

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

February 3, 2020

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

Honorable David Cote  
Chair, House Committee on Election Law  
Legislative Office Building, Room 308  
107 North Main Street  
Concord, NH 03301

Dear Senator Levesque and Representative Cote:

Enclosed please find the Election Law Complaint Status Report submitted pursuant to RSA 7:6-c for the reporting period June 28, 2019 – December 31, 2019. Assistant Attorney General Nicholas Chong Yen, 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 [Nicholas.Chongyen@doj.nh.gov](mailto:Nicholas.Chongyen@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 MUNICIPAL AFFAIRS

HOUSE COMMITTEE ON ELECTION LAW

Election Law Complaint Status Report

Submitted Pursuant to RSA 7:6-c

Reporting Period June 28, 2019 to December 31, 2019

Prepared by:

Gordon J. MacDonald  
Attorney General  
Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
Attorney General's Office  
33 Capitol Street  
Concord, NH 03301  
(603) 271-3650

## 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 staffed by one full-time attorney and one full-time elections investigator. The Election Law Unit is currently led by Assistant Attorney General Nicholas Chong Yen and Chief Investigator Richard Tracy.

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 July 31, 2019. This report is divided into three parts. Section I, pursuant to RSA 7:6-c, II (b), includes a summary of complaints received since June 28, 2019<sup>1</sup>, and a categorization of complaints received by type of complaint and month received as required by RSA 7:6-c, II (b). Section II lists all complaints received prior to this reporting period which remain open. Finally, Section III 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.

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<sup>1</sup> The complaint received on this date was not included in the prior biannual report. This is because the date recorded by this Office’s case management software was July 1, 2019, which was when the file was opened, not when the complaint was received.

I.

**SUMMARY OF COMPLAINTS RECEIVED SINCE JUNE 28, 2019**

<b>Complaint Against</b>	<b>Complainant</b>	<b>Date of complaint</b>	<b>Allegations</b>	<b>Status</b>
Anna Gilbody	Jon Swan	6/28/2019	RSA 664:14, Alleged Illegal Campaign Activity	Closed on 7/3/2019
Allain Morgan	Domingos Nobrega	7/16/2019	RSA 456-B:2 Notarial Acts Complaint	Closed on 8/14/2019
Alleged Wrongful Voting	Secretary of State	7/24/2019	RSA 659:34-a, RSA 659:34-I(b)	Closed on 10/1/2019
South Main Street Water District Commission	Mervin Newton	8/6/2019	RSA 669:7 – Alleged Election Official Misconduct	Closed on 10/7/2019
Manchester Impersonation of Candidates	Marcus Ponce De Leon	8/8/2019	RSA 666:7 Alleged Illegal Campaign Activity	Closed on 8/12/2019
Alleged Wrongful Voting	Secretary of State	9/3/2019	RSA 659:34	Closed on 9/12/2019
Town of Haverhill	Greg Mathieson	9/10/2019	RSA 666:3, RSA 654:12, RSA 654:1 Alleged Election Official Misconduct	Closed on 9/23/2019
Town of Windham	David Bates	9/25/2019	RSA 654:8, RSA 654:9, RSA 654:11, RSA 654:12 Alleged Election Official Misconduct	Open
Gates Lucas	Raymond Buckley	9/27/2019	RSA 664:6 Alleged Campaign Finance Violation	Closed on 10/10/2019
City of Manchester	Mark Warden	10/7/2019	RSA 666:3 Alleged Election Official Misconduct	Open
Alleged Wrongful Voting	Secretary of State	10/9/2019	RSA 659:34	Closed on 10/25/2019
SAU 81 – Hudson School Board	Margaret Huard	10/17/2019	RSA 659:44-a Alleged Illegal Campaign Activity	Open
Lara Quiroga	Tammy Simmons	10/28/2019	RSA 664:14 Alleged Illegal Campaign Activity	Closed on 11/5/2019
Alleged Wrongful Voting	Secretary of State	10/30/2019	RSA 659:34	Open

NH Firearms Coalition	Raymond Buckley	11/6/2019	RSA 664:14 Alleged Illegal Campaign Activity	Closed on 11/22/2019
Alleged Wrongful Voting	Daniel Healy, Derry Town Clerk	12/3/2019	RSA 659:34	Open
Donna DeCotis	Robert Eaton, Rye Moderator	12/17/2019	RSA 659:44 – Alleged Illegal Campaign Activity	Open
Justin Reese	Wolfgang Schuler	12/16/2019	RSA 455:18 – Notarial Acts Complaint	Open

**A. Number of Complaints Received Per Month**

<b>Month/ year</b>	<b>Number of Complaints</b>
June 2019	1
July 2019	2
August 2019	2
September 2019	4
October 2019	5
November 2019	1
December 2019	3
<b>TOTAL:</b>	<b>18</b>

**B. Complaints Received by Type of Complaint**

<b>Type of Complaint</b>	<b>RSA Violations</b>	<b>Number of Complaints</b>
Alleged Wrongful Voting	RSA 659:34 (Wrongful Voting); RSA 659:34-a (Voting In More Than One State); RSA 659:34-I(b) (Vote for More than One Office or Measure)	5
Alleged Illegal Campaign Activity	RSA 664:14 (political advertising disclosure requirements); RSA 666:7 (impersonation of candidate); RSA 664:16 (identification of political advertising) RSA 664:16-a (push polling); RSA 664:17 (placement and removal of political advertising); RSA 659:44-a (Electioneering by public employee)	6
Alleged Campaign Finance Violation	RSA 664:6 (reporting by committee)	1
Alleged Election Official Misconduct	RSA 643:3, I (abuse of Office); RSA 654:8 (applications to clerk); RSA 654:9 (forms to be forwarded); RSA 654:11 (application to supervisors); RSA 654:12; (general voter registration); RSA 654:27 (maintaining the checklist); RSA 666:3 (official misconduct); RSA 669:7 (incompatibility of offices).	4
Notarial Acts Complaints	RSA 456-B:2	2
Lobbyist Complaint	RSA 15	0
<b>TOTAL:</b>		<b>18</b>

**II.**

**INVESTIGATIONS OPEN PRIOR TO THE  
REPORTING PERIOD, WHICH REMAIN OPEN**

<b>Alleged Violation</b>	<b>Date Opened</b>
Election Official Misconduct RSA 666:6	4/27/18
Wrongful Voting RSA 659:34	6/13/18
Wrongful Voting RSA 659:34	7/18/18
Wrongful Voting RSA 659:34	7/18/18
Wrongful Voting RSA 659:34	7/18/18
Campaign Finance Violation RSA 664	10/26/18
Wrongful Voting RSA 659:34	11/6/18
Wrongful Voting RSA 659:34	11/6/18
Wrongful Voting RSA 659:34	11/6/18
Wrongful Voting RSA 659:34	1/7/19
Wrongful Voting RSA 659:34	1/24/19
Wrongful Voting RSA 659:34	4/10/19
Notarial Acts RSA 456-B:2	5/28/19
Wrongful Voting RSA 659:34	3/25/19



### III.

#### INDEX OF CLOSURE LETTERS/COMMUNICATIONS

<b>Alleged Violation</b>	<b>Date Closed</b>	<b>Bates Page Number</b>
RSA 664:14 – Political Advertising	July 3, 2019	000001 - 000002
RSA 15:6 - Lobbyist	July 18, 2019	000003-000004
RSA 659:44 Electioneering	July 23, 2019	000005 - 000006
RSA 669:2 – Warrant Articles	July 29, 2019	000007-000008
RSA 664:14 – Political Advertising	July 29, 2019	000009 - 000011
RSA 654:1 Wrongful Voting	July 30, 2019	000012 - 000013
RSA 659:34-a – Wrongful Voting	July 30, 2019	000014 - 000015
RSA 669:29 – Absentee Ballots	August 6, 2019	000016 - 000019
RSA 659:40 – Voter Intimidation	August 6, 2019	000020 - 000021
RSA 664:4 – Campaign Finance	August 7, 2019	000022 - 000025
RSA 666:7 – Impersonation of Candidate	August 12, 2019	000026
RSA 456-B:2 – Notarial Acts	August 14, 2019	000027
RSA 659:34 – Wrongful Voting	August 14, 2019	000028
RSA 654:12 – Domicile Affidavit Investigation	August 14, 2019	000029 – 000031
RSA 659:44-a – Electioneering	August 16, 2019	000032 - 000033
RSA 664:2 – Political Advertising	August 19, 2019	000034 - 000037
RSA 456-B:2 – Notarial Acts	August 20, 2019	000038
RSA 659:34 – Wrongful Voting	August 20, 2019	000039-000041
RSA 456-B:2 – Notarial Acts	August 28, 2019	000042-000043
RSA 659:34 – Wrongful Voting	August 30, 2019	000044-000045
RSA 654:12 – Domicile Affidavit Investigation	September 3, 2019	000046-000048
RSA 654:31, VI – Election Official Misconduct	September 3, 2019	000049-000050
RSA 664:1 – Campaign Finance Misconduct	September 3, 2019	000051
RSA 664:6 – Campaign Finance Misconduct	September 3, 2019	000052-000053
RSA 659:44 – Illegal Campaign Activity	September 6, 2019	000054-000056
RSA 659:44 – Illegal Campaign Activity	September 9, 2019	000057-000058
RSA 664:14 – Illegal Campaign Activity	September 10, 2019	000059-000060

RSA 664:6 – Campaign Finance Violation	September 11, 2019	000061-000062
RSA 659:44 – Illegal Campaign Activity	September 11, 2019	000063-000064
RSA 659:34 – Wrongful Voting	September 12, 2019	000065-000068
RSA 654:12 – Wrongful Voting	September 16, 2019	000069
RSA 654:1 – Wrongful Voting	September 17, 2019	000070-000071
RSA 659:40 – Illegal Campaign Activity	September 23, 2019	000072-000073
RSA 654:1 – Election Official Misconduct	September 23, 2019	000074-000076
RSA 659:34 – Wrongful Voting	September 25, 2019	000077-000078
RSA 92:5 – Election Official Misconduct	September 25, 2019	000079-000080
RSA 659:34 – Wrongful Voting	October 1, 2019	000081-000083
RSA 669:7 – Election Official Misconduct	October 7, 2019	000084-000086
RSA 664:3 – Campaign Finance	October 10, 2019	000087-000088
RSA 659:34 – Wrongful Voting	October 9, 2019	000089-000090
RSA 654:12 – Qualified Voter Affidavit Investigation	October 25, 2019	000091-000093
RSA 664:14 – Illegal Campaign Activity	November 5, 2019	000094-000095
RSA 664:14 – Illegal Campaign Activity	November 22, 2019	000096-000097

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

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GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

July 3, 2019

Anna Gilbody

██████████  
Dalton NH 03598

Re: Alleged Illegal Campaign Activity

Dear Ms. Gilbody:

On June 28, 2019, we received a complaint alleging that signs advertising "Vote No To Zoning" had been posted on properties throughout Dalton, NH, without indicating who was responsible for them.

On July 2, 2019, in speaking with Chief Investigator Richard Tracy, you told him that you were one of the organizers of a group opposed to the proposed zoning change. You admitted that this group was the one who created the signs. You also acknowledged that this group did not include the required information on the signs as to who was responsible for them.

Please be advised, N.H. RSA 664:14 requires all political advertising to be signed at the beginning or end with the name and addresses of the natural person or entity responsible for it. Political advertising in the form of signs may contain an Internet address in lieu of this identifying information, provided it is printed or written in lettering that is clearly legible and prominently displayed. N.H. RSA 664:14, VIII.

Failure to follow with this requirement may result in a cease and desist order or other enforcement action.

We hope this information will be useful to you in the future. Please feel free to contact me should you have any other questions.

Sincerely,

A handwritten signature in black ink that reads "Nicholas A. Chong Yen".

Nicholas A. Chong Yen

Alleged Illegal Campaign Activity  
Page 2 of 2

Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

cc: Jon Swan

**ATTORNEY GENERAL  
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CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

July 18, 2019

VIA EMAIL ONLY

Christopher Howe  
[REDACTED]

Re: New Hampshire RSA 15:6

Dear Mr. Howe:

On May 29, 2019, we received your letter sharing your concern that the lobbying firm of Demers, Blaisdell, and Prasol may not be in compliance with RSA 15:6. After careful review, we conclude there is no violation of New Hampshire law.

In reaching this determination, we reviewed the documents accompanying your letter, reviewed a response from James Demers regarding your concern, and reviewed documents from the Secretary of State's Lobbyist Financial Report Database.

RSA 15:6, I(a) states that "[a]ll fees received from any lobbying client that are related, directly or indirectly, to lobbying, such as public advocacy, government relations, or public relations services including research, monitoring legislation, and related legal work [.]" shall be included in an itemized statement filed by the lobbyist with the Secretary of State's Office. This statement must also include, all expenditures made from lobbying fees, including by whom paid or to whom charged. N.H. RSA 15:6, I(b).

Additionally, "[f]or all expenditures for salaries, benefits, support staff, and office expenses, related directly or indirectly to lobbying, a statement of the total aggregate expenses for salaries, support staff, and office expenses related directly or indirectly to lobbying shall satisfy the requirement that an itemized statement of these expenses be filed." N.H. RSA 15:6, V(g) (emphasis added).

You have identified a Statement of Income and Expenses (the "Statement") filed by Demers, Blaisdell, and Prasol, filed on January 8, 2018, for the January 31, 2019, reporting period, on which the client's name is filled in with the word "Totals." Mr. Demers has confirmed that during the reporting period, no expenditures could be attributed directly to any one client due to the set operating expenses of Demers, Blaisdell, and Prasol. As a result, Mr.

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New Hampshire RSA 15:6  
Page 2 of 2

Demers asserts that the company's Statement was filed with total aggregated expenditures for all of its clients. The Statement also includes separate Income sub-Statements for each client as that information is available in a segregated manner.

This Statement by Demers, Blaisdell, and Prasol is compliant with RSA 15:6 and satisfies the expenditures portion of the itemized statement requirement, in accordance with RSA 15:6, V(g), as it permits a lobbying group to aggregate their expenses and file a single itemized statement if no expenditures can be directly attributed to specific clients. It is also compliant with RSA 15:6, V(d) as the sub-Statements report the gross amount of all fees received from each client.

Please feel free to contact me if you have any other questions.

Sincerely,



Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

cc: James Demers – Demers, Blaisdell, & Prasol Inc.

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GORDON J. MACDONALD  
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JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

July 23, 2019

Suzanne L. Fournier  
[REDACTED]  
Milford, NH 03055-3122

Re: Questions of Excessive Advocacy

Dear Ms. Fournier:

On March 3, 2019, we received your complaint, which alleged: (i) that Town Administrator Mark Bender included a document titled "Vote YES on Warrant Article 32" alongside documents containing information for voters in Town Hall; and (ii) that mailers from Granite Apollo misquoted Mr. Bender. You also indicated that you were concerned that Mr. Bender may have coordinated with Granite Apollo in his capacity as Town Administrator in the creation and publication of these mailers. After careful consideration, we conclude that Mr. Bender and Granite Apollo did not violate New Hampshire election laws.

In reaching this conclusion, we reviewed your complaint, the documents accompanying your complaint, in addition to speaking with you about the matter.

NH RSA 659:44-a prohibits public employees as defined in RSA 273-A:1, IX from acting in any way specifically designed to influence the vote of a voter on any question or office. A "public employee" as defined under RSA 273-A:1, IX means any person employed by a public employer except:

- (a) Persons elected by popular vote;
- (b) Persons appointed to office by the chief executive or legislative body of the public employer;
- (c) Persons whose duties imply a confidential relationship to the public employer; or
- (d) Persons in a probationary or temporary status, or employed seasonally, irregularly or on call.

In this case, Mr. Bender was appointed to the position of Town Administrator and would therefore not constitute a public employee within the above-referenced definition. As such, the prohibition on electioneering established through RSA 659:44-a would not apply to Mr. Bender in his capacity as Town Administrator.



With respect to your second allegation that Granite Apollo misquoted Mr. Bender, Chief Investigator Richard Tracy discussed this with you on July 19, 2019. Investigator Tracy pointed out that Mr. Bender's quote from the Union Leader and what was included in the advertisement was the same message, written in a different format. Consequently, we conclude that the mailers' use of the quote did not violate New Hampshire's election laws.

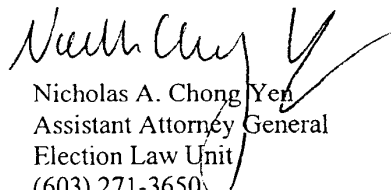
Finally, in speaking with Investigator Tracy, you expressed concern that one of the two mailers sent by Granite Apollo did not include a "Paid for by" statement.

RSA 664:14 requires all political advertising to be signed at the beginning or the end with the names and addresses of the person (or persons) or entity responsible for it. The statute does not require the responsible party to include specific language such as "Paid for by." In this case, both mailers identified Granite Apollo in their return address block. Moreover, both mailers also included a phone number for Granite Apollo's office and web address to Granite Apollo's website. As Investigator Tracy explained to you, the website contained additional information about the proposed Milford project, consistent with the message portrayed on the mailers.

For the foregoing reasons, we conclude that Mr. Bender and Granite Apollo did not violate New Hampshire's election laws. This matter is now closed.

We greatly appreciate your patience while we reviewed this matter. Please feel free to contact me if you have any other questions.

Sincerely,

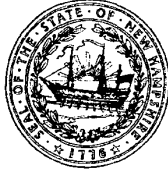


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ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

July 29, 2019

Town of Goshen Selectboard  
P.O. Box 68  
Goshen, NH 03752

Town Clerk Cindy Williams  
P.O. Box 58  
Goshen, NH 03752

Re: **CEASE AND DESIST ORDER**  
Violation of N.H. RSA 669:2

Dear Town of Goshen Selectboard and Clerk Williams:

On March 13, 2019, we received a complaint from Christine Downing alleging that the Town of Goshen failed to identify its polling location and polling hours during the March 12, 2019 town election. As a result, Ms. Downing was unable to cast her vote.

In following-up on this complaint, Chief Investigator Richard Tracy spoke with Clerk Williams on March 27, 2019. During this conversation, she admitted that the Town of Goshen failed to include the date, time, and location for the 2019 town election in its warrant article.

Please be advised, RSA 669:2 requires that "[t]he selectmen shall include as part of the warrant for the annual town meeting a warrant for each annual town election which shall prescribe the place, day and hour of the election, the officers to be elected, and the questions to be submitted to the voters." (emphasis added).

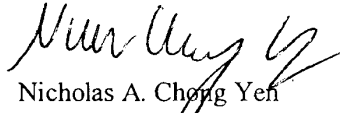
**In light of our conclusion that the Town of Goshen violated RSA 669:2 by failing to prescribe the place, day, and hour of the election, the Town is hereby ordered to cease and desist any and all activities which violate this provision in the future.** Any future failure to comply with our State's election laws may result in this Office taking legal action as needed to ensure compliance.

Town of Goshen Cease and Desist Order  
Page 2 of 2

Cease and Desist Order Issued

By Authority of:

Attorney General



Nicholas A. Chong Yen  
Assistant Attorney General

cc: David Scanlan, Deputy Secretary of State  
Attorney Christine Fillmore, Goshen Town Counsel  
Christine Downing

**000008**

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

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GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

July 29, 2019

Ann O'Clair

Goshen, NH 03752

Christine Downing

Goshen, NH 03752

Re: Alleged Illegal Campaign Activity

Dear Ms. O'Clair and Ms. Downing:

On April 29, 2019, this office was informed that a mailer had been sent to residents in Goshen urging voters to vote "No" on ratifying the election of March 12, 2019. This mailer was sent prior to the April 27, 2019 Special Town Meeting and did not identify the natural person or entity responsible for it, contrary to RSA 664:14. Goshen Town Counsel provided this information to this office indicating that Ann O'Clair told Administrative Assistant Cindy Rouillard that she had sent the mailer herself.

In assessing the merits of this complaint, on May 1, 2019, Chief Investigator Richard Tracy spoke with Ms. O'Clair over the phone. Ms. O'Clair admitted that she and her sister, Christine Downing, were responsible for preparing and sending out the mailers. Investigator Tracy also obtained a copy of an email exchange between Ms. O'Clair and Administrative Assistant Rouillard dated April 26-27, 2019. During this exchange, Ms. O'Clair wrote: "For the record the yellow card which was mailed and became the topic of conversation at the meeting apparently, was written and distributed by Christine Downing. I helped her with it."

Following the phone call between Investigator Tracy and Ms. O'Clair, Ms. Downing emailed the undersigned, referred me to prior correspondence, and admitted that she was responsible for the concept of the mailers and its completion. In an email dated April 28, 2019, Ms. Downing stated that she spent her own personal funds for a mailing campaign to explain to voters the situation surrounding the vote on ratification.

RSA 664:1 states that the provisions contained in RSA 664:14 through RSA 664:22 apply to presidential primary, city, town, school district, and village district elections. RSA 664:2 defines an “election” as any general biennial or special election, political party primary, or presidential preference primary. Further, a “[r]egular election shall mean an election required to be held periodically under the election laws, a city charter, or a local by-law, and which is held in accordance with the same. Any other election shall be a special election. As used in the election laws, “election” shall mean a regular election.” RSA 652:2.

In this case, while the business of the Special Town Meeting was not explicitly identified as a “regular election,” the meeting’s purpose was to ratify by ballot vote the results of a “regular election.” If the voters chose to ratify the results, it would have the effect of selecting a single candidate for an elected position, consistent with any “general biennial or special election.” As such, the Special Town Meeting, on April 27, 2019, was a “special election” for the purposes of RSA 664:1 and RSA 652:2. See RSA 671:22 – Election at Town Meeting (This statute indicates that the election of school district officers may take place during any annual or special meeting, in effect making the meeting an election consistent with RSA 664:1).

RSA 664:14 states, “[a]ll political advertising shall be signed at the beginning or the end with the names and addresses of the candidate, his [or her] 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.” RSA 664:2, VI defines “political advertising” 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.” Therefore, the mailers both Ms. O’Clair and Ms. Downing admitted to creating and sending would constitute political advertisements that require proper identification of the individuals listed in RSA 664:14.


Individuals do have a right to anonymity in exercising political speech. See McIntyre v. Ohio Elections Comm., 514 U.S. 334 (U.S. 1994). This case differs because of the cooperation of Ms. O’Clair and Ms. Downing to promote the defeat of ratifying the March 12th election through their jointly created mailers. RSA 664:2, III defines a “political committee” as “[a]ny organization of 2 or more persons that promotes the success or defeat of a candidate or candidates or measure or measures, including the political committee of a political party.” The coordinated efforts of Ms. O’Clair and Ms. Downing in creating and sending the mailers for the above-mentioned purpose would constitute the conduct of a political committee. While, political committees are generally subject to specific filing and registration requirements as outlined under Chapter 664 for state and federal elections, at a minimum, in the case of municipal elections, political committees are required to provide identification information on political advertising in accordance with RSA 664:14.

Please be advised, any further failure to comply with the identification requirements for political advertisements in accordance with RSA 664:14-22 may result in a cease and desist order and/or further enforcement action.

Please feel free to contact me if you have any questions.

Alleged Illegal Campaign Activity  
Page 3 of 3

Sincerely,



Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

cc: Christine Fillmore, Goshen Town Counsel

**000011**

**ATTORNEY GENERAL  
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GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

July 30, 2019

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Re: Alleged Wrongful Voting

Dear [REDACTED]:

On November 21, 2018, we received a complaint containing allegations that you wrongfully voted. After review, we understand that you both may have been confused as to your qualifications to vote.

In following-up on this complaint, Chief Investigator Richard Tracy spoke with your counsel, Attorney Bill Christie. Attorney Christie explained that in early October of 2018, you both had requested absentee ballots. Also on or around that time, you had listed your house for sale. Attorney Christie explained that you expected to cast your votes before any bidders would present an offer on your home.

Contrary to your expectation, you received an offer quickly, in addition to a request to close and for the new owners to move in as soon as possible. We understand at that time, you still had not found a new place to live, and were still determined to do your civic duty and vote.

RSA 654:1 explains that every inhabitant of New Hampshire, having a single established domicile for voting purposes, shall have a right to vote.

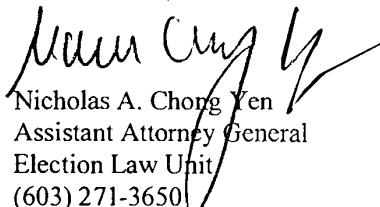
“Domicile” is defined as that one place where a person, more than any other place, has “established a physical presence and manifests an intent to maintain a single continues presence for domestic, social, and civil purposes relevant to participating in democratic self-government.” RSA 654:1.

Page 2 of 2

While at the time you cast your ballots, your unique situation may have caused confusion as to where you were domiciled, we understand you are presently residents of California. As such, and based on the information obtained by Investigator Tracy, we conclude that you are currently domiciled for voting purposes in California and not New Hampshire.

We hope this information will be useful to you. Please feel free to contact me should you have any further questions.

Sincerely,



Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

CC: Robert Dezmelyk, Newton Town Moderator  
Attorney Bill Christie

000013



**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

July 30, 2019

Edward Naile  
Coalition of NH Taxpayers  
61 Tubbs Hill Road  
Deering, NH 03244

Re: Voter Fraud Allegation

Dear Mr. Naile:

On November 19, 2018, we received your complaint from the U.S. Attorney's Office regarding alleged voter fraud in New Hampshire. Among the several names referenced in your complaint, you alleged that [REDACTED] committed voter fraud. After careful review, we conclude there has been no violation of New Hampshire's election laws.

In following-up on this complaint, we examined the information that accompanied your complaint, obtained records from New Hampshire's ElectioNet, reviewed records from the New Hampshire DMV, and contacted the election office in [REDACTED] Virginia.

The [REDACTED] County election office informed us that [REDACTED] is not registered to vote in [REDACTED] Virginia and there is no record of [REDACTED] ever having voting in [REDACTED] County.

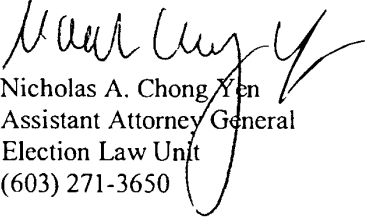
This information, combined with records showing [REDACTED] having a valid New Hampshire Driver's License, as well as a New Hampshire car registration, demonstrates an intent to remain in this State.

Consequently, for the foregoing reasons, this Office concludes that [REDACTED] has not violated New Hampshire's election laws. This matter is now closed.

Please feel free to contact me if you have any other questions.

Voter Fraud Allegation  
Page 2 of 2

Sincerely,



Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

August 6, 2019

Gail Clement  
Town of Landaff  
12 Center Hill Road  
Landaff, NH 03585

Heather Peters  
Town of Landaff  
12 Center Hill Road  
Landaff, NH 03585

Re: Alleged Election Official Misconduct Complaint

Dear Clerk Clement and Clerk Peters:

On March 12, 2019, we received a complaint alleging that the Town Clerk did not mail out the school absentee ballots. This Office conducted significant follow-up following that complaint to include conversations with several Landaff town officials: School Board Chair Dale Locke, Town Clerk Gayle Clement, School Clerk Heather Peters, Administrative Assistant Robyn Gilmartin, and Moderator Judy Boulet. We also reviewed the applicable statutory authority.

After gathering this information, we would like to take an opportunity to review the proper procedures for the sending of absentee ballots and the respective responsibilities of election officials.

**I. Absentee Ballots**

RSA 669:29 states in relevant part that, “[t]he procedure for absentee voting in town elections shall be the same as in state elections as provided in RSA 657:2, 657:6, 657:7, 657:8, 657:12, and 657:14 through 657:24.”

“Upon receipt of a properly executed application for an official absentee ballot for a general election, whether the form supplied by the secretary of state, the federal official post card form, or a written statement containing the information required by RSA 657:4, I, a town or city clerk

shall forthwith ascertain if the applicant is on the checklist of the town or city. If the applicant is on the checklist, the clerk shall send the materials provided for in RSA 657:15 to the applicant and record the information pursuant to RSA 657:15; if not, the clerk shall refuse to certify as provided in RSA 657:16.” RSA 657:12.

If any school district should vote to elect its district officers by separate ballot at the town election, an application for an absentee ballot shall be sufficient in order to receive an absentee ballot for both the town election and the school district election. RSA 671:21. (emphasis added).

In this case, we understand that Clerk Peters dropped off the School absentee ballots on February 20, 2019 at the Town Hall for Clerk Clement to include in her mailings to absentee applicants. Clerk Peters left the ballots with Administrative Assistant Gilmartin, a new town employee at the time. Uncertain about what to do with the School absentee ballots, Gilmartin left them in the Selectboard’s office, where they sat for one or two weeks before being directed to Clerk Clement.

Based on the above-referenced statutes, it is the Town Clerk’s responsibility to send both the School and Town absentee ballots to qualified absentee voting applicants.

For the Town Clerk to properly send both Town and School absentee ballots to applicants, it is important for there to be clear communication between the Town Clerk and the School Clerk. The School Clerk must deliver the School absentee ballots in a timely fashion and in a manner consistent with an already agreed upon arrangement by the Town and School Clerks. If there are difficulties getting the School absentee ballots to the Town Clerk, we suggest the Town Clerk include a note to the absentee voting applicant explaining that the School absentee ballots were not sent because the school had not yet provided them and that the voter would be sent the school absentee ballot in a separate mailing.

The School absentee ballots may be left with an administrative assistant or other designated official, provided it is arranged with the Town Clerk in advance.

Failure to maintain clear communication between town offices can result in unnecessary confusion and inconsistent responses by election officials.

## **II. Voter Checklist**

While there is no statute authorizing or prohibiting the use of more than one checklist, we suggest that a single checklist be used for both the Town and School elections. However, we acknowledge the Moderator has discretion to utilize reasonable methods to ensure accuracy in reconciling the number of ballots as may be appropriate for his or her specific polling location.

## **III. Election Officials at the Polls**

RSA 671:25 indicates that it shall be the duty of the School Clerk to prepare the official ballots for the school district as provided in RSA 671:20 and to deliver the same to the town moderator before the opening of the polls at the town election.

“The town election officials shall act in like capacity for the school district in conducting the school district election. After the close of the polls, the town election officials shall turn all school district ballots over to the moderator of the school district, who shall then proceed to count the ballots publicly with the assistance of such legal voters of the district as the moderator of the school district shall appoint. Provided, however, that, in the case of cooperative school districts, the town election officials, immediately after the close of the polls, shall count the ballots for school district officers and, within 24 hours, forward to the school district clerk a list of the number of votes received by each candidate for school district office. The list shall be signed by the town clerk and witnessed by the town moderator. Upon receipt of the list, the cooperative school district clerk shall record the results from each town and shall, when the results from all towns within the district have been recorded, determine and announce the names of the winning candidates.” RSA 671:26. (emphasis added).

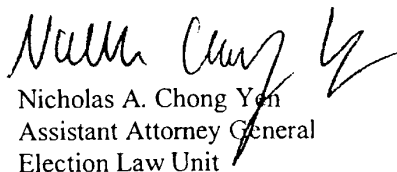
Together, these statutes indicate that if the town officials run the election, then the school board members are not required to be present during the day. However, a school board member or his/her designee may need to be present at the end of the day to assist the school moderator in counting the school district ballots.

In this case, we learned that Clerk Peters, due to work commitments, was unable to be at the polls on Election Day. As such, Clerk Peters, through the Landaff School Board, made arrangements for former School Clerk Denise Cartwright to cover for her on Election Day. We also learned the Moderator Boulet appointed Ceciley Yarosh, a current school board member, to cover for Clerk Peters.

This Office understands that there may have been a misunderstanding as to whether a school board member needed to be present during Election Day. Based on the forgoing analysis, school board members are not required to be at the polls during Election Day. However, to the extent Town election officials believe a school board representative is needed at the polls, we again suggest that the two Town offices engage in clear communication to help facilitate such assistance.

We greatly appreciate the cooperation of Landaff town and election officials while we followed-up on this complaint. We hope this information will prove useful to you. At this time, the matter is now closed. Please feel free to contact me should you have any further questions.

Sincerely,

  
Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

Alleged Election Official Misconduct Complaint  
Page 4 of 4

cc: Town of Landaff School Board  
Town of Landaff Selectboard  
Judy Boulet, Town of Landaff Moderator

**000019**

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

August 6, 2019

Denis V. Murphy, II  
[REDACTED]  
Winchester, NH 03470

Re: Allegations of Wrongful Voting and Voter Intimidation

Dear Moderator Murphy:

On November 7, 2018 we received your complaint, alleging that [REDACTED] wrongfully voted and engaged in voter intimidation. After careful consideration, we conclude there was no violation of New Hampshire's election laws.

In reaching this determination, we reviewed your complaint and its accompanying documents, obtained statements from election officials, verified [REDACTED] address through the Winchester Post Office and Winchester Police Department, and contacted the manager of the building located at [REDACTED]

With respect to your allegation of voter intimidation, we examined each of the video links you provided to [REDACTED] YouTube videos. RSA 659:40 states in relevant part that "[n]o person shall use or threaten force, violence, or any 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."

While we acknowledge that [REDACTED] may have been challenging, his behavior did not appear to have caused any voter at the polling location to refrain from voting or registering. Additionally, in speaking with Winchester election officials, we understand that although [REDACTED] action may have made some voters uncomfortable during the registration process, he did not cause any voter to refrain from registering.

With respect to your allegation of wrongful voting, we reviewed [REDACTED] voter registration form and conducted verification of the listed address. Chief Investigator Richard Tracy spoke with Bonnie Leveille, Winchester Supervisor of the Checklist. Ms. Leveille told Investigator Tracy that [REDACTED] did not live at [REDACTED] but instead, a person she believed to be [REDACTED] (or a name similar) resided there.

**000020**

We contacted both the Winchester Police Department and Post Office. The Police Department confirmed that [REDACTED] has a vehicle registered to [REDACTED] Winchester, NH. The Post Office further verified that [REDACTED] was listed as a recipient of mail at the same address. The Post Office also told Investigator Tracy that the building located at this address was owned and managed by Southwest Community Services.

Investigator Tracy reached out to Ryan Wallace, the manager for the building located at [REDACTED]. In speaking with Mr. Wallace, we learned that there are in fact two streets by the same name and number located in Winchester: [REDACTED] Winchester, NH and [REDACTED] located in the unincorporated community of Ashuelot. Mr. Wallace indicated that the building he manages is located in the unincorporated community of Ashuelot.

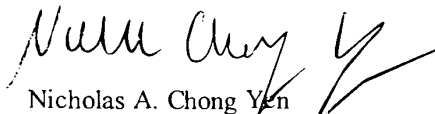
Based on this discovery, we began confirming the residents of [REDACTED] in Winchester – the address listed by [REDACTED] on his voter registration form. The Town of Winchester website lists [REDACTED] as the owner of [REDACTED] in Winchester. Through ElectioNet, we also learned that [REDACTED] is associated with the same address and is a registered voter in Winchester. [REDACTED] is thought to be the female [REDACTED] attempted to identify.

On August 1, 2019, Investigator Tracy went to [REDACTED] in Winchester and spoke with [REDACTED]. She confirmed that [REDACTED] formerly lived at the residence and moved out approximately 10 days prior to Investigator Tracy's visit. [REDACTED] confirmed that prior to [REDACTED] leaving, he had been living at the residence.

Therefore, we conclude that [REDACTED] resided at [REDACTED] in Winchester, NH during the November 2018 election and did not commit an election law violation. As such, this matter is now closed.

Please feel free to contact me if you have any other questions.

Sincerely,



Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov



ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

August 7, 2019

Zandra Rice Hawkins, Executive Director  
Granite State Progress  
4 Park Street, Suite 301  
Concord NH 03301

Re: Friends of Chris Sununu Campaign Finance Complaint

Dear Ms. Hawkins:

On November 1, 2018, this office received Granite State Progress' complaint alleging that the Friends of Chris Sununu committed campaign finance violations by accepting contributions from limited and limited liability partnerships. We have reviewed the complaint and accompanying documents as well as the response from legal counsel to the Friends of Chris Sununu and a response from Nixon Peabody LLP. We have also reviewed applicable statutory and decisional law and our own opinions and guidance letters spanning back nearly 20 years. We conclude that the Friends of Chris Sununu has not violated New Hampshire's election laws.<sup>1</sup>

RSA 664:4 has been in force for many years, but not always in the same form as it appears today. In 1999, then-RSA 664:4 included an additional provision, paragraph I, which prohibited political donations by:

[A]ny corporation, or by any officer, director, executive, agent or employee acting in behalf of such corporation, or by any organization representing or affiliated with one or more corporations or by any officer, director, executive, agent or employee acting in behalf of such organization.

That year, the United States District Court for the District of New Hampshire, in a decision entitled *Kennedy v. Gardner*, 1999 WL 814723 (1999), held that RSA 664:4, I violated the First Amendment to the United States Constitution by prohibiting corporations from engaging in First Amendment protected political speech.

<sup>1</sup> Because of his prior employment at Nixon Peabody, Attorney General Gordon MacDonald is recused from this matter and took no part in the decision.

Shortly after the *Kennedy* decision, this office received a request for guidance from the New Hampshire Secretary of State. In response, we stated that, in light of *Kennedy*, this office would no longer enforce the statutory prohibition on political donations by corporations set forth in RSA 664:4, I. See *Opinion of the Attorney General*, 2000 N.H. AG LEXIS 1 (2000). Instead, we advised that, going forward, we would treat corporations as “persons” who may make political contributions within the guidelines set forth in RSA 664:4, V. *Id.*

Well after enactment of RSA 664:4, but prior to the *Kennedy* decision, the Legislature created statutory entities known as limited partnerships and limited liability partnerships, which, unlike traditional partnerships, resemble corporations. Unable to discern any constitutionally significant distinction between corporations and these corporate partnerships, this office determined to regard them the same as corporations for purposes of RSA 664:4, by considering them within the definition of persons and enforcing the contribution limits for persons set forth in RSA 664:4, V, but no longer enforcing the political contribution ban in RSA 664:4, II. See, e.g., Letter, dated May 24, 2018, from Assistant Attorney General Matthew Broadhead to the Honorable William M. Gardner at FN2; Letter, dated August 1, 2014, from, Attorney General Joseph Foster to Jennifer Horn at p.3.<sup>2</sup> This office has also included limited liability companies as persons, able to donate subject to the limits in RSA 664:4, V. See, e.g., Letter to David Horan and Kate Hanna from Orville Fitch dated October 7, 2010 (responding to a complaint alleging violation of contribution limits for persons that included several limited liability companies). As a result, for at least nine years, limited liability partnerships, such as Nixon Peabody, LLP, have been donating to campaigns as “persons” subject to the limits in RSA 664:4, V.

In 2011, the Legislature repealed RSA 664:4, I, but did not, in any way, alter the application of RSA 664:4 that this office implemented in the wake of the *Kennedy* decision. In the nearly ten years since then, the Legislature has not further amended RSA 664:4. Our consideration of the statute as described above has remained consistent during that time. This office’s longstanding interpretation of RSA 664:4 remains legislatively undisturbed and this office may not now alter how we interpret and enforce these statutory provisions. See, e.g., *Bovaird v. New Hampshire Department of Administrative Services*, 166 N.H. 755, 762 (2014) (describing doctrine of administrative gloss). To that end, this office, acknowledging ambiguities in RSA 664, has emphasized both that “[a] fundamental element of the equal right to be elected into office is a uniformly interpreted and applied regulation of campaign contributions and expenditures,” and that “[c]andidates should be able to rely on information provided by State officials who carry out or enforce campaign finance laws.” *Fitch letter, supra.*

Enforcing the statute differently would also risk violating equal protection. See, e.g., *Protect My Check, Inc. v. Dilger*, 176 F. Supp. 3d 685, 692 (E.D. Ky. 2016) (holding that plaintiffs were likely to succeed in showing that a ban on contributions by corporations, but not by limited liability companies, was “overbroad and unconstitutional under the Equal Protection Clause of the Fourteenth Amendment.”).

<sup>2</sup> Each of these two letters cite to a 2002 *Opinion Letter of Attorney General to Rich Killion*, dated August 12, 2002. Although that citation is incorrect, the proposition those two letters state reflects this office’s long standing interpretation.

Friends of Chris Sununu Campaign Finance Complaint  
Page 3 of 3

For all of these reasons, we conclude that the Friends of Chris Sununu has not violated RSA 664:4 through the specific donations you challenged in your complaint.

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

Sincerely,



Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

cc: Jane Young, Deputy Attorney General  
James Boffetti, Associate Attorney General  
John Formella, Friends of Chris Sununu Legal Counsel  
David Vicinanza, Nixon Peabody

000024

8048  
THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF JUSTICE  
33 CAPITOL STREET  
CONCORD, N.H. 03301-6397

Zandra Rice Hawkins, Executive Director  
Granite State Progress  
4 Park Street, Suite 301  
Concord NH 03301

000025

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

August 12, 2019

Marcus Ponce de Leon  
[REDACTED]  
Manchester, NH 03103

Re: Alleged Impersonation of Candidate

Dear Mr. Ponce de Leon:

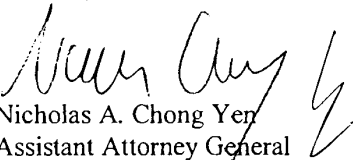
On August 8, 2019, this Office received your complaint, alleging that a person contact the Manchester City Clerk's office using your name. You indicated that this individual tried to have your name removed as a candidate for Alderman in Ward 5 for the November 2019 election. After reviewing this matter, we have concluded that there has been no violation of New Hampshire's laws.

Deputy City Clerk Joanne Ferruolo stated that on July 10, 2019, an assistant clerk received a phone call from a male party. The caller inquired about the procedure to withdraw as a candidate for office. The assistant clerk did not recall the caller's name.

Following this conversation with the male party, Deputy Clerk Ferruolo mistakenly contacted you about the deadline for withdrawing as a candidate. After reviewing the list of candidates, Deputy Clerk Ferruolo believes her voicemail message to you was in error. Additionally, it appears the July 10th caller was in fact another candidate who has since withdrawn.

At this time the matter is closed. Please feel free to contact me if you have further questions.

Sincerely,

  
Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

August 14, 2019

Domingos Nobrega  
Federal Correctional Institution Berlin  
#06915-036  
FCI Berlin  
PO Box 9000  
Berlin NH 03570

Re: Complaint

Dear Mr. Nobrega:

On July 16, 2019, we received your complaint regarding an alleged notarial violation by a corrections officer. Please be advised that your matter has been referred to Lynmarie Cusak, Director for the New Hampshire Department of Corrections.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas A. Chong Yen".

Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

cc: Lynmarie Cusak, Department of Corrections

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

August 14, 2019

Patricia A. Little  
City of Keene City Clerk  
3 Washington Street  
Keene, NH 03431

Re: [REDACTED] – Alleged Wrongful Voting

Dear Clerk Little:

On December 13, 2018, you notified this Office that [REDACTED] may have wrongfully voted by applying for and casting a regular ballot after casting an absentee ballot. After reviewing the evidence in this case, we conclude that the State will be unable to meet its burden with respect to the culpable mental state of the offense. Therefore, this Office has determined it will be unable to proceed with enforcement action.

Sincerely,

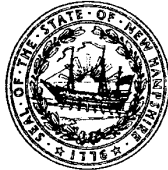
A handwritten signature in black ink, appearing to read "Nicholas A. Chong Yen".

Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

August 14, 2019

Honorable Stephen Shurtleff  
Speaker of the House  
State House, Room 311  
107 North Main Street  
Concord, NH 03301

Honorable Melanie Levesque  
Chair, Senate Committee on Election Law  
and Municipal Affairs  
Legislative Office Building, Room 102  
107 North Main Street  
Concord, NH 03301

Honorable Donna Soucy  
President of the Senate  
State House Room 302  
107 North Main Street  
Concord NH 03301

Honorable David Cote  
Chair, House Committee on Election Law  
Legislative Office Building, Room 308  
107 North Main Street  
Concord, NH 03301

Re: Domicile Affidavit Investigation

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

Pursuant to RSA 654:12, V(f), enclosed please find the Report of Investigation Regarding Domicile Voter Affidavits. The affidavits that were the subject of this investigation were referred to this Office by the Department of State on February 28, 2018.

Sincerely,

A handwritten signature in black ink that reads "Nicholas A. Chong Yen".

Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

CC: Honorable William M. Gardner, Secretary of State  
Enclosures



STATE OF NEW HAMPSHIRE  
DEPARTMENT OF JUSTICE

REPORT OF INVESTIGATION REGARDING  
DOMICILE VOTER AFFIDAVITS

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. When registering to vote, an individual is permitted to establish domicile by completing a domicile affidavit. RSA 654:12, I (c) (2016). Pursuant to RSA 654:12, V, the Secretary of State and the Attorney General are responsible, respectively, for reviewing and investigating executed domicile affidavits in order to determine whether fraudulent registration or voting occurred. This report, filed pursuant to RSA 654:12, V (f), summarizes the results of this investigation.

The voter registration statutes were amended by Senate Bill 3 (2017) which partially went into effect September 8, 2017.<sup>1</sup> All of the affidavits subject to this investigation were completed by individuals registering to vote after the effective date of Senate Bill 3.

INVESTIGATIVE STEPS

The Secretary of State is required to send address verification letters to all individuals who executed a domicile affidavit when registering to vote. RSA 654:12, V (d). In the event that an address verification letter is returned by the United States Postal Service as undeliverable, the Secretary of State is authorized to “conduct an inquiry” into these individuals in order to assess the person’s qualifications to vote in New Hampshire. RSA 654:12, V (e). “After such inquiry, the secretary shall prepare and forward to the attorney general for investigation a list of those

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<sup>1</sup> Pursuant to a September 12, 2017, Superior Court Order some of these statutory changes were partially enjoined. A subsequent Superior Court Order enjoined the use of voter registration forms codified in Senate Bill 3 beginning on November 8, 2018.

people whose eligibility to vote could not be confirmed.” *Id.* The Attorney General “shall cause an investigation to be made to determine whether fraudulent registration or voting occurred.” *See* RSA 654:12, V (e).

Chief Investigator Richard Tracy of the Election Law Unit was assigned to conduct this investigation. To conduct this inquiry, Investigator Tracy initially reviewed publicly available sources or contacted local election officials to verify the domicile addresses of the voters. If unable to confirm the voter’s domicile address through either of these means, Investigator Tracy attempted to verify an individual’s domicile through the use of law enforcement databases, directly contacting the individual or conducting witness interviews.

#### **RESULTS OF THE INVESTIGATION**

On February 28, 2018, this Office received a report from the Department of State indicating they sent address verification letters to 3 individuals who signed domicile affidavits as they registered to vote between September 8, 2017 and December 31, 2017. Of the 3 individuals who signed domicile affidavits during this time period, 1 address verification letter was confirmed as being delivered. 2 letters were returned by the Postal Service marked as “undeliverable.” For each of these letters, the Department of State found records for persons living outside New Hampshire who have the same name, date of birth, or other identifying information as the addressee. These remaining individuals were referred to this Office for further investigation.

Both individuals who were referred for investigation in February 2018 have had their respective domicile address verified. This Office has concluded that these two individuals did not wrongfully vote. As such, this Office has not opened any separate investigations.

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

August 16, 2019

Glenn Bailey

Milton, NH 03851

Re: Town of Milton Alleged Election Official Misconduct Complaint

Dear Mr. Bailey:

On February 1, 2019, we received your complaint alleging that both the Milton Town Administrator and Milton Police Department engaged in prohibited electioneering contrary to RSA 659:44-a. After careful consideration, we conclude that there has been no violation of New Hampshire's election laws.

RSA 659:44-a, I states 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." A "public employee" means any person employed by a public employer except:

- (a) Persons elected by popular vote;
- (b) Persons appointed to office by the chief executive or legislative body of the public employer;
- (c) Persons whose duties imply a confidential relationship to the public employer; or
- (d) Persons in a probationary or temporary status, or employed seasonally, irregularly or on call.

RSA 273-A:1, IX. (emphasis added).

On August 15, 2019, Chief Investigator Richard Tracy spoke with current Milton Town Administrator Ernest Creveling. Mr. Creveling explained that the Town Administrator is appointed by the Board of Selectmen.

Therefore, RSA 659:44-a would not have applied to former Town Administrator Heather Thibodeau because the Town Administrator does not constitute a "public employee" within the definition of RSA 273-A:1, IX.

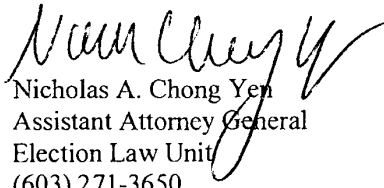
With respect to your complaint about the Milton Police Department, we reviewed the Facebook excerpt you included in your letter.

“Electioneering” as defined under RSA 659:44-a means to act in any way specifically designed to influence the vote of a voter on any question or office.

A plain reading of the police department’s Facebook post shows that it was simply an invitation for the public to attend and informational session about the department and its offered services. The post does not expressly advocate for a particular budget, nor does it request the public to vote one way or the other. As such, we conclude that this Facebook post does not constitute electioneering within the meaning of RSA 659:44-a.

Based on the foregoing, we conclude that there has been no violation of New Hampshire’s election laws. This matter is now closed. Please feel free to contact me if you have any questions.

Sincerely,

  
Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

cc: Francis J. Winterer, Jr., Strafford County Attorney’s Office

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

August 19, 2019

David Wheeler  
[REDACTED]  
Milford, NH 03055

Re: Political Advertising Complaint

Dear Mr. Wheeler:

On March 11, 2019, we were notified that the attached mailer had been sent out asking voters to vote yes on Article 19 in the Town of Milford. This mailer did not contain any information as to who was responsible for it.

In following-up on this complaint, we reviewed the mailer in question and observed that postage had been paid by U.S. Postage Permit #29. We contacted the Milford Postmaster to identify the owner Permit #29, and were informed that Permit #29 belonged to you.

“Political advertising” is defined as any communication, which expressly advocates the success or defeat of any party, measure, or person at any election. RSA 664:2, VI.

RSA 664:14 requires that all political advertising be signed at the beginning or end with the names and addresses of the persons or entity responsible for it.

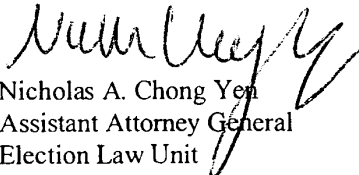
We recognize that an individual does have a right to anonymity in exercising political speech. See McIntyre v. Ohio Elections Comm., 514 U.S. 334 (U.S. 1994). However, if two or more persons coordinate in the creation of a political advertisement, such conduct would trigger the identification requirements outlined in RSA 664:14. Additionally, the coordination and organization of two or more persons to promote the success or defeat of candidates or measures may also trigger registration as a political committee. RSA 664:3. See also RSA 664:2, III (definition of a political committee).

In this case, there is no evidence to suggest that you coordinated with another in the creation of this advertisement. However, we encourage you to refer to the above referenced statutes in the future to ensure you remain in compliance with New Hampshire’s election laws. Failure to follow the political advertising requirements may result in a cease and desist order or further enforcement action.

Political Advertising Complaint  
Page 2 of 2

At this time, this matter is now closed. Please feel free to contact me if you have any questions.

Sincerely,



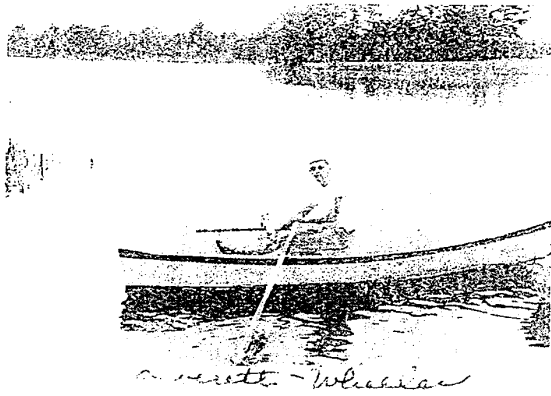
Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

Enclosure: (1) Flyer

cc: Suzanne L. Fournier

**000035**

1945 Virtually Weedless



2016 Virtually ALL Weeds

Article 19

**Budget Committee recommends**

8 to 1

Phase II **Osgood Pond Restoration**

Article 19

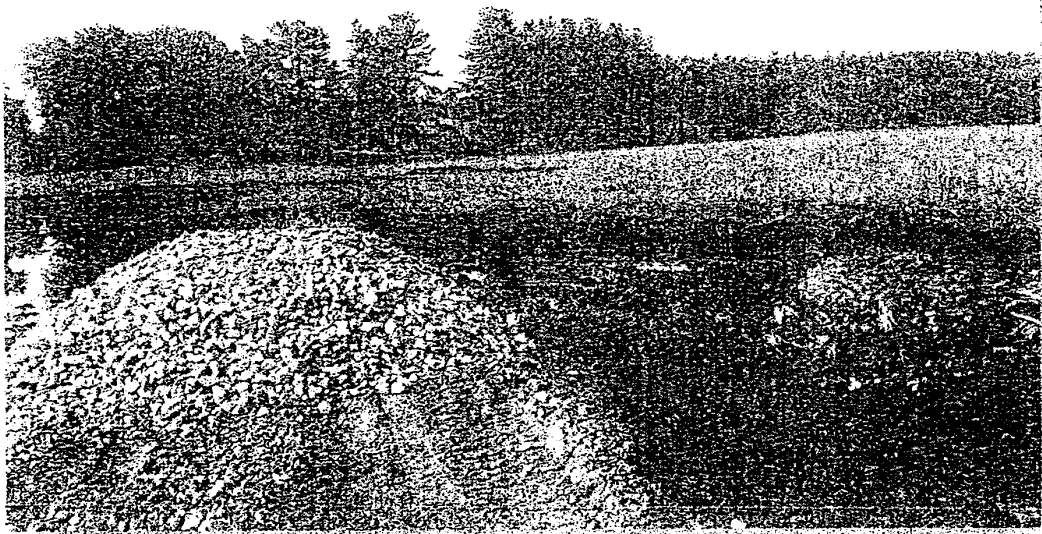
Milford NH 03055-3122

er

Printed  
US Postage  
Paid  
Permit #29  
MILFORD, NH  
03055

000036

# SAVE OSGOOD POND



## FINISH THE RESTORATION

- ❖ **NH Department of Environmental Services:** reviewed and permitted the project.
- ❖ **NH Department of Natural & Cultural Resources:** approved the project and is the administrator of the restoration grant.
- ❖ **NH Fish & Game:** project design reviewed and supported with a \$50,000 contribution to Milford for phase 1.
- ❖ **Federal Land Water Conservation Grant:** will reimburse Milford 50% of restoration costs.

**Vote YES on Article #19**



**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

August 20, 2019

Denise Nankivell

Keene, NH 03431

Re: Frank Szabo

Dear Ms. Nankivell:

On August 15, 2019, you spoke with Chief Investigator Richard Tracy regarding Frank Szabo. You recalled speaking to Szabo in December of 2018.

During your conversation with Szabo, he told you he was living in a South American country. As a result, he asked if his friend could get his (Szabo's) documents notarized on his behalf. You initially told him that you believed a person had to sign in your presence in order for a document to be notarized. Szabo informed you that after speaking with the notary office, it was acceptable for another person to stand in his place since he was out of the country. Based on this information, you notarized Szabo's documents, which was brought to you by his friend.

Please be advised, a notarial officer has a statutory duty to determine the identity of the person appearing before him or her. RSA 456-B:2. There is no exception to the requirement of a personal appearance before the notarial officer. In this case, you were uncertain about the requirements for personal appearance. Please note that the Notary Public and Justice of the Peace Manual describes notarial acts and outlines the process. It is available online (<http://sos.nh.gov/IP.aspx>) or by contacting the Secretary of State's Office at 603-271-3242.

We hope this information will be useful to you in the future. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas A. Chong Yen".

Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
[nicholas.chongyen@doj.nh.gov](mailto:nicholas.chongyen@doj.nh.gov)

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

August 20, 2019

Isabell L. Gonsalves

Keene, NH 03431

Re: Violation of RSA 659:34 Wrongful Voting – Civil Penalty Assessment

Dear Ms. Gonsalves:

On October 19, 2018 you completed and signed a Voter Registration Form in order to request an absentee ballot. On this form, you identified [REDACTED] Keene, NH as your current domicile for voting purposes. An Absentee Ballot Checklist shows that you were issued an absentee ballot, completed the ballot, and returned it on October 19, 2018.

On November 6, 2018, during the General Election, you went to the polls and completed another Voter Registration Form. The form shows that you once again identified [REDACTED] Keene, NH as you current domicile for voting purposes. A copy of the Keene, Ward 4 Checklist Addendum indicates that you same-day registered to vote.

Chief Investigator Richard Tracy spoke with you at your home in connection with this matter on August 1, 2019. When Investigator Tracy told you he wanted to speak about your voting twice in the same election, you responded that it did not surprise you. Investigator Tracy showed you both the Voter Registration Form dated October 19, 2018 and the Voter Registration Form dated November 6, 2018.

When completing the registration forms, you signed an affidavit and acknowledgment form that stated, in pertinent part:

I understand that a person can only claim one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon a temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

Isabelle Gonsalves  
Page 2 of 3

I acknowledge that I have read and understand the above qualifications and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

(emphasis added). You signed this sworn statement twice: once on October 19, 2018 and again on November 8, 2016. You acknowledged and confirmed to Investigator Tracy that the writing and signature on both forms were your own. However, you explained that you could not remember registering on October 19, 2018.

Pursuant to RSA 659:34, I(d), it is unlawful for a person to apply for a ballot in his or her own name after he or she has voted once.

A violation of RSA 659:34, I(d) is a class A misdemeanor. A conviction of a willful violation of New Hampshire's election laws carries a potential penalty of forfeiting one's right to vote under the New Hampshire Constitution, Part I, Article 11. In lieu of pursuing criminal prosecution, RSA 659:34 also authorize this Office to issue civil penalties for individuals who engage in wrongful voting.

The Keene Absentee Checklist shows that you were issued an absentee ballot, which you used to vote. The Voter Registration Form dated November 6, 2018 shows that you went to the polls on Election Day to apply for another ballot. Additionally, you admitted that the Voter Registration Forms you used to apply for both an absentee and regular ballot contained your handwriting and signature. As a result, we conclude that you unlawfully applied for a regular ballot on November 6, 2018 during the General Election after voting using an absentee ballot on October 19, 2018. Your actions are a violation of RSA 659:34, I(d).

Your actions are a serious violation of New Hampshire's election laws. This letter serves as official written notice that this Office is imposing a civil penalty of \$500.00 against you pursuant to RSA 659:34, III, because you violated RSA 659:34, I(d) on November 6, 2018. **However, due to the circumstances surrounding your voting, as well as your cooperation in the investigation, all of the civil penalty shall be suspended for a period of 2 years.**

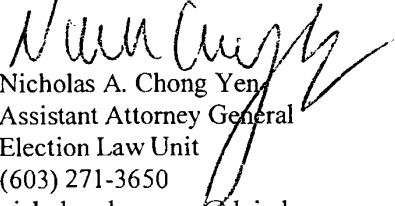
In the event that you once again violate RSA 659:34 within 2 years, then the suspended penalty of \$500.00 shall become immediately due and payable.

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 attention to this matter.

000040

Isabelle Gonsalves  
Page 3 of 3

Sincerely,



Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

000041

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

August 28, 2019

Patricia Chiasson

Cassel Berry, FL 32707

Re: Sonia Gauthier, Notarial Acts Complaint

Dear Ms. Chiasson:

On May 21, 2019, we received your complaint alleging that Sonia Gauthier notarized several documents related to a Road Maintenance Agreement (or "RMA") without the signing individual being present. You also alleged that at the time these documents were notarized, Ms. Gauthier had a conflict of interest due to her involvement in the drafting of the RMA, her association with the Towle Farm Community Corporation (or "TFCC") and her notarizing the RMA documents. After thorough review, we conclude that there has been no violation of New Hampshire's notary laws.

In making this determination, we reviewed the information accompanying your complaint, spoke with you, contacted Sonia Gauthier, examined corporate organization documents filed by TFCC with the Secretary of State's Office, and spoke with Alan and Janice Taylor.

RSA 455:2-a states that "it shall be unlawful for any notary public or other officer authorized to administer an oath or take an acknowledgment or proof of an instrument or make protest, to take the acknowledgment of an instrument executed by or to a bank or other corporation of which he is a stockholder, director, officer or employee, where such notary or other officer is a party to such instrument."

In this case, we understand that in 2010, Ms. Gauthier began notarizing RMA documents. At this time, Ms. Gauthier was volunteering her time to TFCC. A Non-Profit Report for TFCC filed with the Secretary of State's Office on July 9, 2010 confirms that Ms. Gauthier was neither an officer nor a director of the corporation. The evidence does not suggest that Ms. Gauthier was being compensated for her time by TFCC. Between 2010 and 2015, records filed with the Secretary of State's Office indicate that Ms. Gauthier was not a director or officer of TFCC until December 6, 2015. On that date, TFCC filed its Nonprofit Report, naming Ms. Gauthier as President. Therefore, we conclude that during the time she notarized these documents, Ms.

Sonia Gauthier, Notarial Acts Complaint  
Page 2 of 2

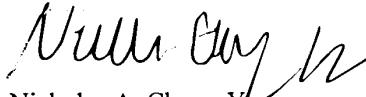
Gauthier was not a “stockholder, director, officer, or employee” of TFCC that would create a conflict of interest.

With respect to your complaint alleging that Ms. Gauthier notarized documents without the signing party being present, RSA 455:16 lists the offenses that constitute notarial misconduct. All of the listed offenses are classified as a Class A Misdemeanor. The Statute of Limitations for a Class A Misdemeanor is 1 year. RSA 625:8, I(c). As such, any alleged offense is outside the Statute of Limitations.

Finally, while this Office may seek a civil penalty related to the offenses listed under RSA 455:16, based on information we obtained through our investigation, there is insufficient evidence to prove that a violation occurred.

Based on the foregoing, we conclude that there has been no violation of New Hampshire’s notary laws. This matter is now closed. Please feel free to contact me if you have any questions.

Sincerely,



Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

cc: Attorney Brian R. Barrington, Coolidge Law Firm

**000043**

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

August 30, 2019

Kathleen Hoelzel, Moderator  
Town of Raymond  
4 Epping Street  
Raymond, NH 03077

Re: [REDACTED] Alleged Wrongful Voting Complaint

Dear Moderator Hoelzel:

On January 9, 2019, the Secretary of State's Office forwarded your complaint alleging that [REDACTED] may have voted in both New Hampshire and New York during the November 2018 election. After careful review, we conclude that [REDACTED] did not violate New Hampshire's election laws.

In following-up on this complaint, we utilized an investigative tool known as "TLO" in order to identify [REDACTED] current and former addresses, we reviewed information from the New Hampshire Department of Motor Vehicles (or "DMV"), and contacted the Dutchess County Board of Elections in New York and spoke with a Senior Election Specialist.

We learned through our investigation that [REDACTED] primary address is [REDACTED] Raymond, NH, which has been active from 1993 to present. Records also indicate that [REDACTED] was formerly associated with the address [REDACTED] Lagrangeville, NY from 1980 to 2014. Lagrangeville, NY is located inside Dutchess County, New York.

Through the records with the New Hampshire DMV, we determined that [REDACTED] is eligible for a New Hampshire driver's license, but does not have one. This Office confirmed that she does not have a New York driver's license.

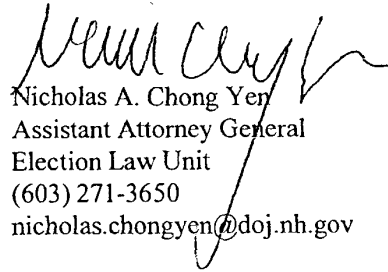
Finally, in speaking with the Dutchess County Board of Elections, we were informed that they do not have a record indicating that [REDACTED] is or was registered to vote in its jurisdiction.

██████████ Alleged Wrongful Voting Complaint  
Page 2 of 2

Based on the forgoing, there is no evidence to suggest that ██████████ has ever registered to vote or voted in New York. Consequently, we conclude that she did not vote in more than one state during the November 2018 election.

At this time, this matter is now closed. Please feel free to contact me if you have any questions.

Sincerely,



Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

cc: Christine Rousseau, Town Clerk, Town of Raymond

000045



**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 3, 2019

Honorable Stephen Shurtleff  
Speaker of the House  
State House, Room 311  
107 North Main Street  
Concord, NH 03301

Honorable Melanie Levesque  
Chair, Senate Committee on Election Law  
and Municipal Affairs  
Legislative Office Building, Room 102  
107 North Main Street  
Concord, NH 03301

Honorable Donna Soucy  
President of the Senate  
State House Room 302  
107 North Main Street  
Concord NH 03301


Honorable David Cote  
Chair, House Committee on Election Law  
Legislative Office Building, Room 308  
107 North Main Street  
Concord, NH 03301

Re: Domicile Affidavit Investigation

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

Pursuant to RSA 654:12, V(f), enclosed please find the Report of Investigation Regarding Domicile Voter Affidavits. The affidavits that were the subject of this investigation were referred to this Office by the Department of State on July 24, 2019.

Sincerely,

  
Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

CC: Honorable William M. Gardner, Secretary of State  
Enclosures

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF JUSTICE

**REPORT OF INVESTIGATION REGARDING  
DOMICILE VOTER AFFIDAVITS**

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. When registering to vote, an individual is permitted to establish domicile by completing a domicile affidavit. RSA 654:12, I (c) (2016). Pursuant to RSA 654:12, V, the Secretary of State and the Attorney General are responsible, respectively, for reviewing and investigating executed domicile affidavits in order to determine whether fraudulent registration or voting occurred. This report, filed pursuant to RSA 654:12, V (f), summarizes the results of this investigation.

The voter registration statutes were amended by Senate Bill 3 (2017) which partially went into effect September 8, 2017.<sup>1</sup> All of the affidavits subject to this investigation were completed by individuals registering to vote after the effective date of Senate Bill 3.

**INVESTIGATIVE STEPS**

The Secretary of State is required to send address verification letters to all individuals who executed a domicile affidavit when registering to vote. RSA 654:12, V (d). In the event that an address verification letter is returned by the United States Postal Service as undeliverable, the Secretary of State is authorized to “conduct an inquiry” into these individuals in order to assess the person’s qualifications to vote in New Hampshire. RSA 654:12, V (e). “After such inquiry, the secretary shall prepare and forward to the attorney general for investigation a list of those

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<sup>1</sup> Pursuant to a September 12, 2017, Superior Court Order some of these statutory changes were partially enjoined. A subsequent Superior Court Order enjoined the use of voter registration forms codified in Senate Bill 3 beginning on November 8, 2018.

people whose eligibility to vote could not be confirmed.” *Id.* The Attorney General “shall cause an investigation to be made to determine whether fraudulent registration or voting occurred.” *See* RSA 654:12, V (e).

Chief Investigator Richard Tracy of the Election Law Unit was assigned to conduct this investigation. To conduct this inquiry, Investigator Tracy initially reviewed publicly available sources or contacted local election officials to verify the domicile addresses of the voters. If unable to confirm the voter’s domicile address through either of these means, Investigator Tracy attempted to verify an individual’s domicile through the use of law enforcement databases, directly contacting the individual or conducting witness interviews.

#### **RESULTS OF THE INVESTIGATION**

On July 24, 2019, this Office received a report from the Department of State indicating they sent address verification letters to a total of 78 individuals who signed domicile affidavits as they registered to vote in 2018. Five letters were sent to voters who registered to vote between January 1, 2018 and June 30, 2018. Seventy-three letters were sent to voters who registered to vote between July 1, 2018 and December 31, 2018. Of the 78 individuals who signed domicile affidavits during this period, four letters for the January-June period and 66 letters for the July-December period were confirmed as being delivered. One letter from the January-June period and seven letters from the July-December period were marked “Return to Sender.” These remaining individuals were referred to this Office for further investigation.

These eight individuals who were referred for investigation in July 2019 have had their respective domicile addresses verified. This Office has concluded that these individuals did not wrongfully vote. As such, this Office has not opened any separate investigations.

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 3, 2019

William M. Gardner  
Secretary of State  
107 North Main Street  
Concord, NH 03301

Re: Alleged Theft of Voting Data

Dear Secretary Gardner:

On August 8, 2018, you, Deputy Secretary of State David Scanlan, along with representatives of the New Hampshire Democratic Party (NHDP) met with Assistant Attorney General Matthew Broadhead and Investigator Stephen Johnson. You expressed concern that information contained on a USB drive that a Democratic candidate for office had received, may have contained information illegally obtained from the New Hampshire statewide voter database. The USB drive received by the candidate was unsolicited and was accompanied by a brief cover note, signed "Publius."

Our investigation involved interviewing NHDP officials who fully cooperated, obtaining a list of network administrators who had access to the statewide voter database, and reviewing sales of the statewide checklist. The USB drive itself did not contain any identifying information. After careful review, we conclude that there is no evidence that a crime has been committed.

RSA 654:31 authorizes the Secretary of State's Office to provide, upon request, a list of the name, domicile address, mailing address, town or city, voter history, and party affiliation, if any, of every registered voter in the state to a political party, as defined in RSA 664:2, IV, or to a political committee, as defined in RSA 664:2, III.

The statute prohibits the use of checklist or voter information provided by any supervisors of the checklist or city or town clerk or by the secretary of state for commercial purposes. RSA 654:31, VI. The statute does not prohibit the dissemination of this voter data after it is lawfully obtained.

Page 2 of 2

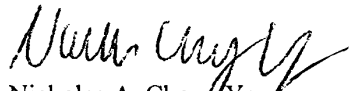
In this case, from the end of the 2012 General Election to the time this complaint was brought to our attention, a total of 51 purchases of voter information from the Secretary of State's office took place. As the statute mandates, all of these purchases were requested by multi-member political parties or political committees.

Absent additional information, the current evidence does not support the identification of a suspect. There is no evidence to the contrary that the voter information was not lawfully purchased and then shared with candidates. Moreover, given the vast number of individuals that comprise each of the 51 political parties and committees that purchased this data, even if a suspect were identified, he or she would have a persuasive argument that any number of people may have been responsible for sharing the data that was contained on the USB device.

Thank you for your patience while we reviewed the case. We will keep the materials on file so if further information comes to your attention that establishes proof beyond a reasonable doubt then the matter can be reassessed.

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

Sincerely,



Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

cc: Raymond Buckley, Chair – New Hampshire Democratic Party

000050

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 3, 2019

**SENT VIA EMAIL AND U.S. MAIL**

J.R. Hoell, Jr.

[REDACTED]  
Dunbarton, NH 03046

Re: Alleged Campaign Finance Misconduct Complaint

Dear Mr. Hoell:

On September 5, 2018, we received your complaint alleging that former Senator David Boutin committed multiple campaign finance violations. After reviewing Senator Boutin's Statements of Receipt and Expenditures, we have sent him warning letters and informed him of the filing requirements. Senator Boutin has since filed amended Statements and acknowledged his errors.

At this time, the matter is now closed. Please feel free to contact me should you have any other questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Chong Yen".

Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 3, 2019

David Boutin

████████████████████  
Hooksett, NH 03106

Re: **Filing a 6-Month Report Pursuant to RSA 664:6 and 664:7**

Dear Mr. Boutin:

On September 5, 2018, this office received a complaint alleging that your campaign violated New Hampshire RSA 664. Those complaints included the following: (1) your campaign's failure to disclose required information about donors or list them in alphabetical order; (2) your campaign's failure to include your address in political mailers; (3) your campaign's failure to identify the employers of those donating over \$100.00; and (4) failure to file a 6-month report of excess funds or debt.

On September 13, 2018, Assistant Attorney General Matthew Broadhead sent you a letter, providing you with 30 days to respond to these allegations. On October 7, 2018, you sent your response, admitting in pertinent part that you failed to comply with the reporting requirements as outlined in RSA 664:6, V, because you were ill-informed about the requirements. The focus of this letter is to inform you of those requirements and the applicable statutes.

RSA 664:7 imposes the same reporting requirements for candidates as political committees under RSA 664:6. As such, any candidate who has "an outstanding debt, obligation, or surplus following an election shall file reports at least once every 6 months thereafter until the obligation or indebtedness is entirely satisfied or surplus deleted." RSA 664:6, V.

In your case, following the July 25, 2017 special election, you filed a Report of Receipts and Expenditures form, which was received by the Secretary of State's Office on July 31, 2017. On that form, you wrote that your total receipts "To Date" were \$110,357.95, while your total expenditures "To Date" were \$93,018.87. This would mean that following the July 25th special election, you were carrying a surplus of \$17,339.08. Pursuant to RSA 664:7, you were required to file a 6-month report no later than January 25, 2018, if this surplus had not been deleted by that time. We realize you have acknowledged this error and expressed an intention to follow these laws in the future. We hope this information will be helpful in ensuring your compliance.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas Chong Yen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
[nicholas.chongyen@doj.nh.gov](mailto:nicholas.chongyen@doj.nh.gov)



**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 6, 2019

Selectboard  
Town of Greenland  
PO Box 100  
Greenland, NH 03840-0100

Ralph Cresta, Fire Chief  
Town of Greenland Fire Department  
PO Box 100  
Greenland, NH 03840

Christine Hussey, Administrative Assistant  
Town of Greenland  
PO Box 100  
Greenland, NH 03840

Re: Alleged Illegal Campaign Activity

Dear Town of Greenland Selectboard, Mr. Cresta, and Ms. Hussey:

On March 4, 2019, this Office received a complaint alleging that a pamphlet was distributed by the Town of Greenland contrary to the prohibition against electioneering by public employees under RSA 659:44-a.

In following up on this complaint, we spoke with Town Administrator Matt Scruton, reviewed meeting minutes, invoices, and receipts of the Selectboard, spoke with Town Clerk Marge Morgan, spoke with Mr. Cresta, and spoke with Ms. Hussey.

RSA 659:44-a states 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.” Additionally, “[n]o public employee shall use government property or equipment, including, but not limited to, telephones, facsimile machines, and computers, for electioneering.” RSA 659:44-a, II. Under this statute, “electioneer” means to act in any way specifically designed to influence the vote of a voter on any question or office. RSA 659:44-a, III.

Alleged Illegal Campaign Activity

Page 2 of 3

A “public employee” as defined in RSA 273-A:1, IX, means any person employed by a public employer except:

- (a) Persons elected by popular vote;
- (b) Persons appointed to office by the chief executive or legislative body of the public employer;
- (c) Persons whose duties imply a confidential relationship to the public employer; or
- (d) Persons in a probationary or temporary status, or employed seasonally, irregularly or on call.

The minutes from the March 4, 2019 Selectboard meeting show that there was a discussion that the Town paid for the flyers and mailings in question. An invoice dated February 15, 2019 from Infinite Imaging shows that a project titled “Proposed Fire Station EDDM” was billed to the Town of Greenland. Finally, Ms. Hussey told Chief Investigator Richard Tracy that former Selectboard Chairman Vaughn Morgan, asked her to design the pamphlet that the Fire Chief later mailed to Greenland residents.

In this case, the Selectboard would not constitute a public employee within the meaning of RSA 273-A:1, IX as the Board is comprised of elected positions. As such, the prohibition against electioneering by public employees would not apply to the Selectboard. However, we understand that Ms. Hussey was instructed to design the pamphlet in her capacity as an administrative assistant for the Town. Ms. Hussey would constitute a public employee.

Please be advised, Ms. Hussey or any other Town employee that meets the definition of “public employee” cannot be instructed to create advertisements or mailers in favor of or against any question or office. Such conduct would constitute prohibited electioneering and must be avoided in the future. Moreover, public employees are prohibited from using government property for electioneering. This includes using a town computer in order to create a pamphlet in support of a particular measure.

Finally, we understand the Town of Greenland fire fighters were observed handing out the pamphlets in question while wearing department equipment at the local transfer station. This Office concludes that such conduct would not constitute prohibited electioneering. This is because, based on our inquiry, we learned that the fire fighters involved were off duty when the pamphlets were distributed. Thus, their actions would not have been electioneering “while in the performance of [their] official duties.” RSA 659:44-a, I. We do however urge the Town and its fire department to exercise caution when engaging in such activities in the future, to ensure that both remain in compliance with the statute.

Failure to comply with the prohibition against electioneering by public employees may result in a cease and desist order or further enforcement action.

At this time, this matter is now closed. Please feel free to contact me should you have any questions.

**000055**

Alleged Illegal Campaign Activity  
Page 3 of 3

Sincerely,



Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

cc: Timothy Collins  
Peter Laughlin, Town of Greenland Counsel

**000056**

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 9, 2019

Kim Simonds

Concord, NH 03301

Re: Alleged Illegal Campaign Activity

Dear Ms. Simonds:

On March 5, 2019, this Office received a complaint alleging that you engaged in unlawful electioneering as a public employee, contrary to RSA 659:44-a.

In following-up on this complaint, we spoke with Town Administrator Cara Marston, reviewed information accompanying the complaint, reviewed the letter you send out to Pittsfield residents, and reviewed minutes from the January & February 2019 Housing Standards Agency (or "HSA") meetings.

RSA 659:44-a states 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." Additionally, "[n]o public employee shall use government property or equipment, including, but not limited to, telephones, facsimile machines, and computers, for electioneering." RSA 659:44-a, II. Under this statute, "electioneer" means to act in any way specifically designed to influence the vote of a voter on any question or office. RSA 659:44-a, III.

A "public employee" as defined in RSA 273-A:1, IX, means any person employed by a public employer except:

- (a) Persons elected by popular vote;
- (b) Persons appointed to office by the chief executive or legislative body of the public employer;
- (c) Persons whose duties imply a confidential relationship to the public employer; or
- (d) Persons in a probationary or temporary status, or employed seasonally, irregularly or on call.

Alleged Illegal Campaign Activity  
Page 2 of 2

We understand that you are no longer working for the Town of Pittsfield. However, we offer the following information so that in the future you may avoid conduct that may violate the statute prohibiting electioneering by public employees.

In this situation, your former position as Administrator for the HSA would be within the meaning of public employee as defined under RSA 273-A:1, IX. Minutes from the January & February HSA meetings show that a discussion took place about the aforementioned letter, indicating that you planned this conduct in the performance of your official duties. Finally, your use of Town letterhead, asking voters to vote "No" to replacing the HSA in your official capacity as the HSA Administrator constituted impermissible electioneering contrary to the statute.

Please be advised that failure to comply with this statute in the future may result in a cease and desist order. We hope this information will be useful to you.

At this time, this matter is now closed. Please do not hesitate to contact me if you have any questions.

Sincerely,



Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

cc: Cara Marston, Town of Pittsfield Town Administrator

**000058**

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 10, 2019

Stephen H. Taylor  
[REDACTED]  
Meriden, NH 03781

Re: Alleged Illegal Campaign Activity

Dear Mr. Taylor:

On March 11, 2019, the Secretary of State's Office forwarded your complaint to this Office. Your complaint alleged that several advertisements appeared in the Town of Plainfield that violated the identification requirements for political advertising under RSA 664:14. After careful consideration, we conclude that these advertisements did not violate New Hampshire election laws.

In reviewing this complaint, we obtained copies of the advertisements in question, spoke with you, contacted Doolittle's Print Serve (or "DPS") – the company responsible for printing the ads, spoke with Fern Wilder – who DPS identified as ordering the ads, and spoke with Attorney Brad Wilder.

RSA 664:14 requires all political advertising include the name and address of the individuals or entities responsible for it. RSA 664:2, VI defines political advertising 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.

With respect to implicit advocacy, as referenced in RSA 664:2 and implemented through RSA 664:14, the United States District Court for New Hampshire held that the term "implicitly" was unconstitutional. *Stenson v. McLaughlin*, No. CIV. 00-514-JD, 2001 WL 1033614, at \*7 (D.N.H. Aug. 24, 2001). As a result, the Court struck the term "implicitly" from RSA 664:2, VI and prohibited its use when enforcing RSA 664:14.

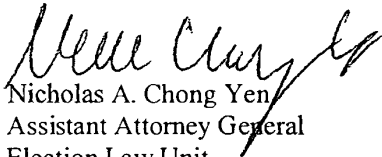
As a preliminary matter, this Office had previously received a complaint before your own, regarding the same advertisements. We concluded, as we continue to do so here, that the advertisements do not violate RSA 664:14.

Alleged Illegal Campaign Activity  
Page 2 of 2

This is because the advertisements do not constitute a “political advertisement” within the meaning of RSA 664:2, VI. The ads in this case do not expressly advocate for the success or defeat of a particular candidate or measure. Instead, it provides information to the citizens of Plainfield regarding the upcoming election and particular facts that may be useful to voters when considering certain warrant articles. Because the flyer does not expressly advocate for voters to vote in favor of or against a warrant article or candidate, as outlined above, this office cannot enforce penalties under RSA 664:14 for “implicit advocacy.” Consequently, we conclude that this flyer was not subject to the identification requirements under RSA 664:14.

At this time, this matter is now closed. Please feel free to contact me if you have any questions.

Sincerely,



Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

cc: Brad Wilder, Montshire Law

000060

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 11, 2019

Anita Burroughs

PO Box 487  
Glen, NH 03838

Re: Campaign Finance Complaint

Dear Representative Burroughs:

On January 22, 2019, we received a complaint alleging that you violated certain campaign finance reporting requirements contrary to RSA 664:6 and RSA 664:7. The complaint reports the following concerns:

- Your misuse of campaign funds to pay for personal expenses;
- A discrepancy in your June 20, 2018 Statement of Receipts and Expenditures (or "Statement") in which you disclosed that during the reporting period you raised \$2737.00 in receipts over \$25. You also reported in that same Statement that your receipts over \$25 to date was \$6908.00.
- You did not file your November 14, 2018 Statement with the Secretary of State.

In following-up on this complaint, we reviewed your Statements filed with the Secretary of State and also spoke with you.

With respect to the complainant's first concern, we overserved that in your Statement for the reporting period of June 20, 2018, there were 2 expenditures that were noted to have been for personal expenses. A review of your receipts in this Statement show that you reimbursed your political committee for both amounts. In speaking with you, you explained that these expenditures were the result of your mistaken use of the wrong checkbook. We did not find any additional evidence that you misused campaign funds. However, we urge you to exercise caution in the future to avoid any additional issues.

In terms of the alleged discrepancy in your June 20th Statement, you informed Chief Investigator Richard Tracy that the \$2737.00 reflected your receipts during what you mistakenly believed to be the reporting period. You explained that the \$6908.00 reflected the contributions you collected before said period. We understand that this was your first time running for office. As such, and in speaking with the Secretary of State's Office, we would like to provide you with



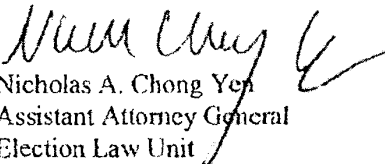
Campaign Finance Complaint  
Page 2 of 2

an opportunity to amend your Statement. Please ensure to contact the Secretary of State's Office should you have any questions regarding how to complete the amended Statement.

Finally, with respect to your November 2018 Statement, you informed this Office that you faxed the Statement to the Secretary of State. However, you advised Investigator Tracy that after speaking to the Secretary of State's Office on or around September 3, 2019, you learned that they had not received it. Please ensure you refax your November 2018 Statement as soon as possible.

We will be notified by the Secretary of State's Office once you have fulfilled the above-described requirements. Otherwise at this time, this matter is now closed. Please feel free to contact me if you have any questions.

Sincerely,

  
Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

cc: Karen Umberger  
Karen Ladd, Secretary of State's Office

000062

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 11, 2019

Stephen Deluca

[REDACTED]  
Hudson, NH 03051

Re: Alleged Use of Public Property for Electioneering

Dear Mr. Deluca:

On March 12, 2019, we received your complaint alleging that the Town of Hudson engaged in prohibited electioneering, by using Town-paid school busses to transport students to vote. After careful consideration, we conclude this conduct did not violate any of New Hampshire's election laws.

In reviewing this complaint, we spoke with you, spoke to Hudson Town Moderator Paul Inderbitzen, and spoke to Principal of Alvirne High School Steve Beals.

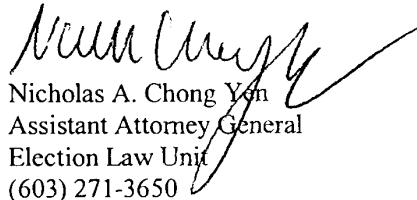
RSA 659:44-a states that "[n]o public employee, as defined in RSA 273-A:1, IX, shall electioneer while in the performance of his or her official duties." Additionally, "[n]o public employee shall use government property or equipment, including, but not limited to, telephones, facsimile machines, and computers, for electioneering." RSA 659:44-a, II. Under this statute, "electioneer" means to act in any way specifically designed to influence the vote of a voter on any question or office. RSA 659:44-a, III.

In speaking with Principal Beals, this Office was informed that the transportation of high school students to vote at the polls is part of the school's civics class. Students of voting age volunteer to go and vote. At no point does the school require students to attend, nor does the school tell the students who to vote for. As such, we conclude that this conduct does not constitute electioneering within the meaning of RSA 659:44-a.

At this time, this matter is now closed. Please feel free to contact me if you have any questions.

Alleged Use of Public Property for Electioneering  
Page 2 of 2

Sincerely,



Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

cc: Steve Beals, Principal Alvirne High School

**000064**

## Events Note to File

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██████████ Alleged Wrongful 2019139118 9/12/2019 Note to File  
Voting 9:32 AM

This complaint is unfounded and this matter will be closed.

Through the follow-up investigation, it was determined that the allegations of wrongful voting were likely due to clerical error instead of wrongdoing.

See Investigator Tracy's report for further details.

Investigator Tracy has informed the Secretary of State's Office of the results of this investigation.

Case Closed.

**DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
CONTINUATION OF INVESTIGATION/ARREST REPORT**

Matter #	Case Name	Investigator	Report Date
2019139118	██████████ Alleged Wrongful Voting (Secretary of State - Complainant)	Richard C. Tracy	September 10, 2019

Orville B. FITCH II  
Elections Legal Counsel, Assistant Secretary of State  
Secretary of State's Office  
State House Room 204

On September 3, 2019, Assistant Secretary of State Orville B. FITCH II notified Assistant Attorney General Nicholas Chong Yen and myself that Nashua City Clerk Patricia PIECUCH and her staff might have discovered a double voter. Clerk PIECUCH reported to Assistant Secretary of State FITCH while training staff on duplicate voters, one of her staff discovered information that caused them concern. ██████████ currently a registered voter in Nashua, may have voted twice during the January 8, 2008 Presidential Primary, November 4, 2008 State General Election and the November 6, 2012 State General Election in the towns of Bradford and Durham, NH.

Assistant Secretary of State FITCH turned that information over to HAVA for further research. Deb ASCANI at HAVA put the following information together for registered voter ██████████ with three different voter ID numbers.

*11/06/2012 – State General  
Voted in Durham – Voter ID #070001134  
Voted in Bradford – Voter ID #028000158  
11/04/2008 – State General  
Voted in Durham – Voter ID #070001134  
Voted in Bradford – Voter ID #300141642 merged with #028000158 in 2009  
01/08/2008 – Presidential Primary  
Voted in Durham – Voter ID #070001134  
Voted in Bradford – Voter ID #028000158*

*In 11-04-2008 registered in Bradford on Election Day with voter ID #300141643 and already had a voter ID of #028000158. ██████████ had a history with Bradford of being removed due to 30 Day Letters and "Moved out of Jurisdiction." This is the reason he was not on the checklist in the 11-04-2008 State General Election and he became an Election Day registration.*

Page	1	of	3	pages	SIGNED		DATE	9-10-19
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**000066**

**DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
CONTINUATION OF INVESTIGATION/ARREST REPORT**

Matter #	Case Name	Investigator	Report Date
2019139118	[REDACTED] Alleged Wrongful Voting (Secretary of State - Complainant)	Richard C. Tracy	September 10, 2019

[REDACTED]

Nashua, NH 03063

On Monday, September 9, 2019, I began my review of the information and documents provided by the Nashua City Clerk and Secretary of State's Office. I ran a driver's license check, vehicle registration, researched in TLO and social media. I was not able to place [REDACTED] as a current or past resident of Durham NH.

I noted on the January 8, 2008, Town of Bradford, NH voter checklist page 17, the name of [REDACTED] of [REDACTED] with a mailing address of PO Box 1000, Collegeville, PA. I Googled that address, where I discovered that PO Box 1000, Collegeville, PA is the mailing address for Ursinus College. My research on TLO places [REDACTED] at [REDACTED] Bradford until 2015, when he appears to have moved to Nashua, NH. According to TLO and ElectionNet [REDACTED] and [REDACTED] likely [REDACTED]'s parents, continue to reside at [REDACTED].

[REDACTED]

Middleton, NH 03887

I noted on the January 8, 2008, Town of Durham voters checklist page 21, the name of [REDACTED] of [REDACTED] Durham voter ID 070001134, one of the voters that the Nashua City Clerk's Office believes to possibly be [REDACTED] DOB [REDACTED]. Four names below on the same checklist page I noted the name [REDACTED] of [REDACTED] Voter ID 070001139. Through research in TLO I discovered that [REDACTED], formerly of [REDACTED] Durham is related to [REDACTED]. They both now live at [REDACTED] Middleton, NH.

On September 10, 2019, I attempted to speak with [REDACTED]. I received the voicemail of [REDACTED] who returned my call a short time later. I introduced myself to [REDACTED] and explained the purpose of my call. [REDACTED]

Page	2	of	3	pages	SIGNED	[Signature]	DATE	9-12-19
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**DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
CONTINUATION OF INVESTIGATION/ARREST REPORT**

Matter #	Case Name	Investigator	Report Date
2019139118	[REDACTED] Alleged Wrongful Voting (Secretary of State - Complainant)	Richard C. Tracy	September 10, 2019

verbally verified that [REDACTED] is her husband that they have both been voting in Durham, NH until recently moving to Middleton where they are both registered voters.

Notification made to Secretary States Office, that [REDACTED] did not vote in Durham in 2008 and 2012.

Page	3	of	3	pages	SIGNED	[Signature]	DATE	9-11-19
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**000068**

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 16, 2019

William B. Pribis, Esquire  
Cleveland, Waters & Bass, P.A.  
PO Box 1137  
Concord, NH 03302-1137

Re: Alleged Voter Fraud

Dear Attorney Pribis:

On April 16, 2018, this Office received your complaint, alleging that [REDACTED] committed voter fraud in the Town of Rumney. After careful consideration, we conclude that [REDACTED] has not violated New Hampshire's election laws.

In following-up on this complaint, we reviewed the information and documents accompanying your letter, and spoke with Town of Rumney Clerk Lila Williams.

After speaking with Clerk Williams, we learned that the Domicile Affidavit dated July 23, 2015 was neither an affidavit for the Town of Rumney, nor was there ever a record that this affidavit was submitted to Rumney town officials. Clerk Williams also confirmed that [REDACTED] has never voted in Rumney. Finally, Clerk Williams indicated that while [REDACTED] did register to vote in Rumney on July 10, 2015, he changed his voting town back to Nashua before the next election.

Based on the forgoing, we conclude that [REDACTED] did not violate New Hampshire's election laws. At this time, this matter is now closed. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas A. Chong Yen".

Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov



**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 17, 2019

[REDACTED]  
Derry, NH 03038

Re: Alleged Wrongful Voting

Dear [REDACTED]:

On December 17, 2018, this Office was notified by the Town of Hooksett that you may have voted in Hooksett during the November 2018 General Election without being domiciled there.

In following-up on this concern, we reviewed election documents from the Town of Hooksett in addition to speaking with you.

On your Voter Registration form, you identified [REDACTED] in Hooksett as your domicile. You also indicated that your zip coded was 03104. Both the street name and the zip code you provided are not part of Hooksett, but Manchester.

On August 8, 2019, Chief Investigator Richard Tracy spoke with you on the phone. You explained that because your apartment located at [REDACTED] was so close to the Southern New Hampshire University Campus, you presumed that you were living in Hooksett. You told Investigator Tracy that it was only after the election that you discovered you were not living in Hooksett, because the Town of Hooksett sent you a letter indicating that you were not domiciled there.

In New Hampshire, in order to vote in a town, ward, or unincorporated place you must be domiciled there. A "domicile for voting purposes is that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government." RSA 654:1, I (emphasis added).

Based on the foregoing, we conclude that you were not domiciled in Hooksett at the time of the November 2018 election. However, we understand that both you and Hooksett election officials may have misunderstood where you were actually domiciled.

As such, please be advised that failure to vote in the correct polling location for your domicile may result in a cease and desist order or further enforcement action. We suggest that in the future, if you have questions about where to vote, you contact the appropriate Town Clerk's office or speak to an election official.

We hope this information will be useful to you. At this time, this matter is now closed. Please feel free to contact me if you have any questions.

Sincerely,



Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

cc: Bryan Williams, Town of Hooksett Supervisor of the Checklist

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 23, 2019

P. Scott Bratton, Esquire  
ATTN: Spencer McKinnon  
Bratton & Springer, LLP  
9 Middlesex Street  
Lowell, MA 01852

Re: Allegations of Voter Coercion and Intimidation

Dear Attorney Bratton:

On or around February 28, 2019 your client, Spencer McKinnon, notified this office of his complaint alleging that members of NextGen had engaged in voter coercion and intimidation. After careful consideration, we conclude that in this instance, NextGen did not violate RSA 659:50 during the 2016 election.

In reviewing this complaint, we met with you and Mr. McKinnon to understand the facts underlying his allegations. We also spoke with to Chief Paul Dean of the University of New Hampshire Police Department.

RSA 659:40 states that “[n]o person shall use or threaten force, violence, or any 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.” This statute also prohibits any person from engaging “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.” RSA 659:40, III.

In this case, NextGen members reportedly approached students who crossed through campus in order to discuss the elections. Students could choose whether to participate in a discussion and were not detained if they declined to speak with a NextGen representative. This took place in an area where sports teams and other extra-curricular clubs would attempt to solicit new members. While NextGen members may have been described as “pushy” and reportedly encroached on the campus sidewalks, such conduct does not amount to coercive or intimidating behavior. We did not find any evidence to suggest that during these interactions, NextGen

Allegations of Voter Coercion and Intimidation

Page 2 of 2

members attempted to force or otherwise induce students to vote for a particular candidate or measure.

For the foregoing reasons, we conclude that NextGen did not violate RSA 659:40. At this time, this matter is now closed. Please feel free to contact me if you have any further questions.

Sincerely,



Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

000073

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 23, 2019

Greg Mathieson, Sr.  
[REDACTED]

North Haverhill, NH 03774

Re: Concerns Involving Voter Registration and Right-to-Know Law

Dear Mr. Mathieson:

On September 10, 2019, this Office was forwarded your concerns regarding voter registration in the Town of Haverhill. Chief Investigator Richard Tracy also spoke with you over the phone on this date, during which you relayed additional information. We understand you had three major concerns:

1. Would you be able to register to vote in North Haverhill, New Hampshire if you resided at the Nootka Lodge, awaiting construction of your new home?
2. Would your son, who is stationed in El Paso, Texas, be able to register to vote in North Haverhill, New Hampshire?
3. Is the County Register of Deeds exempt from your Right-to-Know request?

In following-up on your concerns, we obtained information from you over the phone and reviewed supporting documentation you provided, we spoke with Town Clerk Christine Hebert, and spoke with Register of Deeds Kelley Monahan.

With respect to your first concern, RSA 654:1, states that "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."

When determining the qualifications of an applicant, the Supervisors of the Checklist must require the applicant to present proof of citizenship, age, and domicile. RSA 654:12. The ultimate decision to accept or reject the application lies with the Supervisors.

Without limiting the acceptance of other forms of proof of domicile or identity deemed reasonable by the supervisors: (a) Any

one of the following documents is presumptive evidence that the individual seeking to vote meets the domicile requirement, provided the document is currently valid, was issued to or in the name of the applicant, and shows the address the applicant claims as a domicile:

- (1) New Hampshire driver's license.
- (2) New Hampshire vehicle registration.
- (3) Armed services identification, or other photo identification issued by the United States government

RSA 654:12, II(a). The law provides Supervisors with broad discretion as to what documents to accept as proof of domicile. See Election Procedure Manual 2018-2019, pgs. 120-125.

In this case, we understand you are staying at the Nootka Lodge. You explained that for the past two years you have been living eight months of each year at the Nootka Lodge while your home in North Haverhill is constructed. You have also indicated that you intend to sell your home in Virginia once the North Haverhill residence is completed. At that time, you intend to live full-time in North Haverhill, New Hampshire.

These facts, in conjunction with any associated documentation the Supervisors deem appropriate, may be considered in their review of your voter registration application. The determination as to whether your application will be accepted is solely within the discretion of the Supervisors.

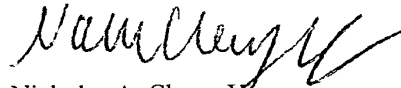
With respect to your second concern involving the registration of your son, the same requirements of proof with respect to domicile would apply. The Supervisors, as is required by statute, will request documentation within their discretion in order to appropriately verify the voting qualifications of your son. It is our understanding after speaking with Clerk Hebert, that your son had visited the Clerk's office with you and expressed that he was not yet ready to register to vote. At such time as your son chooses to register, he will need to bring with him proof of his qualifications as a voter.

Finally, you have asked for guidance as to whether the Register of Deeds is exempt from your Right-to-Know request to determine if you should pursue action in Superior Court. This Office cannot provide legal guidance and RSA 91-A is outside the scope of the Election Law Unit's enforcement authority. We also understand that the Ms. Monahan provided you with statutory references and legislative documents explaining how the Registry of Deeds provides public access to its records.

At this time, this matter is now closed. Please feel free to contact me if you have additional questions.

Concerns Involving Voter Registration and Right-to-Know Law  
Page 3 of 3

Sincerely,



Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

cc: David Scanlan, Deputy Secretary of State  
Christine Hebert, Town of Haverhill Town Clerk  
Kelley Monahan, Grafton County Register of Deeds  
Griffin Roberge

000076

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 25, 2019

Susan Morris  
Rochester City Clerk's Office  
31 Wakefield St  
Rochester NH 03867

Re: Alleged Wrongful Voting

Dear Clerk Morris:

On May 31, 2019, you notified this Office of a potential instance of wrongful voting involving [REDACTED]. After careful review, we conclude that there has been no violation of New Hampshire's election laws.

In following-up on this complaint, we reviewed ElectionNet records for [REDACTED] to include her voting history as well as the City of Rochester's voter checklist for the November 6, 2018 General Election. We also contacted and spoke with [REDACTED] whose name appeared immediately below [REDACTED] on the voter checklist.

In speaking with [REDACTED] she told Chief Investigator Richard Tracy that she had moved back to Lancaster, New Hampshire in May of 2018. After she returned to Lancaster, she registered to vote and voted there during the November 2018 election. [REDACTED] denied having voted in Rochester during the same election.

We contacted [REDACTED] who informed Investigator Tracy that he did vote during the November 6, 2018 election. [REDACTED] name was not checked off or marked as having received a ballot during the November 2018 election.

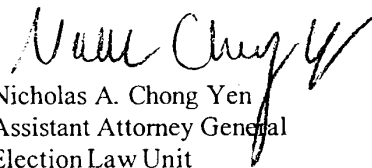
Based on the foregoing, we conclude that [REDACTED] did not wrongfully vote, and instead this was a mistake by an election official during the voter check-in process. As such, this matter is now closed.

Please feel free to contact me if you have any questions.



Alleged Wrongful Voting  
Page 2 of 2

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas Chong Yen", with a stylized flourish at the end.

Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

000078

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 25, 2019

Nancy Louiselle  
SAU 55 Human Resource Director  
30 Greenough Road  
Plastow, NH 03865

Re: Concerns Regarding Oath of Office

Dear Ms. Louiselle:

On or about February 22, 2018, we received two separate complaints, alleging that you swore in the new school board member, Lee Dube, over the phone on February 15, 2018.

Through our follow-up, we determined that Mr. Dube was correctly sworn-in and administered his oath of office before you on March 22, 2018. However, we would like to take this opportunity to review the appropriate procedures surrounding the oath of office.

“Official oaths may be [...] to officers of school districts, in school meeting, by the moderator, or at any time by the clerk, one of the school board of the district, or a justice of the peace.” RSA 92:5. “No person chosen or appointed to any public office or to any position where an oath is required, under any law, shall exercise such office or position or perform any act therein until he shall make and subscribe the oath or declaration as prescribed by part 2, article 84 of the constitution of New Hampshire.” RSA 92:2.

Part 2, Article 84 of the New Hampshire Constitution states that any person chosen civil officer, shall, before he or she proceeds to execute the duties of his or her office, make and subscribe the declaration enumerated under this provision. (emphasis added).

The combination of the above-referenced statutes with the New Hampshire Constitution requires an oath of office to be administered in-person.

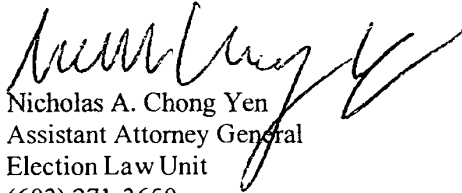
Through the school board’s counsel, Attorney James O’Shaughnessy, we reviewed minutes from the school board’s meeting on February 15, 2018 and March 22, 2018, as well as Mr. Dube’s Oath of Office document. We conclude that Mr. Dube was appropriately sworn-in prior to participating in his official capacity as a school board member.

Concerns Regarding Oath of Office  
Page 2 of 2

Both complaints also reported concerns involving an email sent by Executive Assistant to the Superintendent, Catherine Belcher to a printing company on February 9, 2018. The complaints indicate that in this email, Ms. Belcher indicated to the company that the school board was still working on finalizing its default budget. The complaints alleged this was contrary to the decision of the school board during its deliberative session on February 8, 2018 where it voted in favor of the proposed operating budget warrant recommendation. This matter is outside the enforcement authority of the Election Law Unit. To the extent this remains an issue, the school board should consult with its counsel.

At this time, this matter is now closed. Please feel free to contact me if you have any questions.

Sincerely,



Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

cc: Shawn O'Neil  
Brian Boyle  
James O'Shaughnessy, Counsel for SAU55

000080

## Events Note to File

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██████████, Alleged 2019138427 10/1/2019 Note to File  
Wrongful Voting 8:50:52 AM

This matter will be closed as unfounded.

Cellular GPS data for ██████████ received pursuant to a search warrant showed that her phone remained in Groton, MA on November 8, 2016. ██████████ was active throughout the day on her cellphone, as indicated by the device utilizing (or "pinging") off of cell towers in the MA area. There is no GPS data to suggest that ██████████ travelled to NH to vote after already having voted in MA. This evidence corroborates ██████████'s assertion that she did not vote in NH. This is likely a case of election official error and as such, the matter will be closed as unfounded.

**DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
CONTINUATION OF INVESTIGATION/ARREST REPORT**

Matter #	Case Name	Investigator	Report Date
2019138427	██████████ Alleged Wrongful Voting (Cross Check)	Richard C. Tracy	September 30, 2019

In response to a search warrant sent to AT&T on September 6, 2019, on September 17, 2019, I received an email that contained the information related to the AT&T cell records for ██████████ Subscriber information for that phone number:

██████████

Groton, MA 01450  
Work Phone ██████████

Contained within the records was AT&T Mobility (with cell location)

Cell records were obtained only for November 8, 2016. The recorded time on the report is Coordinated Universal Time (UTC). The actual time would be 5 hours earlier than what is listed on the report. I entered the longitude and latitude coordinates in Google Maps to obtain the location of the cell towers listed on the AT&T report.

██████████ makes or receives phone calls between 14:48:53 UTC (09:48:53 EST) and 17:17:55 UTC (12:17:55 EST) using the same cell tower located at -71.558118 : 42.610396, which hits on a cell tower near Shattuck St, Groton MA.

██████████ makes or receives calls between 17:19:42 (12:19:42 EST) and 17:49:15 UTC (12:49:15 EST) using the same cell tower located at -71.46067, 42:61697, which hits on a cell tower near St Augustine Drive, Westford, MA.

██████████ makes or receives multiple calls between 18:28:58 UTC (13:28:58 EST) and 11/09/16, 02:41:26 UTC (11/08/16, 21:41:26 EST), which is the same cell tower used earlier in the day located near Shattuck St. Groton, MA, -71.558118 : 42.610396.

██████████ makes or receives calls between 11/09/16, 02:41:26 UTC (11/08/16, 21:41:26 EST) and 11/09/16, 04:21:09 UTC (11/08/16, 23:21:09 EST) using cell tower located at -71.441876, 42.5768, which is located near Hildreth Street, Westford, MA.

██████████ resides at 21 Kaileys Way, Groton, MA. Google provided the following roadway distance from 21 Kaileys Way, Groton to the three cell towers.

1. -71.558118 : 42.610396, Shattuck St, Groton, MA. 1.2 miles.

Page	of	pages	SIGNED	DATE
1	1	1		10-1-2019

**DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
CONTINUATION OF INVESTIGATION/ARREST REPORT**

Matter #	Case Name	Investigator	Report Date
2019138427	[REDACTED] Alleged Wrongful Voting (Cross Check)	Richard C. Tracy	September 30, 2019

2. -71.46067, 42:61697, St. Augustine Drive, Westford, MA. 6 miles.
3. -71.441876, 42.5768, Hildreth St. Westford, MA. 8.1 miles.

Other phone activity taking place throughout the day and night of November 8, 2016, uses the same cell towers noted above. There is no indication that [REDACTED]'s cell phone was used in New Hampshire on November 8, 2016 the day of the Presidential Election.

On September 27, 2019, I received records from Google in response to our search warrant sent to Google on September 6, 2019. In review of those records, I did not locate any information related to Google mapping that would provide the location of [REDACTED]'s cell phone on November 8, 2016.

After conferring with Assistant Attorney General's Nicholas Chong Yen and John Kennedy, I communicated with [REDACTED] to inform her that I received her phone records, which support her earlier statement to me that she was in Massachusetts that day and did not travel to NH to vote twice by voting in Hampton Falls.

[REDACTED] expressed concern that someone used her name to vote. I explained to [REDACTED] that I did not think that was the case. I told [REDACTED] that someone would need an ID with [REDACTED]'s information on it that a Qualified Voter Affidavit was not completed in her name which is needed when someone does not have their ID with them or an election official cannot vouch for them. The Hampton Falls Town Clerk and [REDACTED] both agree that Mary [REDACTED] and her entire family are well known in town that an election official more likely than not would not vouch for someone who is not [REDACTED] standing before them on 11/08/2016.

I thanked [REDACTED] for her cooperation and told her that we would be closing this on our end.

Page	of	pages	SIGNED	DATE
2	2			10-1-2019

000083

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

October 7, 2019

Mervin Newton

Warren, NH 03279

Re: Alleged Official Misconduct

Dear Mr. Newton:

On August 6, 2019, this Office received your complaint alleging that the South Main Street Water District Commission's (or "the Commission") members occupied incompatible offices, that the Commission failed to post notices of its meetings, and that the Commission did not keep minutes of its meetings. After careful consideration, we conclude that there has been no violation of New Hampshire's election laws.

In following-up on this complaint, we obtained and reviewed records from the Department of Revenue Administration (or "DRA") from 2017 to 2019, which included the Commission's MS-636, its warrant articles, minutes, and MS-232; we spoke with Trisha Meyers, Robert Bowman, and Town Administrator Austin Albro; and spoke with you in addition to reviewing documents you forwarded.

RSA 669:7 governs the incompatibility of offices:

"No person shall at the same time hold any 2 of the following offices: selectman, treasurer, moderator, trustee of trust funds, collector of taxes, auditor and highway agent. No person shall at the same time hold any 2 of the following offices: town treasurer, moderator, trustee of trust funds, selectman and head of the town's police department on full-time duty. No person shall at the same time hold the offices of town treasurer and town clerk. No full-time town employee shall at the same time hold the office of selectman. No official handling funds of a town shall at the same time hold the office of auditor. No selectman, moderator, town clerk or inspector of elections shall at the same time serve as a supervisor of the checklist. No selectman, town manager, school board member except a cooperative school board member, full-time

town, village district, school district except a cooperative school district, or other associated agency employee or village district commissioner shall at the same time serve as a budget committee member-at-large under RSA 32.”

While this statute specifically identifies a variety of different, municipal positions, it does not contemplate a village district’s water commissioner nor a village district’s water commission treasurer. This Office notes further that the statutory chapter governing village districts is similarly silent on any incompatibility between the offices of water commissioner and water commission treasurer. See RSA Chapter 52.

This Office declines to add language to statutes that the Legislature did not see fit to include. Doing so would be outside the scope of this Office’s enforcement authority. As such, we conclude that the Commission has not violated New Hampshire’s election laws by having a commissioner also occupy the role of treasurer.

We do note that in speaking with Town Administrator Albro, he was unable to find a copy of by-laws for the Commission. To the extent that by-laws may be helpful in guiding the membership of the Commission and its governance, we encourage the Commission to consult with the Town Counsel for advice on how best to proceed.

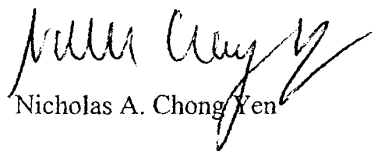
“[A] a meeting of the district may be called and warned in the same manner as in like cases in towns.” RSA 52:13. A warrant shall be posted “at the place of meeting, and a like copy at one other public place in the town, at least 14 days before the day of meeting.” RSA 39:5.

In reviewing documents obtained from DRA, we observed that the Commission appropriately published copies of its warrant articles at the Warren Post Office, a local store, and provided a copy to the District Clerk. Additionally, in speaking with Mr. Bowman, he stated that the warrant articles are posted at the Town of Warren’s post office, the Warren Town Hall, and formerly at a local store until it closed. There is no evidence to suggest that the Commission failed to post its warrant articles consistent with RSA 39:5 and as such, we conclude that there has been no violation.

Finally from 2017 to 2019, records from DRA show that the Commission kept minutes of its annual meetings. There is no evidence to the contrary and as such, we conclude that there has been no violation.

Based on the forgoing, we conclude that the Commission has not violated New Hampshire’s election laws. Consequently, this matter is now closed. Please feel free to contact me if you have any questions.

Sincerely,



Nicholas A. Chong Yen



Alleged Official Misconduct  
Page 3 of 3

Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

cc: David Scanlan, Deputy Secretary of State  
Robert Bowman  
Derek Kline, Department of Revenue Administration

**000086**

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

October 10, 2019

Gates Lucas

[REDACTED]  
Sunapee, NH 03782

Re: Campaign Finance Complaint

Dear Representative Lucas:

On September 27, 2019, we received a complaint, alleging that you violated RSA 664:3, which requires any political committee to register with the Secretary of State no later than 48 hours after the committee establishes a segregated fund to promote the success or defeat of candidate or measure (or candidates or measures). After careful review, we conclude there has been no violation of New Hampshire's election laws.

In following-up on this complaint, we reviewed the information accompanying the complaint, unsuccessfully attempted to access the website referenced in the complaint, and spoke with you as well as Ross Berry.

In speaking with you and Mr. Berry, we understand that your website, "tomorrowleadersnh.com" had not yet been finalized or published. You also indicated that you have not yet collected donations or expended any funds in support of a candidate or measure. Mr. Berry added that in addition to the website not being up-and-running, it was also not linked to a bank account such that a viewer would be able to make a donation. As such, your preparation of a website to support a candidate or measure does not constitute a segregated fund as identified under RSA 664:2, III(b) and we conclude that you have not violated the registration requirement under RSA 664:3.

We greatly appreciate your cooperation in helping this Office follow-up on this complaint, as well as your acknowledging the registration requirements for political committees.

We offer the following information to you, which we hope may prove useful. RSA 664:2, III provides several definitions as to what constitutes a "political committee." One of those definitions identifies any segregated fund established by any organization for the purpose to promote the success or defeat of a candidate or measure (or candidates or measures) qualifies as a political committee. RSA 664:2, III(b).

Campaign Finance Complaint  
Page 2 of 2

Additionally, RSA 664:3 requires any political committee to register with the Secretary of State's Office not later than 48 hours after the committee meets at least one of the criteria under RSA 664:2, III.

At this time, this matter is now closed. Please feel free to contact me should you have any questions.

Sincerely,



Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

cc: Raymond Buckley, NH Democratic Party

000088

## Events Note to File

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████████████████████ Alleged  
Wrongful Voting

2019139678 10/25/2019 Note to File  
9:46:21 AM

This matter will be closed.

In the course of investigating this referral from the Crosscheck program, it was learned that ██████████ died on September 4, 2019.

Since ██████████ is deceased, this Office cannot move forward with any further investigation or enforcement action, and this matter will be closed.

**DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
CONTINUATION OF INVESTIGATION/ARREST REPORT**

Matter #	Case Name	Investigator	Report Date
2019139678	[REDACTED] Alleged Wrongful Voting Cross check	Richard C. Tracy	October 9, 2019

[REDACTED]  
Bedford, NH 03110  
&  
[REDACTED]  
Pawleys Island, SC

Crosscheck and related documents indicate that [REDACTED] voted in both Bedford, NH and Pawleys Island SC during the November 8, 2016 Presidential Election. Documentation provided by both communities show that [REDACTED] voted absentee in both locations.

On October 7, 2019, I began researching this particular voter. I noted in ElectionNet on the registration page that [REDACTED] was removed in September 2019 due to his death. I located an obituary for [REDACTED] that states he passed away on September 4, 2019. The obituary references both Bedford NH and Pawleys Island, SC.

I contacted the Georgetown County, SC election office requesting a voting history for [REDACTED] which I received from Interim Director Kristie Richardson on October 9, 2019. Further inspection of [REDACTED]'s NH and SC voting history indicates that he may have double voted on multiple occasions (see attached and below)

<u>Date</u>	<u>Election</u>	<u>Bedford NH</u>	<u>Pawleys Island SC</u>
11/08/2016	Presidential	(Absentee)	(Absentee)
11/04/2014	State General	(Absentee)	(At Poll)
11/06/2012	Presidential	(Regular)	(At Poll)
01/10/2012	Presidential Primary	(Absentee)	
01/21/2012	Presidential Primary		(At Poll)
11/02/2010	State General	(Absentee)	(At Poll)

Page 1 of 1 pages SIGNED  DATE 10/25/19

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

October 25, 2019

Honorable Stephen Shurtleff  
Speaker of the House  
State House, Room 311  
107 North Main Street  
Concord, NH 03301

Honorable Melanie Levesque  
Chair, Senate Committee on Election Law  
and Municipal Affairs  
Legislative Office Building, Room 102  
107 North Main Street  
Concord, NH 03301

Honorable Donna Soucy  
President of the Senate  
State House Room 302  
107 North Main Street  
Concord NH 03301

Honorable David Cote  
Chair, House Committee on Election Law  
Legislative Office Building, Room 308  
107 North Main Street  
Concord, NH 03301

Re: Qualified Voter Affidavit Investigation

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

Pursuant to RSA 654:12, V(f), enclosed please find the Report of Investigation Regarding Qualified Voter Affidavits. The affidavits that were the subject of this investigation were referred to this Office by the Department of State on August 5, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Chong Yen".

Nicholas A. Chong Yen  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
nicholas.chongyen@doj.nh.gov

**000091**

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF JUSTICE

**REPORT OF INVESTIGATION REGARDING  
QUALIFIED VOTER AFFIDAVITS**

RSA 654:12, V(f) requires a report summarizing the results of the investigation into qualified voter affidavits. This report details the investigation with respect to those affidavits signed by voters during elections, which occurred between January 1, 2017 and December 31, 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. 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. The Secretary of State is required to send letters to voters who submitted 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).

**INVESTIGATIVE STEPS**

Chief Investigator Richard Tracy of the Election Law Unit was assigned to conduct this investigation. To conduct this inquiry, Investigator Tracy initially reviewed publicly available sources to try to locate contact information for these voters and attempted to speak with them directly. For any voter Investigator Tracy was unable to contact directly, he reviewed other

public records and utilized law enforcement databases to obtain or verify addresses and contact information of the voter. Investigator also traveled to the listed residence for voters 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 proved. The results of the investigation are summarized below.

### **RESULTS OF THE INVESTIGATION**

On August 5, 2019, this Office received a report from the Secretary of State's Office indicating that 25 letters were sent to voters who completed qualified voter affidavits as they registered to vote during the period from January 1, 2017 to December 31, 2017. The Secretary of State's Office informed this Office that they were unable to verify the qualifications of 6 voters: 1 voter from the January 1, 2017 to June 30, 2017 period, and 5 voters from the July 1, 2017 to December 31, 2017 period. These 6 voters were referred to this Office for investigation pursuant to RSA 654:12, V(c).

Of the 6 voters who were referred to this Office by the Secretary of State's office, the investigation has verified that all 6 voters were qualified to vote. As such, this Office has not opened any separate investigations.



**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

November 5, 2019

Lara Quiroga  
[REDACTED]

Manchester, NH 03103

Re: Alleged Illegal Campaign Activity

Dear Ms. Quiroga:

On October 28, 2019, this Office received a complaint, alleging that a political advertisement/mailer stating "Vote for Quiroga" failed to meet the identification requirements under RSA 664:14. On October 30, 2019, Chief Investigator Richard Tracy spoke with you over the phone. During the conversation, you admitted that you were responsible for the mailer in question.

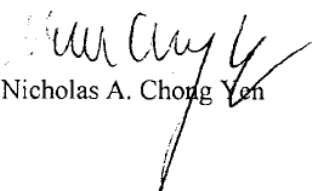
RSA 664:14 requires all political advertising to be signed at the beginning or end with the names and addresses of the candidate, political committee, or natural person responsible for it. RSA 664:14, VIII permits political advertising in the form of signs or placards to contain an Internet address in lieu of the signature and identification requirements of RSA 664:14, I.

We acknowledge that the return address on the mailer fulfills one of the requirements listed under RSA 664:14. However, your mailer did not include the name of the candidate, political committee, or natural person responsible for it.

In the future, should you choose to again campaign for the success or defeat of any party, measure, or person during an election, please ensure all your political advertisements comply with the identification requirements under RSA 664:14. Failure to comply with the identification requirements may result in a cease and desist order or further enforcement action.

At this time, this matter is now closed. Please feel free to contact me if you have any questions.

Sincerely,

  
Nicholas A. Chong Yen

Alleged Illegal Campaign Activity  
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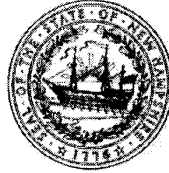
cc: Tammy Simmons

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**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

November 22, 2019

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

Re: New Hampshire Firearms Coalition, Alleged Illegal Campaign Activity

Dear Mr. Buckley:

On November 6, 2019, we received your complaint, alleging that the New Hampshire Firearms Coalition (or "NHFC") violated RSA 664:14, II. Specifically, you alleged that NHFC printed a banner and posters advocating the defeat of HB 687 and the Democratic legislators who support it, but did not identify on these publications who was responsible for them. After careful consideration, we conclude that there has been no violation of New Hampshire's election laws.

RSA 664:14 requires all political advertising include the name and address of the individuals or entities responsible for it. RSA 664:2, VI defines political advertising 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.

With respect to implicit advocacy, as referenced in RSA 664:2 and implemented through RSA 664:14, the United States District Court for New Hampshire held that the term "implicitly" was unconstitutional. Stenson v. McLaughlin, No. CIV. 00-514-JD, 2001 WL 1033614, at \*7 (D.N.H. Aug. 24, 2001). As a result, the Court struck the term "implicitly" from RSA 664:2, VI and prohibited its use when enforcing RSA 664:14.

In reviewing the images of the banner and posters in question, we conclude that these publications do not violate RSA 664:14. On both the banner and the posters are the words "There's no law quite like a red flag law" with images of several legislators portrayed in front of communist flags. While the messages may constitute some form of implicit advocacy, as outlined through Stenson, the regulation of such advocacy was found unconstitutional and has been prohibited from enforcement. As a result, the publications do not constitute a "political advertisement" within the meaning of RSA 664:2, VI. Neither the banner nor the posters expressly advocate for the success or defeat of a candidate or measure. Consequently, we

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conclude that the banner and the posters are not subject to the identification requirements under RSA 664:14.

At this time, this matter is now closed. Please feel free to contact me if you have any questions.

Sincerely,



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