November 7, 2017 municipal election. One side of the card contained bullet points in all capitalized letters:

Elect 9 City Councilors that will: work together, encourage the arts, maintain our vibrant city, provide services we enjoy, be fiscally responsible, continue to develop the tax base, address the housing needs, remember our seniors.

At the bottom of the first page, there was a boldface arrow indicating to the reader to flip the card over to the other side. The back side of the card stated "City Council – Vote for 9" and proceeded to list nine candidates for city council. Below the candidates' names was printed "Vote November 7th." Neither side of the card contains the name of the person or entity that is responsible for the advertisement.

After a brief investigation, Richard Tracy, an investigator at our office, spoke with you on November 2, 2017. You admitted that you were responsible for the creation and distribution of the subject cards and that you personally handed these cards out at events sponsored by the Portsmouth Chamber of Commerce on October 11th, 13th, 17th and 19th. You also indicated that you "mailed about 150 letters to close friends with one of these cards enclosed." You emphasized that you personally handed out the remaining cards.

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Political advertising is defined as “any communication... which expressly... advocates for the success or defeat of ...[a] candidate.” RSA 664:2, VI; See also VII (defining “communication” as including “cards, pamphlets, leaflets, flyers or other circulars or in any direct mailing.”) Generally speaking, “[a]ll political advertising shall be signed at the beginning or the end with...the name and address of a natural person” who is responsible for the advertisement. RSA 664:14, I.

Moreover, “any organization of 2 or more persons that promotes the success or defeat of a candidate or candidates” is required to register as a political committee and to comply with the political advertising disclosure described above. RSA 664:2, III. The failure to register a political committee or to comply with the political advertising disclosure requirements could result in civil fines, criminal charges, or both. See RSA 664:18 & 21.

However, in 1995, the United States Supreme Court found that a “written election-related document...is often a personally crafted statement of a political viewpoint” and as such, “identification of the author against her will is particularly intrusive.” *McIntyre v. Ohio*, 115 U.S. 334, 355, 357 (1995). The Court held that the First Amendment protects the anonymity of political speech when conducted by an individual. *Id.* at 357. Consistent with *McIntyre*, our office concludes that the disclosure requirements in RSA 664:14 are not enforceable against a non-candidate-related individual responsible for designing, creating, and distributing cards in the manner you described.

We caution you that this is an extremely close question. In the twenty-two years since *McIntyre*, many courts (including one within our federal circuit) have narrowed its application and upheld advertising disclosure requirements, even against individuals. See *Bailey v. State*, 900 F. Supp. 2d 75, 85-87 (D. Me 2011); *Citizens United v. FEC*, 558 U.S. 310, 366-71 (2009). Be advised that the use of a wide-spread direct mailer, use of different media, and coordination with candidate campaigns or other non-campaign individuals are all factors, among others, that could alter this analysis in the future. The simplest way to avoid a future violation is to include your name and address or email address on any such cards per RSA 664:14, I.

Because the evidence indicates that you were acting alone in the creation and distribution of this advertisement, we will take no further action on this complaint in light of *McIntyre*. Our investigation into this complaint is now closed. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Matthew T. Broadhead
Assistant Attorney General
603-271-3650

CC: Gerald Zelin, Esq.
David Scanlan, Deputy Secretary of State

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

December 7, 2017

Ryan Clayton

Re: Complaint of Misuse of Absentee Ballot – RSA 657:24

Dear Mr. Clayton:

Our office received a complaint from the Secretary of State's office and the Moderator of Ward 8 in the City of Manchester regarding the circumstances surrounding your delivery of Alice Auclair's absentee ballot during the municipal election held on November 7, 2017. Our office investigated.

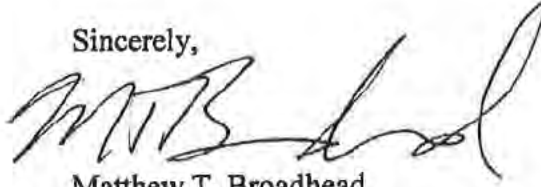
The investigation revealed that around 5:00 pm on the day of the election, you asked the moderator of Ward 8 if Ms. Auclair, your 96-year-old neighbor, had voted. You were informed that she had not and her absentee ballot had not yet been received. You left the polling location and returned after 5:30 pm with a signed absentee ballot envelope in your hand and stated that it was Ms. Auclair's. Our investigation revealed that Ms. Auclair's caretaker, Patricia Ott, lawfully assisted her in filling out the absentee ballot on election day. The completed ballot was placed inside the envelope, signed, and then given to you to deliver to Ward 8.

Based on the above conclusions, we have determined that no criminal misconduct occurred. However, please be advised that RSA 657:17 requires absentee ballots to be delivered by mail, delivered personally by the voter, or to "have it delivered by the voter's spouse, parent, sibling, or child[.]" City clerks "shall not accept an absentee ballot from a family member unless the family member completes a form...and...presents... photo identification or has his or her identity verified by the [city clerk]." *Id.* Absentee ballots must be received "no later than 5:00 pm on the day of the election." *Id.* Failure to follow these protocols may result in the rejection of the absentee ballot. Ultimately, Ms. Auclair's ballot was rejected by the Moderator because it was received after 5:00 pm.

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Our office will not take any further enforcement action on this complaint and the file will now be closed. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'MTB Broadhead', written in a cursive style.

Matthew T. Broadhead
Assistant Attorney General
(603) 271-3650

CC: Norma Boyce, Moderator of Ward 8, City of Manchester
David M. Scanlan, Deputy Secretary of State

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

December 7, 2017

Jay Sweet

Complainant: Jay Sweet
Respondent: Board of Selectmen, Town of Chester
Aaron Berube, Chief of Police, Town of Chester
Subject: Alleged Violation of RSA 643:1 Official Oppression for Denial of Special Town Meeting

Dear Mr. Sweet:

The Attorney General's Office has completed its review of your complaint dated November 7, 2017. You alleged that the Board of Selectmen engaged in Official Oppression pursuant to RSA 643:1 when it "illegally denied... the calling of a special town meeting[.]" You also complained that the "police chief has obstructed justice as well by not forwarding the illegal action paperwork to the county sheriff's office."

During a noticed meeting on October 26, 2017, the Board of Selectmen received a petition signed by over 100 registered voters in the Town of Chester. The petition stated that the "action petitioned for" was as follows:

We, the undersigned, are concerned citizens who urge our leaders to act now to require the Chester NH Board of Selectmen to stop eviction proceedings, and to renew the lease of Jay & Angela Sweet at Spring Hill Farms.

After the petition was presented, the Select Board, acting upon the advice of town counsel, decided that there was "no compelling reason to hold a special town meeting." One member of the Board explained that the petition was merely a request to the Selectmen to renew the lease, and did not contain a request to hold a special town meeting.

On October 31, 2017, Jay Sweet, you, and Brenda Galotti-Holland filed this criminal complaint initially with the Chief of Police of the Town of Chester. After taking initial statements, Chief Berube contacted both the New Hampshire State Police and the Rockingham County Sherriff's office and was advised to refer the complaint to the Attorney General's office

000103

on November 7, 2017, which is the same day that our office received your complaint. At that time, we began our review of the complaint.


Under New Hampshire law, a “public servant...is guilty of a misdemeanor if, with a purpose to benefit himself or another or to harm another, he knowingly commits an unauthorized act...or refrains from performing a duty imposed on him by law[.]” RSA 643:1. Here, neither the Select Board nor Chief Berube engaged in any such conduct. There is no evidence that either party acted with a purpose to benefit itself or to cause harm to another. Moreover, there is no evidence that either party performed an “unauthorized act” or “refrained from performing a duty” imposed on it.

Chief Berube conducted an initial investigation and quickly sought to refer this matter to another law enforcement agency to avoid the appearance of a conflict of interest. When presented with the petition, the Select Board determined that it was merely a request for the Select Board to take certain actions, not a request for a special town meeting. Even if the petition expressly requested a special town meeting, Boards of Selectmen are afforded some discretion in deciding whether or not to hold a special town meeting. RSA 39:3; RSA 39:9; *See Winchester Taxpayer's Assoc. v. Board of Selectmen*, 118 NH 144 (1978). In light of the discretion afforded the Select Board on such matters, our office cannot conclude that its actions violated RSA 643:1.

Please be advised that the law provides you and other petitioners with a civil remedy if you believe that the Select Board acted unreasonably in denying your petition. “If the selectmen *unreasonably* neglect or refuse to warn a meeting...a justice of the superior court, upon application in writing of 25 or more voters... may issue a warrant for such meeting.” RSA 39:9 (emphasis added). Although we conclude that the Select Board’s actions did not rise to the level of criminal misconduct, we express no opinion as to whether or not its actions were reasonable in light of all the circumstances – that determination is left to the Superior Court to decide pursuant to RSA 39:9. As an alternative remedy, you may choose to have an issue presented to the voters by seeking to place a warrant article on the ballot for the next town election.

In light of the above, we have concluded that no criminal violation of the law occurred. This file is now closed; please do not hesitate to contact me if you have any questions.

Sincerely,



Matthew T. Broadhead
Assistant Attorney General
(603) 271-3650

CC: Dick Trask, Chairman, Board of Selectmen, Town of Chester
Aaron Berube, Chief of Police, Town of Chester
Brenda Galotti-Holland, [REDACTED]

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

December 8, 2017

Raymond Buckley, Chair
New Hampshire Democratic Party
105 North State Street
Concord, NH 03301

Complainant: NH Democratic Party
Respondent: Executive Councilor David K. Wheeler
Subject: Alleged Failure to File Financial Reports (RSA 664:6 & 7)

Dear Chairman Buckley:

I write with regard to the election law complaint that you filed on behalf of the New Hampshire Democratic Party on October 28, 2016. Your complaint alleges that Executive Councilor David K. Wheeler failed to file reports of campaign contributions and expenditures during the 2016 election cycle in violation of RSA 664:7. Specifically, you allege that Councilor Wheeler did not file any reports "during the entire 2016 election cycle."

We have reviewed the filings for Councilor Wheeler and find that he did file reports of contributions and expenditures during the 2016 general election campaign cycle. Although you are correct that he did not file any report during the 2016 *primary* election campaign cycle, he did not violate the law.

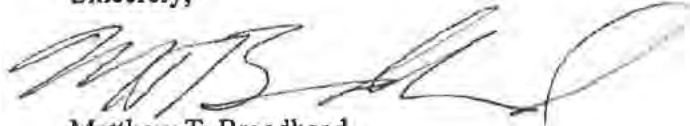
During the 2016 election cycle, Executive Councilor Wheeler did not establish a political committee to promote the success of his candidacy. *See* RSA 664:2, II, III. Therefore, his reporting requirements are set forth under RSA 664:7 which requires that a candidate for executive councilor "who has expenditures exceeding \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, II, II-a, III, IV, and V..." (emphasis added).

The reports on file with the Secretary of State's office show that Councilor Wheeler did not spend \$500 of campaign funds until September 16, 2016, after the close of the state primary election which occurred on September 13, 2016. Therefore, he was not obligated to make reports of his receipts and expenditures until after the close of the primary and prior to the first reporting deadline for the general election, October 19, 2016. *See* RSA 664:6, II ("...shall file an

itemized statement...not later than the Wednesday 3 weeks immediately preceding...a general election...”).

In light of the above, this office has concluded that Councilor Wheeler did not violate RSA 664:7 for failing to file a report during the 2016 primary election. This file will now be closed. Should you have any questions, do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'MTB', followed by a long horizontal flourish.

Matthew T. Broadhead
Assistant Attorney General
(603) 271-3650

cc: Councilor David K. Wheeler
David M. Scanlan, Deputy Secretary of State

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

December 8, 2017

Raymond Buckley, Chair
New Hampshire Democratic Party
105 North State Street
Concord, NH 03301

Complainant: NH Democratic Party
Respondent: Executive Councilor Joseph D. Kenney
Subject: Alleged Failure to File Financial Reports (RSA 664:6 & 7)

Dear Mr. Buckley:

I write with regard to the election law complaint that you filed on behalf of the New Hampshire Democratic Party on October 28, 2016. Your complaint alleges that Executive Councilor Joseph D. Kenney failed to file reports of campaign contributions and expenditures during the 2016 election cycle in violation of RSA 664:7. Specifically, you allege that Councilor Kenney did not file any reports "during the entire 2016 election cycle."

During the 2016 election cycle, Councilor Kenney registered a political committee ("Friends of Joe Kenney") that supported his candidacy. *See* RSA 664:2, III. RSA 664:6 imposes reporting obligations as to a political committee's receipts and expenditures for a primary or general election. Under this section, a candidate's political committee is required to fulfill the reporting requirements once the committee's receipts *or* expenditures exceed \$500 for an election. RSA 664:6, I & IV. When that occurs, a political committee must file at the next reporting deadline "and shall continue to file at each reporting deadline." RSA 664:6, IV.

Based on the financial statements on file with the Secretary of State's office, it appears that Councilor Kenney's political committee collected \$4,810 in receipts and expended \$822.59 by August 20, 2016. This political committee, therefore, was required to file reports during the primary election on August 24, 2016, September 7, 2016, and September 21, 2016, but failed to do so.

We do note, however, that the political committee did file each report of contributions and expenditures that was due during the 2016 *general* election campaign cycle. The October 19, 2016 report, the first required report for the general election cycle, contained an itemized list of receipts and expenditures during the 2016 primary period.

In a phone call with Assistant Attorney General Brian Buonamano, Councilor Kenney explained that he was not aware that he had to file reports during the primary election cycle because he was unopposed. He believed that any expenditures or receipts he received during that reporting period were to be used for the general election.

Under separate cover, we sent a letter of counsel to Councilor Kenney explaining that once a political committee receives or expends more than \$500.00 during an election cycle, the reporting requirement is triggered and a report must be filed for that period and for each period thereafter. RSA 664:6, I & IV. No exception is made for committees that support candidates who run unopposed on the ballot and the statute does not distinguish between expenditures intended for the primary and expenditures intended for the general election. A copy of the letter to Councilor Kenney is enclosed with this letter.

Although we find that a violation of RSA 664:6 has occurred, we did not issue a cease and desist letter due to the presence of mitigating factors. Councilor Kenney was forthright with Attorney Buonamano and offered a credible, albeit mistaken, account of his reasoning for not filing reports during the primary. We also note that he was, in fact, unopposed during the primary. He also filed all receipts and expenditures received during the primary on his first general election report and complied with the reporting the general election reporting requirements. There is no evidence that his failure to file primary reports were intentional, deceptive, or fraudulent or that either Councilor Kenney or his political committee had been previously warned or notified by our office about this issue.

This office will not be taking any further enforcement action on this complaint and this file will now be closed. Our office sincerely regrets the time in which it took to respond to your complaint. Should you have any questions, do not hesitate to contact me.

Sincerely,



Matthew T. Broadhead
Assistant Attorney General
(603) 271-3650

cc: Councilor Joseph D. Kenney
David M. Scanlan, Deputy Secretary of State

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

February 22, 2018

Bill Tobin, Building Inspector/Code Enforcement
Debra A. Cornett, Town Clerk
Town of Gilmanton
PO Box 550
Gilmanton, NH 03237

Complainant: Bill Tobin, Code Enforcement, Town of Gilmanton
Debra A. Cornett, Town Clerk, Town of Gilmanton
Respondent: Thomas Place, et al.
Subject: Alleged Violation of RSA 664:14 – Anonymous Advertising

Dear Mr. Weeks:

On February 15, 2018, our office received your complaint regarding anonymous signs which have been displayed on various properties throughout Gilmanton. The subject signs state "We Support Gilmanton Police Even if the Selectmen Don't." The signs do not contain the name or address of the person or entity that is responsible for them. We note that there is currently pending litigation between the Chief of Police and the Board of Selectman over the authority to manage the operations of the Gilmanton Police Department.

Generally speaking, "[a]ll political advertising shall be signed at the beginning or the end with...the name and address of a natural person" who is responsible for the advertisement. RSA 664:14, I. "Political advertising" is defined as "any communication...which expressly or implicitly advocates the success or defeat of any party, measure or person at any election." RSA 664:2, VI. In 2001, the United States District Court for the District of New Hampshire issued an order enjoining the State from enforcing RSA 664:17 against "implicit" advocacy. *Stenson v. McLaughlin*, 2001 WL 1033614 (D.N.H. 2001). Therefore, our office enforces the disclosure requirements of RSA 664:17 on signs that constitute express advocacy of a party, measure or person at an election.

Having reviewed the warrant articles that are on the ballot for the March election, our office has concluded that these signs do not meet the definition of "political advertising" under RSA 664:2, VI. The statement on the signs does not expressly advocate for or against a particular party, measure or person. Therefore, the signs are not subject to the disclosure requirements under RSA 664:17. Furthermore, this decision is reached in light of the overall

context of the dispute between the Board of Selectman and the Chief of Police. The message at issue can reasonably be construed to speak to that dispute and, as such, it falls outside the scope of RSA Chapter 664.

Please note that we express no opinion about the applicability, if any, of local zoning ordinances described by Mr. Tobin in his February 2, 2018 letter as they relate to the subject signs. This matter is now closed. Please feel free to contact me if you have questions or concerns.

Sincerely,



Matthew T. Broadhead
Assistant Attorney General
603-271-3650

CC: Thomas Place, [REDACTED]
David Scanlan, Deputy Secretary of State

[REDACTED]

From: Tracy, Richard
Sent: Wednesday, February 28, 2018 2:11 PM
To: [REDACTED]
Cc: Broadhead, Matthew T
Subject: Mathias Ashael Rich

Good afternoon Mr. Biello,

I was able to confirm that Mr. Rich has not voted in the State of New Hampshire since 2008. I'm not sure why you continue to receive political advertisement at your home in the name of Mathias Ashael Rich. You may consider speaking with your local postmaster as well as the Belmont Supervisor of the Checklist, who may be able to remove Mr. Rich's name from the voters checklist if it is still on the list. That might help reduce the amount of mail that you receive in the future.

Sincerely,

Richard C. Tracy, Chief Investigator
Criminal Bureau
Attorney General's Office
33 Capitol Street
Concord, NH 03301-6397
(603) 271-3671
(603) 271-2110 (FAX)
richard.c.tracy@doj.nh.gov
FBINA 215

The information contained in this electronic message and any attachments to this message may contain confidential or privileged information and is intended for the exclusive use of the addressee(s). Please notify the Attorney General's Office immediately at (603) 271-3671 or reply to justice@doj.nh.gov <<mailto:justice@doj.nh.gov>> if you are not the intended recipient and destroy all copies of this electronic message and any attachments

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

March 20, 2018

Kelsey Sullivan
[REDACTED]

Re: NH Domicile Verification
Investigation into Alleged Wrongful Voting under RSA 659:34

Dear Ms. Sullivan:

This office has completed its investigation as to whether you were domiciled and qualified to vote in the Town of Derry during the November 2016 election.

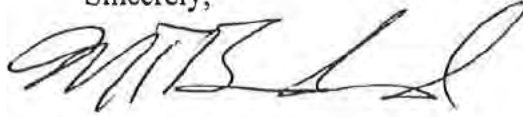
During the course of this investigation you spoke with New Hampshire Department of Justice Investigator Richard Tracy. You indicated to Investigator Tracy that since 2016, you have been employed as a teacher at Campbell High School in Litchfield, NH. From 2016 through the end of the academic year in 2017, you lived in an apartment located at [REDACTED] NH. During this timeframe, you spent the majority of your time in Derry, NH. You indicated that, prior to 2016, you were a college student at the University of New Hampshire and that you had previously voted in New Hampshire. Your voting record confirms that you voted in Durham in the 2012 and 2014 elections. You did not vote in any other location during this time-frame. In February of 2017, you decided that you were going to move back to [REDACTED] at the end of the school year so you did not end up obtaining a New Hampshire's driver's license after the 2016 election.

In New Hampshire, in order to vote in a town, ward, or unincorporated place you must be domiciled in that place. "An inhabitant's 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.

Based on the evidence presented and our analysis of the applicable law, it is our belief that the Town of Derry, NH was your domicile for voting purposes during the November 2016 election. As such, we are closing our file without any further action. If you have any additional questions, please do not hesitate to contact me.

000112

Sincerely,

A handwritten signature in black ink, appearing to read 'MTB L L', written in a cursive style.

Matthew T. Broadhead
Assistant Attorney General

cc: Honorable William M. Gardner, Secretary of State

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

March 26, 2018

Karen Burton
Jackson Town Clerk
P.O. Box 268
54 Main Street
Jackson, NH 03846

Dear Ms. Burton,

I write in regards to our recent conversation regarding whether or not approximately one dozen registered Jackson voters were illegally denied an opportunity to vote at the March 1, 2018, Jackson School District Meeting. Please be advised that I discussed my findings with Assistant Attorney General Matthew Broadhead and Deputy Secretary of State David Scanlon. We collectively share a concern that sometime after the last supervisor of the checklist meeting held on January 22, 2018, approximately one dozen Jackson residents registered to vote with the intentions of being able to vote at the March 1, 2018 school district meeting but were denied that opportunity because the supervisors of the checklist had not scheduled a meeting prior to the said meeting. While our review has determined that there were no violations of the New Hampshire Revised Statute Annotated committed, we strongly urge the Town of Jackson to explore changes that would prevent this type of situation from occurring again.

Should you have any questions or care to discuss possible changes please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Tracy", written over a horizontal line.

Chief Investigator Richard C. Tracy
Civil Bureau
(603) 271-3650
richard.c.tracy@doj.nh.gov

/rct

Enclosure

Copied to: Deputy Secretary of the State David Scanlon
AAG Matthew Broadhead

000114

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

March 15, 2018

Town of Washington
Board of Selectman
Bob Williams, Chair
Al Krygeris, Member
Tom Marshall, Member
7 Halfmoon Pond Rd
Washington, NH 03280

Jane Barkie, Clerk
Town of Washington
7 Halfmoon Pond Rd
Washington, NH 03280

Barbara Gaskell, Moderator
Town of Washington
7 Halfmoon Pond Rd
Washington, NH 03280

Re: Postponement of March 13, 2018 Town Election in Washington, NH

Attention Town Election Officials:

The Town of Washington was scheduled to hold its election of officers by official ballot on Tuesday, March 13, 2018, pursuant to RSA 669:1 and RSA 39:2-a. Our office received a complaint by the Secretary of State's office that the Town of Washington had, and continues to have, significant deficiencies in the conduct of this town election. Among those deficiencies is the decision by the town moderator, Barbara Gaskell, to postpone the election from March 13, 2018 until March 17, 2018.

Additionally, proceeding with this election on March 17, 2018 risks the disenfranchisement of voters and could result in additional election law violations. For the reasons set forth below, we have established a corrective action plan that the Town must follow in order to avoid having further law enforcement action being taken by our office against the Town's election officials.

Analysis

On March 12, 2018, the town moderator, Barbara Gaskell, unilaterally postponed the election to March 17, 2018, without legal authority to do so. One week before the election, on March 6, 2018, the Secretary of State and the Attorney General issued a memorandum which

stated that no state or town public officials had authority to postpone the town elections. In addition, Director Perry Plummer of New Hampshire Homeland Security & Emergency Management conducted a "Town Officials Conference Call" on March 12, 2018, to discuss impending weather events set to occur on March 13, 2018, and to reaffirm our office's position that the elections could not be postponed. On March 13, 2018, Ms. Gaskell informed a Department of Justice investigator, Fred Lulka, that she received the March 6, 2018 memorandum and participated in the March 12, 2018 conference call. Nevertheless, she postponed the election, citing to RSA 4:40, II.

The Town of Washington has opted to be governed by the provisions of RSA 39:2-a which requires the use of an official ballot for the election of officers on the second Tuesday in March or May. This election date is chosen by the voters at the previous town meeting. RSA 39:2-a. There is no provision in the law which authorizes any public official to postpone this election date, except by vote at a subsequent town meeting. RSA 39:2-a; RSA 40:14, XI.

Although RSA 40:4, II authorizes the moderator to postpone the "deliberative session" or the "voting day of a meeting" due to a weather emergency, it does not authorize the postponement of the election day which utilizes the official ballot adopted at the prior town meeting. Under long standing rules of statutory construction, the New Hampshire Supreme Court holds that when construing a statute "where general words follow... words of specific meaning, such general words are not construed to their widest extent, but are to be held as applying only to persons or things of the same kind or class as those specifically mentioned." *State v. Beckett*, 144 NH 315, 318-19 (1999) (emphasis added). In other words, in RSA 4:40, the use of the term "deliberative session" is a specific reference to the business session (not the election session) of a town meeting in SB 2 towns and the subsequent reference to a "voting day" is to be construed narrowly to mean the business portion of the town meeting for towns that are governed by RSA 39:2-a, such as the Town of Washington. The reference to "voting day" does not mean election day for either SB 2 towns or for towns governed by RSA 39:2-a. Furthermore, after 70 communities unlawfully postponed their elections last year due to inclement weather, the General Court ratified the elections, but stated that this action did not authorize postponement of elections in the future due to weather emergencies, thereby confirming the State's interpretation of this law. *See* Laws 2017, Ch. 20, s. 6, HB 329.

Conclusion

Ms. Gaskell violated RSA 4:40 by unlawfully postponing the March 13, 2018 election. Please be advised that Ms. Gaskell's conduct could constitute "official misconduct" which is punishable as a misdemeanor pursuant to RSA 666:3, although we are foregoing prosecution under this statute at this time.

Pursuant to RSA 659:77, III, we have concluded that the conduct of Ms. Gaskell has resulted in significant deficiencies in the conduct of your town election and therefore, the

Secretary of State, in consultation with our office, will appoint an election monitor to directly observe all aspects of your conduct in preparing for this year's election.

Of particular concern to our office is that, by postponing the election by just four days, you have not allowed sufficient time for a voter, including military or uniformed service voters, who may have been able to attend Tuesday's election, to request and return an absentee ballot by mail in the event that they are out of town on Saturday. Also, your town clerk will not be in compliance with RSA 652:20 which requires the clerk to be available to accept completed absentee ballots between 3pm to 5pm the day before an election on Friday, March 16, 2018. RSA 669:29; RSA 657:17 & 24. Finally, the March 17, 2018 would be held without a properly updated checklist. *See* RSA 39:1-c. RSA 669:5 requires the supervisors of the checklist to meet on the Saturday 6 to 13 days before the election date in order to update the official checklist. RSA 669:5; RSA 654:27. These violations may result in the disenfranchisement of voters who would have been otherwise able to register or vote on the originally scheduled election day.

Corrective Action

In light of the foregoing, we hereby order the Town of Washington to take the following corrective action:

- On or before Saturday, March 17, 2018, the Town shall post a 7-day notice of the meeting of the supervisors of the checklist RSA 654:27 and RSA 669:5.
- On Saturday, March 24, 2018 the supervisors of the checklist must meet for at least 30 minutes in order to process new voter registrations pursuant to RSA 654:27 and RSA 669:5.
- On or before Monday, March 19, 2018, the Town shall cause the warrant for the town meeting to be posted. RSA 39:5.
- On Monday, April 2, 2018, the Town Clerk shall be available to accept completed absentee ballots filed in person or delivered by an absentee voter's family member, at a minimum, between the hours of 3:00pm and 5:00pm.
- The Town shall hold its election of town officers on April 3, 2018. As for the second session of the town meeting (the business meeting), the selectmen may "choose another day for the second session of the town meeting for the transaction of all other town business." RSA 39:2-a. You may hold this meeting on the same day as the election, or afterward, but it cannot be held prior to the election set for April 3, 2018. RSA 39:2-a.

By copy of this letter, we have referred our conclusions to the Secretary of State's office. Please be advised that continued failure to comply with our State's election laws may result in

this office taking action by pursuing criminal prosecution, civil penalties, or seeking to remove officials from office.

Sincerely,

By the Authority of,

GORDON J. MACDONALD
NEW HAMPSHIRE ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read 'MTB', is written over the typed name of Matthew T. Broadhead.

Matthew T. Broadhead
Assistant Attorney General
New Hampshire Department of Justice
33 Capitol St.
Concord, NH 03301
Tel. (603) 271-3650

cc: William M. Gardner, Secretary of State
Matthew R. Serge, Esquire

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

March 21, 2018

Jacques N. Couture



Re: **Cease and Desist Order**
Warning for violation of RSA 659:34

Dear Mr. Couture:

On November 8, 2016, our office received two complaints which raised concerns about the eligibility of certain voters in Dixville Notch during the 2016 Presidential Primary and General Election. As a result of these complaints, our office conducted an investigation.

A Department of Justice Investigator, Todd Flanagan, interviewed you in connection with this complaint. You indicated that you lived and worked at the Balsams Resort in Dixville Notch for 22 years and, as a result, voted there every year. However, in 2010 you moved to Stark, NH after the Balsams Resort closed. Although you occasionally visit Dixville Notch, you indicated that you have not lived there since 2010 and you now primarily live and sleep in Stark in addition to registering your vehicles there. You stated that you "hope[d] to go back to Dixville to live someday," but confirmed that you do not have any residence there to return to. You stated that you continued to vote in Dixville Notch since 2010 because for each presidential election the moderator, Tom Tillotson, calls you and asks if you are "coming up to vote."

In New Hampshire, in order to vote in a town, ward, or unincorporated place you must be domiciled in that place. "An inhabitant's 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. "A domicile for voting purposes acquired by any person... shall not be lost by a temporary absence therefrom with the intention of returning thereto as his or her domicile." RSA 654:2, I. The plain and ordinary meaning of the word "temporary" means "[l]asting for a time only; existing or continuing for a limited (usually short) time." BLACK'S LAW DICTIONARY, p. 1504 (8th Ed. 2004). A "voter can only have one domicile for voting purposes." RSA 654:2, I.

It is clear that you now live in Stark more than any other place, and that you no longer maintain a physical presence in Dixville Notch. Therefore, the question of whether you can continue to claim Dixville Notch as your domicile for voting purposes turns upon whether or not you are temporarily absent from that location.

You do not maintain a residential home, apartment, or other living quarters in Dixville Notch. In 2010, the Balsams Resort closed for an indefinite period and it remains closed today. Although you express some generalized hope to return to Dixville Notch once the Balsam's reopens, this purely speculative desire, without more, is insufficient to prove that your absence is temporary. It is not known when the resort will re-open, if ever. Further, even if it does reopen, there is no guarantee that you will be able to live there. Under the circumstances presented here, your indefinite absence from Dixville Notch for the past eight years can no longer be considered temporary as of this date.

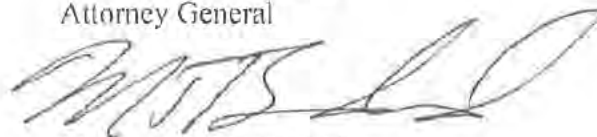
For the foregoing reasons, we have concluded that you are domiciled in Stark, not Dixville Notch. Please note that a person may be subject to a fine of up to \$5,000 or criminal prosecution if he or she "vote[s] for any office or measure at an election if such person is not qualified to vote as provided in RSA 654." RSA 659:34, I (e), II.

Pursuant to Part I, article 11 of the New Hampshire Constitution, RSA 659:34, and RSA 654:1, and based upon the investigation conducted by our office, you are hereby ordered to **Cease and Desist from voting in Dixville Notch, New Hampshire unless and until you establish your domicile there.** Failure to comply with this Cease and Desist Order may result in this office pursuing criminal prosecution or civil penalties.

If you have any additional questions, please do not hesitate to contact me.

Cease and Desist Order Issued
By Authority of:

Gordon J. MacDonald
Attorney General



Matthew T. Broadhead
Assistant Attorney General

cc: Honorable William M. Gardner, Secretary of State
David Scanlan, Deputy Secretary of State
Rick Samson, Coos County Commissioner
Susan Croteau, Town Clerk, Town of Stark
Tom Tillotson, Moderator, Dixville Notch

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICK
DEPUTY ATTORNEY GENERAL

March 21, 2018

Peter Johnson
[REDACTED]

Re: **Cease and Desist Order**
Warning for violation of RSA 659:34

Dear Mr. Johnson:

On November 8, 2016, our office received two complaints which raised concerns about the eligibility of certain voters in Dixville Notch during the 2016 Presidential Primary and General Election. As a result of these complaints, our office conducted an investigation.

A Department of Justice Investigator, Todd Flanagan, interviewed you in connection with this complaint. After being questioned about where you lived, you stated without hesitation that you were "domiciled" in Dixville Notch but that you are currently under a "temporary absence" from your "domicile" and that you "intended to return" to Dixville Notch. Investigator Flanagan indicated that the manner in which you answered this question appeared to have been scripted. Upon further examination, you asked Investigator Flanagan "How deep are you digging into this?" Shortly thereafter, you abruptly terminated the phone call.

In a subsequent interview you indicated that you have not lived in Dixville Notch since 1999 when you surrendered your ownership interest in a residential house located there. You claimed that a real estate developer was recently attempting to acquire your former home as part of a proposed Balsam's redevelopment. You stated that, if he was able to acquire the property, he would offer you the opportunity to buy it back. More recently, however, this developer indicated to you that this deal was likely to fall through. When again asked why you felt you were qualified to vote in Dixville Notch, you claimed to be a Selectman in Dixville Notch and you stated that you owned 115 acres of land in Campton, NH and rent a home in North Bridgewater, NH. You indicated that you receive your mail at a PO Box in Campton. Needless to say, neither of these properties is located in Dixville Notch.

You voted in Dixville Notch via absentee ballot in the February 2016 Presidential Primary election because the weather on Martha's Vineyard, where you primarily live, made it unlikely that the ferry to the mainland would be operational. A few months later, you renewed a NH Driver's license indicating that you lived at the North Bridgewater address. About one month later, you again voted in Dixville Notch for the 2016 General Election. The next day, you registered your car to the North Bridgewater address. You assert that you continue to be "temporarily absent" from Dixville Notch because you have always liked the North Country and it has always been your intent to move back someday.

In New Hampshire, in order to vote in a town, ward, or unincorporated place you must be domiciled in that place. "An inhabitant's 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. "A domicile for voting purposes acquired by any person...shall not be lost by a temporary absence therefrom with the intention of returning thereto as his or her domicile." RSA 654:2, I. The plain and ordinary meaning of the word "temporary" means "[l]asting for a time only; existing or continuing for a limited (usually short) time." BLACK'S LAW DICTIONARY, p. 1504 (8th Ed. 2004). A "voter can only have one domicile for voting purposes." RSA 654:2, I.

It is clear that you no longer maintain a physical presence in Dixville Notch. Therefore, the question of whether you can continue to claim Dixville Notch as your domicile for voting purposes turns upon whether or not you are temporarily absent from that location. You do not maintain a residential home, apartment, or other living quarters in Dixville Notch. Although you express some generalized hope to return to Dixville Notch someday, this purely speculative desire, without more, is insufficient to prove that your absence is temporary. Under the circumstances presented here, your indefinite absence from Dixville Notch for the past nineteen years can no longer be considered temporary as of this date.

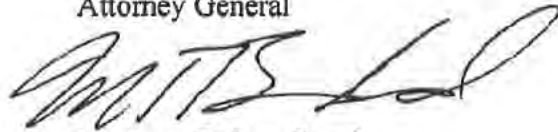
For the foregoing reasons, we have concluded that you are not domiciled in Dixville Notch and your absence can no longer be considered as temporary. Please note that a person may be subject to a fine of up to \$5,000 or criminal prosecution if he or she "vote[s] for any office or measure at an election if such person is not qualified to vote as provided in RSA 654." RSA 659:34, I (e), II.

Pursuant to Part I, article 11 of the New Hampshire Constitution, RSA 659:34, and RSA 654:1, and based upon the investigation conducted by our office, you are hereby ordered to **Cease and Desist from voting in Dixville Notch, New Hampshire unless and until you establish your domicile there.** Failure to comply with this Cease and Desist Order may result in this office pursuing criminal prosecution or civil penalties.

If you have any additional questions, please do not hesitate to contact me.

Cease and Desist Order Issued
By Authority of:

Gordon J. MacDonald
Attorney General

A handwritten signature in black ink, appearing to read "MTB L", is written over the printed name of Matthew T. Broadhead.

Matthew T. Broadhead
Assistant Attorney General

cc: Honorable William M. Gardner, Secretary of State
David Scanlan, Deputy Secretary of State
Rick Samson, Coos County Commissioner
Tom Tillotson, Moderator, Dixville Notch

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

April 30, 2018

Barry Hantman, Moderator
Town of Danville
210 Main Street
Danville, NH 03819

Re: Alleged Election Official Harassment Violation

Dear Mr. Hantman:

The Election Law Unit has received and reviewed your complaint. This Unit enforces the election laws of the State of New Hampshire and prosecutes elections officials, candidates, and individuals who violate those laws. Your complaint does not raise an allegation of misconduct that would violate our State's election laws, and therefore our office will not be opening an investigation into this matter.

The information you provided us will be kept in our files to help us monitor trends or issues raised in the conduct of our State's elections and may help determine future priorities in the Unit's enforcement efforts and legislative recommendations.

Should harassment persist please contact your local police department to file a complaint, or contact a private attorney.

Thank you for bringing these concerns to our attention.

Sincerely,

A handwritten signature in black ink, appearing to read "MTB".

Matthew T. Broadhead
Assistant Attorney General
Civil Bureau
(603) 271-1392
Fax: (603) 271-2110
matthew.broadhead@doj.nh.gov

MTB/kh

000124

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

April 30, 2018

Margaret Peggy Huard
[REDACTED]

Re: Alleged School Board Violation

Dear Ms. Huard:

The Election Law Unit has received and reviewed your complaint. This Unit enforces the election laws of the State of New Hampshire and prosecutes elections officials, candidates, and individuals who violate those laws. Your complaint does not raise an allegation of misconduct that would violate our State's election laws, and therefore our office will not be opening an investigation into this matter.

The information you provided us will be kept in our files to help us monitor trends or issues raised in the conduct of our State's elections and may help determine future priorities in the Unit's enforcement efforts and legislative recommendations.

Thank you for bringing these concerns to our attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew T. Broadhead".

Matthew T. Broadhead
Assistant Attorney General
Civil Bureau
(603) 271-1392
Fax: (603) 271-2110
matthew.broadhead@doj.nh.gov

MTB/kh

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

April 30, 2018

Eugene Long, Jr., M.D.



Re: Alleged 14th Amendment to the U.S. Constitution Violation

Dear Dr. Long:

The Election Law Unit has received and reviewed your complaint. This Unit enforces the election laws of the State of New Hampshire and prosecutes elections officials, candidates, and individuals who violate those laws. Your complaint does not raise an allegation of misconduct that would violate our State's election laws, and therefore our office will not be opening an investigation into this matter.

The information you provided us will be kept in our files to help us monitor trends or issues raised in the conduct of our State's elections and may help determine future priorities in the Unit's enforcement efforts and legislative recommendations.

Thank you for bringing these concerns to our attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew T. Broadhead".

Matthew T. Broadhead
Assistant Attorney General
Civil Bureau
(603) 271-1392
Fax: (603) 271-2110
matthew.broadhead@doj.nh.gov

MTB/kh

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

May 17, 2018

Gene Chandler, Speaker of the House
NH House of Representative
107 N. Main Street
Concord, NH 03301

Re: Rep. Michael J. Sylvia, Alleged RSA 655:8 Violation

Dear Speaker Chandler:

On April 3, 2017, our office received a complaint from David Perkins, Chief Deputy Belknap County Sheriff's Department, regarding Representative Michael J. Sylvia. The complaint alleged that Representative Sylvia (1) is not domiciled in Belmont and (2) that he did not live in the State of New Hampshire for two years prior to being first elected to the House in 2012. Since then, Representative Sylvia has been elected to two subsequent terms in the House and is still currently a sitting member. Although we have concluded our investigation, for the reasons set forth below, this Office lacks jurisdiction to pursue these allegations any further and we are therefore referring this matter to your attention.

Part 2, Article 14 of the New Hampshire Constitution provides that "[e]very member of the house of representatives shall...for two years, at least, next preceding his election shall have been an inhabitant an inhabitant of this state[.]" See also RSA 655:8 (stating "[t]o hold the office of state representative, a person must... for 2 years, at least, next preceding the election shall have been an inhabitant of this state"). In the event that an elected Representative's qualifications to hold office are challenged, Part 2, Article 22, provides that "[t]he house of representatives...shall be the judge of the returns, elections, and qualifications, of its members, as pointed out in this constitution." Therefore, since the allegations here pertain to Rep. Sylvia's qualifications to hold office, this is a matter that must be handled by the House of Representatives. By copy of this letter, we have enclosed our confidential investigative materials to your office and our file will be closed.

Sincerely,

A handwritten signature in blue ink, appearing to read "MTB", with a large flourish extending to the right.

Matthew T. Broadhead
Assistant Attorney General
Election Law Unit
(603) 271-3650
matthew.broadhead@doj.nh.gov

Enclosure

cc: Representative Michael J. Sylvia (w/o enclosure)
Seth Hipple, Esq. (w/o enclosure)
David Perkins, Chief Deputy Belknap County Sheriff's Department (w/o enclosure)

00127

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

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

April 20, 2018

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

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

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

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

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

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

Thank you.

Sincerely,

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

Anne M. Edwards
Associate Attorney General

Enclosure

STATE OF NEW HAMPSHIRE
DEPARTMENT OF JUSTICE

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

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

BACKGROUND

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

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

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

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

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

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

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

INVESTIGATIVE STEPS

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

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

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

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

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

DOMICILE VOTER AFFIDAVITS

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

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

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

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

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

QUALIFIED VOTER AFFIDAVITS

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

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

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

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

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

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

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

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

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

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

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