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 July 1, 2020, to December 31, 2020

Issued August 26, 2022

Prepared by:

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Attorney General

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Deputy General Counsel
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INTRODUCTION

Part I, Article 11 of the New Hampshire Constitution provides, in part, that "[a]ll elections are to be free, and every inhabitant of the State of 18 years of age and upwards shall have an equal right to vote in any election." To safeguard this constitutional provision, and pursuant to RSA 7:6-c, the Legislature has designated the Attorney General to enforce all election laws in New Hampshire. In 2017, the Attorney General established a free-standing Election Law Unit. The Unit is now staffed by two full-time attorneys, Deputy General Counsel Myles Matteson and Attorney Matt Conley, one full-time elections investigator, Chief Investigator Richard Tracy, and one full-time investigative paralegal, Jill Tekin.

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 between July 1, 2020, and December 31, 2020.[1] This report is divided into three parts. Section I, pursuant to RSA 7:6-c, II (b), includes a summary of complaints received from July 1, 2020, to December 31, 2020, 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.

[1] The Attorney General is submitting three status reports at one time, covering the period from July 2020 to December 2021. All three reports are written to reflect the status of cases as of August 26, 2022, the date of publication. This means, for example, that a matter opened 2020 and closed in 2022, will be listed as "Closed" in the report covering the applicable period in 2020.

I.

SUMMARY OF COMPLAINTS RECEIVED JULY 1, 2020 TO DECEMBER 31, 2020

Complaint Against	Complainant	Date of complaint	Allegations	Status	Bates No.
Karen Bell	Charles Fosberry	7/7/2020	RSA 659:95 Alleged Illegal Campaign Activity	Closed on 7/15/2020	000001-000003
Newport Clerk's Office	Catherine Peirce	7/17/2020	RSA 657:17 and RSA 657:19-a – Alleged Election Official Misconduct	Closed on 7/22/2020	000004-000005
Marcus Ponce de Leon	Andrew Bouldin	7/24/2020	RSA 664 – Alleged Illegal Campaign Activity	Open	
David Shea	Concord Police Department	7/29/2020	RSA 664:17 Alleged Illegal Campaign Activity	Closed on 12/11/2020	000047-000048
Barnstead Police Department	Claire Gendron	7/31/2020	RSA 659:44-a – Alleged Illegal Campaign Activity	Closed on 11/4/2021	000180-000186
NH GOP (Republican Party)		8/12/2020	RSA 659:34 – Alleged Voter Fraud	Open	
Sen. Ruth Ward	Kim Rosenfield	8/12/2020	RSA 664:6-Alleged Campaign Finance Violation	Open	

David Croft	Jeff Barrow and Allison Holt	8/13/2020	RSA 664:14 – Alleged Illegal Campaign Activity	Closed on 8/14/2020	000006-000007
Alleged Wrongful Voting	Edward McElroy	8/21/2020	RSA 659:34-a – Alleged Wrongful Voting	Closed on 6/14/2021	000118-000124
Russell Normand	Anthony Piemonte	8/24/2020	RSA 664:17 – Alleged Illegal Campaign Activity	Closed on 12/11/2020	000049-000050
NH GOP (Republican Party) II		8/25/2020	RSA 657:4 – Alleged Voter Fraud	Open	
Woodburn for Senate		8/27/2020	RSA 664 – Alleged Campaign Finance Violation	Closed 7/2/2021	000132-000135
Cody Martin and Alyxander Rijos	David Bates	8/31/2020	RSA 664:17, 664:18, 664:21 – Alleged Illegal Campaign Activity	Closed on 12/9/2020	000043
Friends of Senator French	Johanna Davis	8/31/2020	RSA 664:6 – Alleged Campaign Finance Violation	Closed 6/28/2021	000128-000129
Bill Gannon	Tyler Pearce	9/4/2020	RSA 664:6 – Alleged Campaign Finance Violation	Closed on 12/15/2020	000057-000058
Alleged Voter Suppression		9/8/2020	RSA 659:40, III (c) – Alleged Voter Suppression	Open	
Town of Jaffrey		9/9/2020	RSA 657:22 – Absentee Ballot Cutoff	Closed 10/7/2020	000021-000022
City of Laconia		9/9/2020	RSA 659:14 – Voting in Primary	Closed on 10/7/2020	000023-000024

City of Portsmouth		9/9/2020	Election Review and Follow Up	Closed on 10/27/2020	000030-000034
Town of New London		9/10/2020	Election Review and Follow Up	Open	
Town of Loudon		9/10/2020	RSA 659:60, 659:63, 659:70 – Counting of Votes	Closed on 10/29/2020	000035-000036
City of Portsmouth – Ward 1	Elizabeth Kinney	9/14/2020	Election Review and Follow Up	Closed on 6/7/2021	000116-000117
Alleged Wrongful Voting	Donna Antaramian	9/15/2020	RSA 659:34 – Alleged Wrongful Voting	Closed on 01/14/2021	000078
Alleged Bribery		9/16/2020	RSA 640:2 – Alleged Bribery	Closed on 1/24/22	000228-000229
City of Nashua		9/21/2020	Election Review and Follow Up	Closed on 12/13/2021	000206-000220
Alleged Wrongful Voting	Secretary of State	9/24/2020	RSA 659:34-a – Alleged Wrongful Voting	Closed 3/11/21	000089-000091
Alleged Wrongful Voting	Secretary of State	9/24/2020	RSA 659:34-a – Alleged Wrongful Voting	Closed 3/11/21	000089-000091
City of Manchester		9/25/2020	RSA 657:15 – Sending Absentee Ballots	Closed on 12/14/2020	000052
City of Concord		9/28/2020	RSA 657:17 – Sending Absentee Ballots	Closed on 12/14/2020	000051
Alfrieda England/Joyce Healy	George Davenport	9/30/2020	RSA 657:2, 664:2, 664:14 – Identification of Political Advertising	Closed 3/26/21	000097-000099
Town of Raymond	Joanne O'Brien	10/2/2020	RSA 657, 666:2 –	Closed on 8/5/2021	000143-000145

			Alleged Election Official Misconduct		
Alleged Wrongful Voting	Clerk Theresa Briand	10/5/2020	RSA 657:24 – Alleged Wrongful Voting	Closed on 11/12/2020	000037-000039
Alleged Wrongful Voting	Thomas Chase, Supervisor of the Checklist	10/7/2020	RSA 659:34 – Alleged Wrongful Voting	Closed on 3/23/2021	000092-000095
Rachel Vondle	Manchester Police Department	10/13/2020	RSA 664:17 634:2, 635:2 – Alleged Removal of Political Advertising	Closed on 2/26/2021	000084-000088
Hanover-Lyme Democrats	William Christie	10/14/2020	RSA 656:18 - Alleged Illegal Campaign Activity	Open	
Alleged Wrongful Voting	Kathy Burke, Clerk	10/14/2020	RSA 659:34, I(a) – Alleged Wrongful Voting	Closed on 2/18/2021	000082-000083
Alleged Removal of Signs	Newfield Police Department	10/15/2020	RSA 664:17, 664:21 – Alleged Removal of Political Advertising	Closed on 8/23/2021	000152-000153
Alleged Wrongful Voting	Secretary of State	10/16/2020	RSA 659:34 – Alleged Wrongful Voting	Closed on 01/05/2021	000076
Thomas Haas	Durham Police Department	10/16/2020	RSA 664:17 and 664:21(c) – Alleged Removal of Political Advertising	Closed on 1/21/2021	000074-000075
Town of Swanzey		10/19/2020	RSA 657:17 – Absentee Ballot Submission	Closed on 12/13/2021	000221-000223

Alleged Removal of Signs	Keene Police Department	10/20/2020	RSA 664:17 – Alleged Removal of Political Advertising	Closed on 12/9/2021	000168-000169
Alleged Defacing of Signs	Hampton Falls Police Department	10/21/2020	RSA 664:17, 664:21 – Alleged Defacing of Political Advertising	Closed on 8/5/2021	000146-000147
Windham Town Clerk's Office	Jonathan Butler	10/21/2020	RSA 657:12, 658:20 – Alleged Election Official Misconduct	Closed 8/31/2021	000136-000140
Alleged Wrongful Voting	Lauralei Knight, Clerk	10/26/2020	RSA 659:34 – Alleged Wrongful Voting	Closed on 12/15/2020	000053-000054
Alleged Wrongful Voting	Richard Girard	10/28/2020	RSA 659:34, I(a) – Alleged Wrongful Voting	Closed on 8/24/2021	000164-000167
Alleged Wrongful Voting	Thomas Chase, Supervisor of the Checklist	10/29/2020	RSA 659:34 – Alleged Wrongful Voting	Closed on 3/23/2021	000092-000095
Town of Salem		10/30/2020	Election Review and Follow Up	Closed on 12/13/2021	000224-000227
Springfield Town Clerk		11/2/2020	Election Review and Follow Up	Closed on 6/7/2021	000114-000115
Town of Swanzey		11/3/2020	Election Review and Follow Up	Closed 4/28/22	000105-000107
Arthur Gongas	Sara Persechin	11/3/2020	RSA 659:41 – Alleged Assault of Election Official	Closed on 12/10/2021	000197-000200
Robert Rupnick	Diane Chauncey	11/3/2020	Election Review and Follow Up	Closed on 8/24/2021	000162-000163

Alleged Wrongful Voting	Cheryl Critchet	11/3/2020	RSA 659:34 – Alleged Wrongful Voting	Closed on 11/8/2021	000189-000190
Town of Ashland		11/4/2020	RSA 659:15, 659:25 – Accessible Voting System	Closed on 12/10/2020	000045-000046
Alleged Wrongful Voting	Richard Girard	11/5/2020	RSA 659:34 – Alleged Wrongful Voting	Closed on 8/24/2021	000158-000161
William Cote	Tammy Brooks	11/5/2020	RSA 659:60, 666:3 – Alleged Election Official Misconduct	Closed 3/30/2022	000230-000232
Alleged Wrongful Voting	Richard Girard	11/5/2020	RSA 659:34, I(a) and I(e) – Alleged Wrongful Voting	Closed on 8/24/2021	000154-000157
Bruce Hartford	Kristin Kenniston, Clerk	11/6/2020	RSA 659:43 – Alleged Illegal Campaign Activity	Closed on 8/18/2021	000148-000149
556 Huse Road	Manchester PD	11/8/2020	RSA 664:17 – Alleged Illegal Campaign Activity	Closed on 12/10/2021	000196
Alfred LeBlanc	Aaron Simpson	11/9/2020	RSA 659:43 – Alleged Illegal Campaign Activity	Closed on 8/5/2021	000141-000142
Laurence Kahn	Secretary of State	11/9/2020	RSA 659:34-a – Alleged Wrongful Voting	Pled guilty 5/13/2021	000100-000104
Town of Peterborough		11/10/2020	RSA 658:9 – Voting Area	Closed 6/14/2021	000125-000127
Alleged Wrongful Voting	Chris Callahan, Supervisor of the Checklist	11/10/2020	RSA 659:34, I(a) (b) (d) (e) – Alleged Wrongful Voting	Closed 11/8/2021	000187-000188

Town of Chesterfield		11/13/2020	RSA 659:20 – Assistance in Voting	Closed on 3/24/2021	000096
Brandan Little	Farmington Police Department	11/16/2020	RSA 659:43 – Alleged Illegal Campaign Activity	Closed on 8/18/2021	000150-000151
Alleged Wrongful Voting	Secretary of State	11/16/2020	RSA 659:34-a – Alleged Wrongful Voting	Closed on 12/15/2020	000055-000056
Town of Bedford		11/16/2020	RSA 657:23, 659:49 – Processing of Absentee Ballots	Open	
Town of Nottingham		11/16/2020	RSA 657:23, 659:49 – Processing of Absentee Ballots	Closed 4/28/2022	000170-000177
Town of Merrimack		11/16/2020	RSA 657:23, 659:49 – Processing of Absentee Ballots	Closed on 10/11/2021	000178-000179
Alleged Wrongful Voting	Susan Gouin	11/17/2020	RSA 654:2 – Alleged Wrongful Voting	Closed on 6/28/2021	000130-000131
Town of Hampton		11/17/2020	Election Review and Follow Up	Closed on 12/1/2020	000040-000041
Town of Windham Ballot Counting Device		11/20/2020	Election Review and Follow Up	Open	
Troy Police Department	Alex Parsons	12/3/2020	RSA 659:44-a – Alleged Illegal Campaign Activity	Closed on 01/11/2021	000078
City of Manchester – Ward 8	Lucifer Everilov	12/4/2020	RSA 650:53 – Alleged Election Official Misconduct	Closed on 6/7/2021	000112-000113

Alleged Wrongful Voting	Secretary of State	12/15/2020	RSA 659:34, I(a), I(b), (e) – Alleged Wrongful Voting	Open	
Alleged Wrongful Voting	Secretary of State	12/16/2020	RSA 659:34 – Alleged Wrongful Voting	Closed on 1/6/2021	000077
Alleged Wrongful Voting	Secretary of State	12/18/2020	RSA 659:34 – Alleged Wrongful Voting	Closed on 2/8/2021	000080-000081
Alleged Wrongful Voting	Secretary of State	12/22/2020	RSA 659:34 – Alleged Wrongful Voting	Pled guilty 4/6/2022	000233-000239

A. Number of Complaints Received Per Month

Month/ year	Number of Complaints
July 2020	5
August 2020	9
September 2020	16
October 2020	17
November 2020	24
December 2020	6
TOTAL:	77

B. Complaints Received by Type of Complaint

Type of Complaint	RSA Violations	Number of Complaints
Alleged Wrongful Voting	RSA 654:2 (Temporary Absence); RSA 657:24 (Misuse of Absentee Ballot); RSA 659:34 (Wrongful Voting); RSA 659:34-a (Voting In More Than One State)	22
Alleged Illegal Campaign Activity	RSA 659:40 (voter intimidation/suppression/bribery); RSA 659:43 (distributing campaign materials at polling place); RSA 659:44-a (electioneering by public employee); RSA 664:14 (political advertising disclosure requirements); RSA 664:17 (placement and removal of political advertising)	22
Alleged Election Official Misconduct	RSA 197:6 Warrant Article Complaint; RSA 654:12; (voter registration); RSA 654:34 (absentee change back); RSA 657:15 Absentee Ballot; RSA 657; RSA 659:4 (poll hours, closing polls); RSA 659:13 (voter check-in); RSA 659:44; RSA 659:95 (sealing and certifying ballots); RSA 666:2 (delivery of ballots); RSA 666:3 Constitutional Voting Rights Violations.	6
Alleged Campaign Finance Violation	RSA 664:6 (reporting by political committee)	4
Election Review & Follow-Up		23
TOTAL:		77

II.

INVESTIGATIONS OPEN PRIOR TO THE

REPORTING PERIOD

Alleged Violation	Date Opened	Date Closed	Bates No.
Wrongful Voting RSA 659:34 – Dismissed due to incompetency	11/15/16	8/12/2022	000251-000253
Wrongful Voting RSA 659:34 – Guilty Plea	7/18/18	4/22/2022	000240-000245
Wrongful Voting RSA 659:34 – Guilty Plea	1/7/19	5/4/2022	000246-000250
Wrongful Voting RSA 659:34 – Active Investigation	10/30/19		
Wrongful Voting RSA 659:34 RSA 654:7 – Charges Filed	12/3/19		

III.

INDEX OF CLOSURE LETTERS/COMMUNICATIONS

Alleged Violation	Date Closed	Bates Page Number
RSA 659:95 Sealing/Certifying Ballots	July 15, 2020	000001 – 000003
RSA 657:17 Absentee Voter Procedure	July 22, 2020	000004 – 000005
RSA 664:14 Lack of Identification	August 14, 2020	000006 – 000007
RSA 657:4 Absentee Ballot Request Form	August 28, 2020	000008 – 000010
RSA 666:3 Election Official Misconduct	September 9, 2020	000011
RSA 659:44 Election Official Misconduct	September 22, 2020	000012 – 000013
RSA 666:3 Property Purchase Fund	September 22, 2020	000014 – 000015
RSA 659:43 Electioneering	September 22, 2020	000016 – 000017
RSA 659:44-a Electioneering	September 28, 2020	000018 – 000019
RSA 659:34 Wrongful Voting	October 2, 2020	000020
RSA 657:22 Absentee Ballot Cutoff	October 7, 2020	000021 – 000022
RSA 659:14 Primary	October 7, 2020	000023 – 000024
RSA 659:34 Wrongful Voting	October 14, 2020	000025 – 000026
RSA 656:18 Mailer C&D letter	October 15, 2020	000027 – 000029
RSA 644:2 Electioneering	October 27, 2020	000030 – 000034
RSA 659:60 Counting of Votes	October 29, 2020	000035 – 000036
RSA 657:24 Misuse of Absentee Ballot	November 12, 2020	000037 – 000039
RSA 659:34 Wrongful Voting	December 1, 2020	000040 – 000041
RSA 664:17 Removal of Signs	December 9, 2020	000042
RSA 659:4 Poll hours	December 9, 2020	000043
RSA 658:9V(1) Poll Booth Change	December 9, 2020	000044
RSA 659:15 AVS Assistance	December 10, 2020	000045 – 000046
RSA 664:17 Removal of Signs	December 11, 2020	000047 – 000048
RSA 664:17 Removal of Signs	December 11, 2020	000049 – 000050
RSA 657:15 Sending Absentee Ballots	December 14, 2020	000051
RSA 657:17 Sending Absentee Ballots	December 14, 2020	000052
RSA 659:35-a Wrongful Voting	December 15, 2020	000053 – 000054
RSA 659:34 Wrongful Voting	December 15, 2020	000055 – 000056
RSA 664:6 Campaign Finance	December 15, 2020	000057 – 000058
RSA 659:34 Wrongful Voting	December 17, 2020	000059 – 000073
RSA 664:17 Removal of Advertising	December 29, 2020	000074 – 000075
RSA 659:34-a Wrongful Voting	January 5, 2021	000076
RSA 659:34 Wrongful Voting	January 6, 2021	000077
RSA 659:44-a Electioneering	January 11, 2021	000078
RSA 659:34 Wrongful Voting	January 14, 2021	000079
RSA 659:34 Wrongful Voting	January 14, 2021	0000079
RSA 659:34 Wrongful Voting	February 8, 2021	000080-000081
RSA 659:34 Wrongful Voting	February 18, 2021	000082-000083
RSA 664:17 Removal of Signs	February 26, 2021	000084-000088

RSA 659:34 Wrongful Voting	March 11, 2021	000089-000091
RSA 659:34 Wrongful Voting	March 23, 2021	000092-000095
RSA 659:20 Election Official Misconduct	March 24, 2021	000096
RSA 657:4, 664:2 Lack of Identification	March 26, 2021	000097-000099
RSA 659:34-a Wrongful Voting	May 13, 2021	000100-000104
RSA 658:9 Polling Location	June 7, 2021	000105-000111
RSA 657:17 Delivery of Ballot	June 7, 2021	000112-000113
RSA 659:44 Electioneering	June 7, 2021	000114-000115
RSA 658:9 Arrangement	June 7, 2021	000116-000117
RSA 659:34 Wrongful Voting	June 14, 2021	000118-000124
RSA 658:9 Separate Voting Areas	June 14, 2021	000125-000127
RSA 664 Campaign Finance Violation	June 28, 2021	000128-000129
RSA 659:34 Wrongful Voting	June 28, 2021	000130-000131
RSA 664 Campaign Finance Violation	July 2, 2021	000132-000135
RSA 657:12 Handling of Absentee Ballot	July 21, 2021	000136-000140
RSA 659:43 Electioneering	August 5, 2021	000141-000142
RSA 657:12 Handling of Absentee Ballot	August 5, 2021	000143-000145
RSA 664:17 Defacing Advertising	August 5, 2021	000146-000147
RSA 659:43 Electioneering	August 18, 2021	000148-000149
RSA 659:43 Electioneering	August 18, 2021	000150-000151
RSA 664:17 Removal of Signs	August 23, 2021	000152-000153
RSA 659:34 Wrongful Voting	August 24, 2021	000154-000157
RSA 659:34 Wrongful Voting	August 24, 2021	000158-000161
NH Constitution Part II Article 32	August 24, 2021	000162-000163
RSA 659:34 Wrongful Voting	August 24, 2021	000164-000167
RSA 664:17 Defacing Advertising	September 2, 2021	000168-000169
RSA 657:12 Handling of Absentee Ballot	September 21, 2021	000170-000177
RSA 657:23 Delivery to Moderator	October 11, 2021	000178-000179
RSA 659:44 Electioneering	November 4, 2021	000180-000186
RSA 659:34 Wrongful Voting	November 8, 2021	000187-000188
RSA 659:34 Wrongful Voting	November 8, 2021	000189-000190
RSA 659:34 Wrongful Voting	November 12, 2021	000191-000195
RSA 664:17 Removal of Signs	December 10, 2021	000196
RSA 659:41 Assault	December 10, 2021	000197-000200
RSA 657:12 Provisions for General Election	December 10, 2021	000201-000220
RSA 657:17 Absentee Ballot Supervision	December 10, 2021	000221-000223
RSA 657:26 Absentee Voter Website	December 10, 2021	000224-000227
RSA 640:2 Bribery	January 24, 2022	000228-000229
RSA 659:77 General Neglect by Town or Ward Moderator and Clerk	March 30, 2022	000230-000232
RSA 654:34-a Wrongful Voting	April 6, 2022	000233-000239
RSA 654:34-a Wrongful Voting	April 22, 2022	000240-000245
RSA 654:34-a Wrongful Voting	May 4, 2022	000246-000250
RSA 654:34 Wrongful Voting	August 12, 2022	000251-000253

Closure Letters, Settlement Agreements,

Cease and Desist Orders, Complaints Filed With A Court,

Or Other Official Communications

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 15, 2020

Karen Bell, Town Clerk
Daniel Eaton, Town Moderator
Town of Stoddard
1450 Route 123 North,
Stoddard, NH 03464-4153

Dear Clerk Bell and Moderator Eaton,

The Secretary of State and Attorney General's Office recently learned that the marked ballots from the June 23, 2020, Town Election in Stoddard were not properly sealed according to New Hampshire's election laws.

Chief Investigator Richard Tracy, spoke with Clerk Karen Bell and received a sworn affidavit from Clerk Bell that memorializes the chain of events. It is our understanding that after the Town Election, the marked ballots and other documents related to the election were placed in a box and sealed with red tape. However, the seal that is required to be placed on the box, which notes what is contained within the box, was not signed by the required election officials. On June 30, 2020, Clerk Bell opened this box in order to retrieve absentee ballot applications and other documents, which she had mistakenly sealed inside. These documents were needed to enter the required information into ElectioNet. This box remained unsealed in the Town Clerk's Office for the remainder of the day, until Deputy Clerk Deborah McGerty pointed out to Clerk Bell that the box must be properly secured and sealed if it contains marked ballots.

We understand that this was Clerk Bell's first election as Town Clerk. We appreciate the candor in Clerk Bell's affidavit and acknowledgement that mistakes were made. Additionally, once Clerk Bell learned of her mistakes she took the appropriate course of action by promptly contacting the Secretary of State's Office and New Hampshire Municipal Association for advice on how to proceed. We would like to take this time to remind both of you of the statutes governing the manner in which marked ballots should be sealed and secured once the election is over.

As a preliminary matter, we have learned that a civil action has been filed by a candidate relative to a recount of the results from the June 23, 2020 Stoddard Town Election. That is a private, civil matter that is outside the scope of the Election Law Unit's enforcement authority. To the extent the parties involved with this matter seek guidance regarding that action, they should consult with their respective legal counsel. The Unit cannot provide legal advice.

Telephone 603-271-3658 • FAX 603-271-2110 • TDD Access: Relay NH 1-800-735-2964

RSA 669:25 states in relevant part that town elections that have adopted an official ballot system shall conduct their elections in the same manner as a state general election as provided in RSA 658 and 659.

RSA 659:95 states it is the moderator's or moderator's designee's responsibility to secure and properly seal the ballots. The statute has been reproduced below for your review. Additionally, page 233 of the New Hampshire Election Procedure Manual: 2018-2019 provides an example of the seal that should be used.

659:95 Sealing and Certifying Ballots. –
I. Immediately after the ballots cast at a state election have been tabulated and the result has been announced and the return has been made, the moderator or the moderator's designee, in the presence of the selectmen or their designee, shall place the cast, cancelled, and uncast ballots, including such ballots from any additional polling places, and further including the successfully challenged and rejected absentee ballots still contained in their envelopes, in the containers provided by the secretary of state as required by RSA 659:97 and shall seal such container with the sealer provided by the secretary of state as required by RSA 659:97. The moderator or the moderator's designee shall then enter in the appropriate blanks on such sealer on each container the number of cast, cancelled, and uncast ballots in such container and shall endorse in the appropriate place on such sealer a certificate in substance as follows: Enclosed are the ballots from the state election in the town of _____ (or in ward _____ in the city of _____) held on _____, 20___, Box _____ of _____, to be preserved in accordance with RSA 33-A:3-a. The moderator and the selectmen or their designee shall sign their names in the appropriate blanks on the sealer.
II. Ballots, including cast, cancelled, and uncast ballots and successfully challenged and rejected absentee ballots still contained in their envelopes, prepared or preserved in accordance with the election laws shall be exempt from the provisions of RSA 91-A. This exemption shall apply to any ballots or absentee voter affidavits prepared for or used in any election conducted by the state or any political subdivision, including federal elections.

Lastly RSA 659:98 states that the moderator and the selectmen or their designee shall deliver the sealed container to the clerk who will secure the container in town hall for the designated period of time. This statute has also been reproduced below for your review.

659:98 Delivery of Ballots to Town Clerk. – The moderator, or the moderator's designee, and the selectmen, or their designee, after they have sealed and certified the state election ballots as provided in RSA 659:95 and RSA 659:96, shall deliver the sealed containers to the town or city clerk, or to the clerk's designee, who shall in their presence enter in the appropriate place on each sealer the time of day and shall sign his or her name in the appropriate blank on the sealer. The clerk or the clerk's designee shall, without breaking the seals or otherwise changing the condition of the containers, deposit the containers in the town or city hall, where the ballots shall be kept for a period set forth in RSA 33-A:3-a.

We hope this information will prove useful to you. Thank you for all that you do for the citizens of Stoddard. Please do not hesitate to contact us if you have any questions or concerns.

Sincerely,

Nicholas Chong Yen
Assistant Attorney General
Election Law Unit
(603) 271-0445
Nicholas.chongyen@doj.nh.gov

cc: Karen Ladd, Secretary of State's Office
Charles Fosberry, Town of Stoddard Selectman

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 22, 2020

Liselle Dufort, Town Clerk,
Town of Newport
15 Sunapee Street
Newport, NH 03773

Dear Clerk Dufort,

The Attorney General's Office recently received a complaint from a voter in Newport who alleged that she had a negative experience with the Newport Clerk's Office when she and her husband attempted to vote by absentee ballot.

Chief Investigator Richard Tracy spoke with the complainant who described her interaction and frustration with the entire process. First, the complainant described being told that she and her husband were not registered voters, when in fact they have been long time registered voters in Newport. Second, the complainant said when she arrived at town hall to leave their absentee ballots in the drop box, a notice on the drop box stated that absentee ballots needed to be submitted inside the clerk's office. Finally, when the complainant attempted to leave her ballots at the clerk's office she was told that she needed to present identification and sign a form when dropping off her husband's ballot. The complainant acknowledged that she became angry and out of frustration threw her and her husband's absentee ballots in the trash, before officials had an opportunity to resolve the situation.

Chief Investigator Tracy provided the complainant with guidance on voting absentee in the future and assured her that her and her husband's absentee ballots would be accepted by the Newport Clerk's Office, if completed properly then mailed or dropped off in a proper and timely fashion.

Chief Investigator Tracy spoke with you, and you both discussed the statutes that pertain to the receipt of completed absentee ballots by the clerk's office. We understand this situation may be the result of miscommunication between the complainant and assistant clerk, as well as the assistant clerk's misunderstanding of the absentee ballot receipt process.

We would like to take this time to review the applicable statutes, specifically RSA 657:17 and RSA 657:17-a, which govern the manner in which absentee ballots are received by the clerk's office. We encourage you to review both statutes in their entirety.

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RSA 657:17-a outlines a process through which the clerk can treat an absentee voter who returns his or her completed absentee ballot in-person to the clerk's office, as a verified voter. The process outlined under this statute contemplates the voter's voluntary participation. As a result, a voter submitting his or her own completed absentee ballot in-person at the clerk's office, who refuses to provide identification or sign the challenged voter affidavit, should not have his or her absentee ballot rejected. The effect of the voter's refusal is simply that the clerk does not mark the voter's absentee ballot "voter verified".

RSA 657:17 authorizes a voter's "delivery agent" to personally deliver the envelope containing the voter's completed absentee ballot. The delivery agent would include the voter's spouse, parent, sibling, child, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild. RSA 657:17, II(a).

While it has been recognized as best practice that the clerk should ask for identification and that the delivery agent sign an Absentee Ballot Return form, it is not required for clerks to accept the completed absentee ballot before Election Day. See Election Procedure Manual: 2018-2019, Pg. 155. Use of the Absentee Ballot Return Form is mandatory when an absentee ballot is delivered on Election Day. RSA 657:17.

We hope that this information will prove useful to you. Thank you for all that you and your staff do for the citizens of Newport. Please do not hesitate to contact us if you have any questions or concerns.

Sincerely,

Nicholas Chong Yen
Assistant Attorney General
Election Law Unit
(603) 271-0445
nicholas.chongyen@doj.nh.gov

cc: [redacted]

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, 2020

David Croft,
Candidate for Merrimack County Sheriff,
[redacted]
Salisbury, NH 03244-4809

Re: RSA 664:14 – Required Identifying Information on Political Advertisements
(2020144081)

Dear Mr. Croft,

On July 13, 2020, the Attorney General's Election Law Unit received an inquiry about your political signs, which advertised your candidacy for Merrimack County Sheriff. It was reported that your signs did not contain the identification information required by RSA 664:14.

On July 22, 2020, Chief Investigator Richard Tracy spoke with you about this report. You informed Investigator Tracy that you would address the issue and requested time to correct each sign.

On August 3, 2020, the Election Law Unit received two complaints about one of your signs placed in front of Big Jim's Bargain Center. The complaints included a photo of that sign, which appears to have been posted to your Facebook candidacy page on August 1.

On August 4, 2020, Investigator Tracy located and examined four (4) of your political signs appearing on Route 106. He observed that all four signs had the required identifying information written on them in pen or using a marker. Investigator Tracy inspected the sign reportedly posted in front of Big Jim's Bargain Center. He also located and examined another sign appearing on South State Street near South Main Street. Neither sign included the information required by RSA 664:14.

On August 6, 2020, Investigator Tracy spoke with Bryan Croft who is identified as your fiscal agent. He reminded Bryan Croft of the requirements of RSA 664:14 and the two signs that did not contain the required identifying information. Bryan Croft told Investigator Tracy that he would speak with you about the issue. Bryan Croft stated that he would work with you to ensure that all of your political signs contain the information required by statute.

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On August 12, 2020, we received additional complaints of political signs that did not contain the identifying information required by statute. While Investigator Tracy did not inspect all locations noted in the more recent complaints, he did observe one of your signs in a yard at the northeast corner of Rumford Street and Highland Street, which did not contain the required information.

Based on Investigator Tracy's observations on August 4, this Office understands that you have been working on adding the required identifying information to your political signs. We encourage you to use all reasonable platforms to locate and correct any remaining signs that do not comply with RSA 664:14.

This Office also suggests you review RSA 664:14 in its entirety to ensure any future political advertisements comply with its requirements.

This matter is closed. Please feel free to contact me should you have any questions.

Sincerely,

Nicholas Chong Yen
Assistant Attorney General
Election Law Unit
(603) 271-0445
Nicholas.chongyen@doj.nh.gov

cc: Jeff David Barrow
Allison Holt
Tony Schinella, Concord Monitor
Bryan Croft, Fiscal Agent

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GORDON J. MACDONALD
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

August 28, 2020

Bryan K. Gould, Esquire
Cleveland, Waters & Bass, P.A.
PO Box 1137
Concord, NH 03302-1137

Re: **CEASE AND DESIST ORDER**
Violation of RSA 657:4

Dear Attorney Gould:

On August 25, 2020, you contacted this Office to report that the Meredith Town Clerk was rejecting absentee ballot request forms, sent as part of a mailer by the New Hampshire Republican State Committee ("State Committee"). The mailer, issued on or about August 20, 2020, includes what is purported to be an absentee ballot request application for the 2020 General Election to be sent by the voter to the appropriate town or city clerk in order for the voter to receive an absentee General Election ballot.

Factual Background

On August 26, 2020, Chief Investigator Richard Tracy contacted Meredith Town Clerk, Kerri Parker, to follow-up on your report. In speaking with Clerk Parker, Investigator Tracy learned that an assistant clerk had spoken with the voter who handed the assistant clerk the State Committee's absentee ballot application form. The assistant clerk reviewed the form, but was concerned about accepting it because it did not contain the exact content mandated by Laws of 2020, Chapter 14 (otherwise known as "HB1266").

The assistant clerk did not turn the voter away, but instead provided the voter with the official absentee ballot application form published by the Secretary of State's Office. The voter completed this form and successfully obtained an absentee ballot.

As part of its review of this matter, the Attorney General's Office reviewed an email showing that the State Committee, through its Executive Director, Elliot Gault, emailed Deputy Secretary of State David Scanlan on August 4, 2020. Director Gault indicated that he wanted to "run by" Deputy Scanlan, the State Committee's "generic Generic (sic) AB App." Director Gault

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twice stated, in his email, that the State Committee did not plan on sending this application. But, Director Gault inquired if this application could be sent by the State Committee if it decided to publish it. The Attorney General's Office was informed that, in a subsequent phone call between Director Gault and Deputy Scanlan, Deputy Scanlan indicated that the State Committee's form appeared to contain the necessary information and was "good to go."

The State Committee decided to publish and mail the proposed absentee ballot request form more than two weeks prior to the September 8, 2020 State Primary election.

Legal Analysis

HB1266 became effective on July 17, 2020. With respect to absentee ballot application forms, it states in relevant part:

> "[T]he absentee ballot application form described in RSA 657:4 is hereby suspended through December 31, 2020, provided that such form may be used in the event of a winter storm the day before the election. The secretary of state shall instead prepare new application forms for absentee ballots worded in substantially the following form to be used prior to any election occurring prior to December 31, 2020."

Laws of 2020, Chapter 14; 14:2. (emphasis added).

The new absentee ballot application form, mandated by the Legislature, includes language allowing a voter to request an absentee ballot for either the 2020 September State Primary Election, 2020 November General Election, or both. It also provides for a voter requesting a Primary Election absentee ballot to choose whether he or she wants a Republican or Democrat ballot.

RSA 657:4, II(a) states that, "[a]ny person, other than the city or town clerk or the secretary of state, that publishes, mails, or distributes in any manner any written communication that contains a form or post card which a reasonable person would consider as intended to be used by the recipient of the communication to submit a request for an absentee ballot shall identify who is publishing, mailing, or distributing the communication, and attach a copy of the form prepared by the secretary of state pursuant to paragraph I of this section to the communication or include in the communication a complete facsimile of the form prepared by the secretary of state pursuant to paragraph I of this section." (emphasis added).

Because the State Committee's absentee ballot application form is not a "complete facsimile of the form prepared by the secretary of state," it does not comply with RSA 657:4, II(a). The State Committee's form is deficient in two ways:

1. It only identifies that the applicant is requesting a ballot for the "State General Election to be held on November 3, 2020" while not including the mandated language regarding the State Primary and the voter's choice of ballot; and

2. It does not contain the language mandated by HB1266: "Any person who witnesses and assists a voter with a disability in executing this form shall print and sign his or her name in the space provided on the application form."

The State Committee's choice to publish this defective form more than two weeks prior to the September State Primary may cause voter confusion and frustration. Voters may complete the purported absentee ballot forms believing they will receive absentee ballots for the State Primary, only to discover that the forms are only a request for absentee ballots for the November General Election. The comment made by Deputy Scanlon is not a basis for the State Committee not to comply with New Hampshire law as the Secretary of State's Office does not have the general authority to waive provisions of the law.

Additionally, given the already heavy burden on clerks' offices around the State, due to the changes to election laws based on COVID-19 concerns, clerks do not have the resources to reach out to each voter who uses the State Committee's absentee ballot request form to confirm whether he or she also wants a State Primary ballot, and which party's ballot he or she wants.

Order

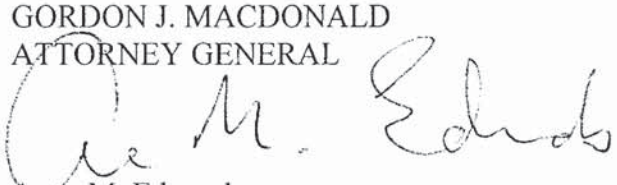
In light of our finding that the State Committee violated RSA 657:4, II(a) by its failure to produce a complete facsimile of the absentee ballot application form, the State Committee is hereby ordered to CEASE AND DESIST any and all activities which violate this provision in the future. Furthermore, the State Committee shall CEASE AND DESIST from publishing any other absentee ballot application forms for the 2020 election cycle unless they are accurate and complete facsimiles of the language included in HB 1266

Additionally, the State Committee is required to provide the Attorney General's Office with a written plan, by close of business on Monday, August 31, 2020, explaining how it will urgently remedy this situation, including all remedial steps to be taken, to notify recipients of its absentee ballot request mailer so that voters know they may not be able to obtain absentee ballots for the 2020 September Primary Election based on this form.

Any future failure to comply with our State's election laws may result in this Office seeking enforcement action.

Cease and Desist Order Issued
By the Authority of:

GORDON J. MACDONALD
ATTORNEY GENERAL



Anne M. Edwards
Associate Attorney General
Election Law Unit
(603) 271-3650

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GORDON J. MACDONALD
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

September 9, 2020

Mark Warden
[redacted]
Manchester NH 03103

Re: City of Manchester Alleged Election Official Misconduct

Dear Mr. Warden:

We understand you have brought this matter before the Hillsborough County Superior Court in order to seek relief. This Office has been notified the matter is still pending.

We also understand this matter has been before the New Hampshire Supreme Court, which issued an order on November 4, 2019, indicating that "[t]he election scheduled for November 5, 2019, including the election for the Manchester School District Charter Commission, shall proceed, subject to further judicial review."

Finally, this Office is aware RSA 49-B:4, I(b), the statute that is the subject of your complaint, was brought before the Legislature in the form of SB 423. The bill's objective was to clarify the timeline for declarations of candidacy of charter commission members.

This matter is before the judicial branch and has been the subject of efforts by the Legislature to address the issues identified in your complaint.

As a result, further involvement by this Office is moot, and the matter is closed.

Sincerely,

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

cc: The Honorable William M. Gardner, Secretary of State

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ATTORNEY GENERAL
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GORDON J. MACDONALD
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

September 22, 2020

Beth Hunter
Derry Municipal Center
14 Manning Street
Derry, NH 03038

Re: Electioneering and Election Officers

Dear Ms. Hunter:

On February 13, 2020, this Office was notified of your conversation during the 2020 Presidential Primary with two individuals who asked you for guidance on who to vote for. During the conversation, you told the two individuals that voting for any of the Democratic candidates would be wise. During the 2020 Presidential Primary, and the time period of your conversation with these two individuals, you were at the Gilbert H Middle School in Derry for Districts 1 & 4, functioning in the role of a greeter. You also had been sworn in as an Assistant Moderator on that day.

We understand you received training regarding the conduct of greeters at the polls. During the training, you were notified that, as an election official, you must remain politically neutral in words and actions. The proper procedures for elections officers at the polling place are as follows:

RSA 659:44 states that "[n]o election officer shall electioneer while in the performance of his official duties." The term "electioneer" means to act in any way specifically designed to influence the vote of a voter on any question or office. RSA 659:44.

RSA 652:14 defines an "election officer" as "any moderator, deputy moderator, assistant moderator, town clerk, deputy town clerk, city clerk, deputy city clerk, ward clerk, selectman, supervisor of the checklist, registrar, or deputy registrar."

In speaking with Derry Moderator Mary Till, we understand you took an oath of office and were appointed as an Assistant Moderator for the 2020 Presidential Primary. As such, you constitute an election officer within the meaning of the statue.

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We also understand that when asked whether it was wise to vote for two specific candidates, you answered that it was wise to vote for any Democrat. While this comment was likely a casual remark made in response to a pointed question, it could be construed as electioneering under RSA 659:44.

Election officers must be cautious while acting in their official capacity at the polling place. Election officers must not engage in conduct that could be construed as specifically designed to influence the vote of a voter. Failure to do so may lead to allegations of improper influence by election officers over an election.

We hope this information proves helpful to you. 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: Mary Till, Derry Town Moderator

ATTORNEY GENERAL
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GORDON J. MACDONALD
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

September 22, 2020

Thomas A. Tardif
[redacted]
Laconia, NH 03246

Re: Laconia City Council and/or City Manager (2020141522)

Dear Mr. Tardif:

On January 6, 2020, this Office received your complaint regarding the Laconia City Council (or "the Council") and the Laconia Conservation Commission (or "the Commission") alleging abuse of office. Specifically, that this abuse of office stems from the Council and Commission appropriating funds to purchase two parcels of land on Pickerel Pond Road in a non-public session. Since the filing of your initial complaint, you have provided this Office with additional information, which we received on the below dates and have carefully reviewed. This includes:

- January 7, 2020 – A Laconia Sun news article regarding your complaint;
- February 5, 2020 – An amended complaint alleging that there were no public hearings by the Council or Commission prior to the appropriations to purchase parcels on Pickerel Pond Road or 18 Wilson Court.
- February 24, 2020 – A two-part letter on your allegations of Laconia officials' abuse of power involving the non-public meetings to appropriate funds to purchase "a home on Wilson Court and two additional land purchases on Pickerel Pond;"
- July 11, 2020 – An updated email containing information that the Commission's legal notice was not truthful because "[n]othing in any notice or agenda cited the meeting was in regards to any new appropriation of [Commission] Funds for any amount;"
- July 12, 2020 – Additional information concerning the ownership and later purchase of the "Pickeral Pond parcel;"
- July 23, 2020 – An email containing additional information concerning the City of Laconia's purchase of Pickerel Pond and the appropriation/expending of funds without appropriate public notice;
- September 1, 2020 – Your memorandum regarding "ABUSE OF OFFICE" and alleging that the vote by Laconia's governing body to purchase church property was illegal;

- September 11, 2020 – A complaint alleging that Laconia officials unlawfully had a "second Contingency line item account listing XYZ as a purpose" and further alleging that the grant of $700,000 was for an unlawful secret purpose;
- September 17, 2020 – Additional information regarding the failure of the Commission to conduct due diligence prior to purchasing the two parcels of land on Pickerel Pond Road; and
- September 18, 2020 – Additional information regarding the appropriation of public money.

In addition to the information you provided, this Office also reviewed a response to your complaint from counsel to the City of Laconia, which is enclosed.

Upon review of this information, it is clear that the source of this complaint stems from allegations that Laconia officials failed to comply with applicable appropriation and municipal budget law. The subject of this complaint is outside the enforcement authority of the Election Law Unit.

Moreover, to the extent that this matter involves an alleged failure to comply with RSA 91-A (Right-to-Know law), enforcement of this statute is similarly outside the enforcement authority of the Election Law Unit.

If you would like to pursue this matter further, we encourage you to consult with private counsel with respect to the allegation of the Right-to-Know law violation. Private counsel may also provide legal advice on how you can further address the alleged failure of Laconia officials to follow applicable appropriation and municipal budget law. This matter is closed.

Sincerely,

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

Enclosure
cc: Laura Spector-Morgan, Laconia City Counsel

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

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CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

September 22, 2020

Michael Lewis, Esq.
1 Capitol Plaza
Concord, NH 03302-1500

Re: Alleged Illegal Campaign Activity (2020141681)

Dear Attorney Lewis:

On February 11, 2020, this Office received a complaint involving your client, United States Congresswoman Ann McLane Kuster. The complaint alleged that based on a video posted using Twitter that day, Congresswoman Kuster engaged in impermissible electioneering inside a polling place contrary to RSA 659:43. This Office concludes that RSA 659:43 applies to Congresswoman Kuster, and requests that you review the statute with your client to reinforce her understanding and compliance.

RSA 659:43 states in relevant part that –

> No person shall distribute, wear, or post at a polling place any campaign material in the form of a poster, card, handbill, placard, picture, pin, sticker, circular, or article of clothing which is intended to influence the action of the voter within the building where the election is being held.

This statute applies to any person at a polling place, and does not recognize an exception for elected officials. As such, this statute applies to Congresswoman Kuster.

In following-up on this complaint, this Office reviewed the Twitter post containing the video in question, as well as a response to the complaint you filed on behalf of Congresswoman Kuster. The video in question appears to have been filmed inside an unidentified New Hampshire polling location. In the video, Congresswoman Kuster states –

> "Good morning New Hampshire, it's Presidential Primary Day, and I just voted for Pete Buttigieg, and I feel great about it. I hope you will too."

The video also depicts Congresswoman Kuster wearing a yellow button with the words "Women for Pete."

We reviewed your response, and while you have attempted to apply the decision in Minnesota Voters Alliance v. Mansky, we conclude that Manksy is distinguishable from the instant case and does not apply in the situation involving Congresswoman Kuster. 138 S. Ct. 1876 (2018).

In Mansky, the U.S. Supreme Court faulted Minnesota for not defining the expansive term "political" and for failing to give election judges objective, workable standards to determine what was "political" and thus barred under the apparel ban. 138 S. Ct. at 1891.

Unlike Minnesota's apparel ban in the Manksy case, New Hampshire's law – RSA 659:43 – is more narrowly tailored. The prohibition applies only to campaign material, which is intended to influence how a voter marks his or her ballot in that election.[1]

In the situation involving the complaint against Congresswoman Kuster, the Congresswoman wore a button that displayed the message "Women for Pete." The button's message with its unique "Pete" logo was clearly advocating in favor of Pete Buttgieg, a candidate on the ballot during the February 2020 Presidential Primary, who had been endorsed by Congresswoman Kuster.

Based on the forgoing, this Office concludes that Congresswoman Kuster violated the prohibition on wearing campaign material inside a polling place, under RSA 659:43. Please inform your client regarding future compliance with RSA 659:43 and the electioneering standards outlined in the New Hampshire Election Procedure Manual: 2020-2021. Failure to comply with RSA 659:43 in the future could result in enforcement action.

This matter is closed.

Sincerely,

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

[1] See New Hampshire Election Procedure Manual: 2020-2021 Pgs. 248-249, "This prohibition applies only to those candidate, issues, or parties that appear on the ballot for that election."

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GORDON J. MACDONALD
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

September 28, 2020

Representative Doris Hohensee
[redacted]
Nashua, NH 03064

Re: Nashua Teachers' Union

Dear Representative Hohensee:

On October 30, 2019, you contacted this Office regarding alleged violations by the Nashua Teachers' Union's (NTU) Committee on Political Education (COPE). Specifically, you alleged that the COPE engaged in impermissible electioneering contrary to RSA 659:44-a. You further alleged that the COPE failed to file campaign finance reports in accordance with city ordinances. Based on our review, we conclude there is no violation of New Hampshire's election laws.

In reaching this determination, we reviewed your complaint and supplemental information you provided on November 7 and 18, 2019. We also reviewed a response to your complaint by NTU counsel, which counsel was unable to submit to this Office until September 21, 2020.

With respect to allegations of impermissible electioneering, you cited the following conduct:

1. Emails sent by NTU President Adam Marcoux to staff at Nashua High School during school hours, using district equipment, and containing a link to the NTU-COPE's website listing its political candidate endorsements; and
2. NTU leadership handed out political literature during a meeting at an elementary school, before the start of school.

RSA 659:44-a states that –

> I. No public employee, as defined in RSA 273-A:1, IX, shall electioneer while in the performance of his or her official duties.

> II. No public employee shall use government property or equipment, including, but not limited to, telephones, facsimile machines, vehicles, and computers, for electioneering.
> III. For the purposes of this section, "electioneer" means to act in any way specifically designed to influence the vote of a voter on any question or office.
> IV. Any person who violates this section shall be guilty of a misdemeanor.

The emails sent by President Marcoux were distributed using his private computer. When he sent the emails, President Marcoux was serving full-time in the capacity as Union President, and was on a leave of absence from his role as an employee of the Nashua School District. The emails that are the subject of your complaint were neither sent by a public employee nor sent using government property or equipment. Therefore, we conclude that President Marcoux's sending of the emails does not trigger the prohibition under RSA 659:44-a.

We understand that, during the meeting referenced in your complaint, none of the NTU representatives in attendance were performing their official duties. As you referenced, the meeting took place before the start of school. Additionally, the political literature handed out during the meeting had been printed by NTU equipment and did not use any of the resources from the school. The content of the "political literature" you identified was actually Union education materials, intended for and provided to NTU members only. Based on the forgoing, we conclude that the meeting inside the school and the distributed literature would not trigger the prohibition under RSA 659:44-a because the individuals present were not performing their official duties. Furthermore, the meeting does not constitute "electioneering" within the meaning of this statute. Educational information disseminated among Union members on the legislative and political process is not "specifically designed to influence the vote of a voter on any question or office." RSA 659:44-a, III.

Finally, with respect to your allegations that the NTU failed to comply with city ordinances governing campaign finance, city ordinances are enforced locally and are outside the enforcement authority of this Office.

Sincerely,

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

cc: Terri D. Donovan, Counsel for Nashua Teachers Union

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 2, 2020

Patricia G. Conway, County Attorney
Rockingham County Attorney's Office
PO Box 1209
Kingston NH 03848-1209

Re: [redacted] (2020143410)

Dear County Attorney Conway:

After this Office's review of this matter involving allegations of election law violations, we conclude that the statute of limitations has expired on October 10, 2013, for the misdemeanor offenses and November 6, 2018, for the felony offense. There is no applicable tolling provision. Thus no criminal charges may be brought.

As a result, this matter is closed.

Sincerely,

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

cc: Chief Timothy Crowley, Atkinson Police Department

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

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GORDON J. MACDONALD
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

October 7, 2020

Kelly Rollins, Town Clerk
Town of Jaffrey
10 Goodnow Street
Jaffrey, NH 03452

Re: Town of Jaffrey, Election Review & Follow-Up (2020144805)

Dear Clerk Rollins:

On September 9, 2020, this Office received an inquiry regarding the cutoff time for accepting absentee ballots delivered to the polling place during the 2020 September State Primary. The individual reported that during "The Exchange" hosted by New Hampshire Public Radio, a poll worker stated that a postal worker delivered an absentee ballot at 6:30 p.m., which was accepted and counted.

On October 6, 2020, you confirmed that this poll worker's statement was accurate. We would like to take this opportunity to share information with you about the applicable statute.

RSA 657:22 states in relevant part that, "[i]n any state election, a town or city clerk shall not accept any completed absentee ballots delivered to the clerk after 5:00 p.m. on election day. The clerk shall record absentee ballots received after such time in the statewide centralized voter registration database with the return date and shall mark the ballot as rejected due to absentee ballot receipt after election day. The clerk shall retain the unopened ballot until the time set for the destruction of other state election ballots as provided in RSA 659:100 at which time the envelopes shall likewise be destroyed, unopened and unexamined."

As such, if an absentee ballot is delivered by a postal worker after 5:00 p.m., the cutoff time contemplated by RSA 657:22 must be observed, and the ballot must be rejected.

Please note that the absentee ballots used during the accessible voting process pursuant to RSA 659:20-a, are by statute, exempt from the cutoff time outlined above and may be accepted until the close of the polling place. More information about the accessible voting process on Election Day can be found in the New Hampshire Election Procedure Manual: 2020-2021, Pgs. 8-9.

You notified this office that you now have a better understanding of the statutory cutoff time for absentee ballots on Election Day and will ensure it is observed in the future.

We hope this information proves useful to you. Thank you for the service that you and your colleagues provide for the residents of Jaffrey.

This matter is closed. Please do not hesitate to contact us should you have any 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

October 7, 2020

Gary Schmitz, Ward 1 Moderator
City of Laconia
45 Beacon Street E., 1st Floor
Laconia, NH 03246

Re: City of Laconia, Election Review and Follow-Up (2020144806)

Dear Moderator Schmitz:

On September 9, 2020, we received a complaint, alleging that at approximately 7:00 a.m. during the 2020 September State Primary, officials were only giving voters the Republican Party's ballot.

On September 10, 2020, Laconia City Clerk Cheryl Hebert forwarded this Office your email explaining the situation.

You indicated that on Election Day at approximately 6:40 a.m., you and your colleagues were in the process of confirming the number of ballots your polling place received, as required by RSA 658:31. After this process was completed, a ballot clerk inadvertently took a pack of Republican ballots, instead of the ballots for the Democratic Party.

You confirmed that a voter had entered once the polls opened, and after receiving a Republican ballot instead of a ballot for the Democratic Party, notified the ballot clerk of the error. This error was immediately resolved by the ballot clerk and the voter was given the appropriate ballot. In addition, you confirmed that the ballot clerk quickly identified the error and corrected it by retrieving the correct pack of Democratic Party ballots.

We would like to take this opportunity to review the applicable statute.

RSA 659:14 states in relevant part that "[a] person desiring to vote at a state or presidential primary election shall, at the time of announcing the person's name, also announce the name of the party to which the person belongs or whether the person is registered as an undeclared voter. If the person's party membership has been registered before, the person shall be given only the ballot of the party with which the person is registered"

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In this case, we understand that this inadvertent error was quickly detected and corrected. However, we encourage you to review this statute with officials to ensure that during a primary election, both voters and officials can work together to ensure a voter obtains the correct party ballot.

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: Cheryl Hebert, Laconia City Clerk
Melissa Parent

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 14, 2020

[redacted]
c/o James Rosenberg, Esq.
Shaheen & Gordon, PA
PO Box 2703
Concord, NH 03302-2703

Re: Domicile in New Hampshire (2019137837)

Dear [redacted]

On September 30, 2020, this Office spoke with your attorney, James Rosenberg, who notified us that you are no longer domiciled in Hanover, New Hampshire. You previously used this domicile in Hanover to register to vote and voted during the November 8, 2016 election.

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.

Attorney Rosenberg, has indicated that you are no longer domiciled in New Hampshire. Additionally, Attorney Rosenberg informed this Office that, as a result of relinquishing your domicile in New Hampshire, you understand you may no longer vote in this State.

Please be advised, under RSA 659:34, I(e), it is a violation of New Hampshire's election laws to vote for any office or measure at an election if you are not qualified to vote as provided in RSA 654. RSA 659:34, II indicates that a violation of this provision is a class B felony.

This matter is closed. Please feel free to contact me if you have any questions.

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Sincerely,

Nicholas A. Chong Yen
Assistant Attorney General
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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

October 15, 2020

Deborah Nelson, Chair
Hanover-Lyme Town Democratic Committee
[redacted]
West Lebanon, NH 03784

Re: **CEASE AND DESIST ORDER**
Violation of RSA 656:18

Dear Chair Nelson:

On October 14, 2020, at 5:29 PM, Attorney William Christie notified this Office that the Hanover/Lyme Town Democratic (HLTD) Committee had sent a mailer containing a sample ballot to voters. According to reports, approximately 5,500 mailers containing this sample ballot were sent to area residents. HLTD failed to include the word "sample" on the ballots contained in each of the 5,500 mailers.

Factual Background

According to a *Valley News* article, published on October 14, 2020, the mailers reportedly were received by recipients as early as Tuesday, October 13, and HLTD was aware of the missing language by at least the morning of Wednesday, October 14. However, the Attorney General's Office was not informed until 5:29 PM on October 14.

Allegedly, the word "sample" that was written on the Secretary of State's version of the sample ballots was dropped when the printer made adjustments to the margins, as requested by HLTD, in order to fill in the ovals for the Democratic candidates.

The envelope that the mailer was sent in bears the language "Sample Ballot Enclosed." Additionally, Attorney Christie also informed this Office that the New Hampshire Democratic Party ("NHDP") has an approval process that local committees are directed to follow before sending out mailers. HLTD did not follow this process and did not submit the mailer to NHDP for approval prior to sending this mailer.

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On October 15, 2020, you spoke with Chief Investigator Richard Tracy of the New Hampshire Attorney General's Office. During the call, you confirmed that you saw that the sample ballot from the Secretary of State's website said "sample." Further, you stated that the sample ballot you downloaded onto your laptop also showed the "sample" language.

You sent the sample ballots for both Hanover and Lyme to the printer. At your request, the printer filled in the ovals beside each of the Democratic candidates' names appearing on the sample ballot. The printer sent you a proof of the final version, which you reviewed to ensure the appropriate candidates were marked off. You did not note that the word "sample" was missing. You stated that you believed it was still printed on the sample ballot. After reviewing to ensure that the appropriate candidates' ovals were filled-in, you approved the version the printer provided you. The printer finalized and printed the version you approved on October 2, 2020. Upon receipt, you stated that you did not open the boxes to check the printed materials.

Attorney Christie indicated that NHDP is taking steps to inform voters that any ballots received from HLTD should not be sent to the Hanover or Lyme clerks' offices. This includes a corrective mailing that will explain this error to voters. However, while HDLT knew of this issue, from the NHDP, by the morning of October 14, no one from either NHDP or HDLT informed our Office until 5:29 PM. Instead of notifying this Office of the issue, NHDP sent an email about purported errors on town and city websites, which NHDP asserts have created a "good deal of voter confusion and questions."

Analysis

RSA 656:18 states that –

> "The secretary of state shall cause to be printed for each town 10 sample ballots. Such ballots shall be printed on tinted paper without facsimile endorsement but shall otherwise be identical to the state general election ballot."

This statute is interpreted to require the word "sample" to appear on the sample ballots. As a result, on the sample ballots published by the Secretary of State for the November 3, 2020 General Election, which are the sample ballots that are available to different political organizers to use for their mailers, the word "Sample" appears prominently at the top-right corner of the sample ballot. It also appears prominently at the bottom of the sample ballot.

The importance of having the correct information conveyed to voters, particularly during a public health crisis, is to ensure that the election process is clearly and unambiguously outlined. Errors such as this not only lead to voter confusion, but ultimately can cause a vote not to be counted.

The purpose of this disclaimer with the "sample" language, although simple, is critical to ensure that voters do not attempt to use sample ballots in lieu of official absentee ballots that can

actually be counted and cast. By failing to include the word "sample" on the ballots provided in the mailer, HLTD has created a situation that can cause voter confusion.

Providing sample ballots to voters who may believe that they can substitute their official absentee ballots for the sample ballots provided by HLTD could actually prevent those voters from having their votes counted. If a voter already has his or her absentee ballot return envelope and affidavit envelope, since the ballot does not indicate it is a "sample," a voter could believe that submitting this already-completed ballot means that his or her vote will be counted. However, if sealed in the affidavit envelope, the mistaken use of HLTD's sample ballot will not be discovered by election officials until Election Day.

Order

In light of our finding that HLTD violated RSA 656:18 by its failure to write the word "sample" on its sample ballot enclosed with 5,500 mailers, HLTD is hereby ordered to CEASE AND DESIST any and all activities which violate this provision in the future. Furthermore, HLTD shall CEASE AND DESIST from publishing any other sample ballots for the 2020 election cycle unless they are accurate and include the "sample" disclaimer prominently on the sample ballot.

Additionally, HLTD is required to provide the Attorney General's Office with a written plan, by close of business on Friday, October 16, 2020, explaining how it will urgently remedy this situation, including all remedial steps to be taken to notify recipients of its sample ballot mailer so that voters know they cannot use the enclosed sample ballot in order to vote in the November 3, 2020 General Election.

Any future failure to comply with our State's election laws may result in this Office seeking enforcement action.

Cease and Desist Order Issued
By the Authority of:

GORDON J. MACDONALD
ATTORNEY GENERAL

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

cc: William M. Gardner, Secretary of State
William Christie, Esquire

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 27, 2020

Sergeant Christopher Roth
Portsmouth Police Department
3 Junkins Avenue
Portsmouth, NH 03801

Re: Americans with Disabilities Act (2020144807)

Dear Sergeant Roth:

On September 11, 2020, I spoke with you about a reported incident from the September 8, 2020 State Primary involving Warren Goddard.

During our discussion, you indicated that approximately two weeks before the State Primary, Portsmouth Police were called to Portsmouth City Hall, where Goddard's female aid (Susan Gallagher) was reportedly causing a disturbance involving the wearing of a mask. You responded to the scene, and Goddard arrived shortly thereafter.

Goddard reportedly was able to calm Gallagher down and the situation appeared resolved. As you were leaving, Goddard gave you a document, purportedly from the United States Department of Justice. Goddard stated that the document outlines why he could not be required to wear a mask. Goddard told you to review the document, and to be careful about trying to enforce mask requirements since it would be a violation of the Americans with Disabilities Act (ADA).

On Election Day, you received a report from the School Resource Officer (SRO) assigned to the Portsmouth High School, which is where the Ward 4 polling place was located. The SRO reported that two individuals were being disorderly. You learned that the individuals were Goddard and Gallagher.

You explained that since Goddard and Gallagher were already inside, and in light of the ADA document you received from Goddard, you instructed the officers to convince the election officials to let Goddard and Gallagher vote inside. You further explained that you were concerned about enforcing the polling place's mask requirement if it might trigger a violation of the ADA.

Please be advised, the U.S. Department of Justice has indicated "that cards and other documents bearing the Department of Justice seal and claiming that individuals are exempt from face mask requirements are fraudulent." (See enclosure).

Additionally, the Attorney General's Office has published in guidance to election officials that if all reasonable means to persuade the voter are exhausted, this Office believes that current law would likely support a moderator's decision to inform the voter that he or she cannot enter the polling place. COVID-19 has been determined to be a "direct threat" by the federal government and wearing face coverings is a method for dealing with that threat.

If a voter continues to cause a disruption at the polling place that interferes with Election Day operations, moderators are encouraged to work with their law enforcement colleagues to resolve the situation. However, if the disruption persists, then law enforcement officials should make a determination if the voter's conduct rises to the level of disorderly conduct in violation of RSA 644:2, and proceed with the appropriate enforcement action.

We hope this information is useful to you. 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
cc: William M. Gardner, Secretary of State

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 27, 2020

Warren Goddard
[redacted]
Portsmouth, NH 03801

Re: Portsmouth Ward 4 Polling Place Disruption (2020144807)

Dear Mr. Goddard:

On September 9, 2020, we received a complaint alleging that a couple entered the Portsmouth Ward 4 polling location, during the September 8, 2020 State Primary, without wearing masks in violation of the moderator's face covering/mask requirement.

In an article written by Seacoast Online, you and your friend, Susan Gallagher, were identified as the couple who violated the moderator's face covering/mask requirement on Election Day. You are quoted stating that after refusing to comply with the requirement and rejecting the alternative voting option, "I'm not leaving here without a cop taking me out." https://www.seacoastonline.com/news/20200908/portsmouth-police-called-for-maskless-voters

In subsequent conversations with both the Portsmouth Police Department and Portsmouth Ward 4 election officials, we understand the situation as follows.

During the September 8, 2020 State Primary, the Portsmouth Ward 4 polling place was located at the Portsmouth High School. Election officials posted signs outside the polling place, telling voters that masks were required to enter the polling place. The signs explained to voters that the face covering/mask requirement was to help slow the spread of the Coronavirus. For those voters unable or unwilling to wear a face covering, Portsmouth Ward 4 provided a tented area outside, setup exactly like the inside voting area and following the same requirements.

On Election Day, you and Ms. Gallagher bypassed a Greeter stationed at the entrance of the polling place, and entered inside without wearing masks. You proceeded to a waiting area for voter check-in, which was equipped with chairs that were socially distant from one another. This area was setup in the middle of the school's gymnasium.

Election officials approached you and explained that the Ward 4 polling place had a mask requirement. Officials outlined the options available to you to exercise your right to vote, which

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included either temporarily wearing a mask to vote inside the polling place, or using the alternative voting option located in the tented area outside, without having to wear a mask.

Election officials attempted to work with you to find a solution that would allow you to exercise your right to vote, while continuing to provide a safe voting environment for other voters and election officials.

Despite best efforts to work collaboratively with you, you and Ms. Gallagher loudly rejected these attempts. Given your behavior and the disruption it was causing at the polling place, election officials felt it necessary not only to contact the School Resource Officer, but the Portsmouth Police Department as well.

Ultimately, you and Ms. Gallagher were permitted to vote inside the polling place without having to wear masks. However, your violation of the moderator's face covering/mask requirement has caused some voters to feel unsafe at the polling place because you failed to comply with protective health measures put in place to address the public health crisis.

Part II, Article 32 of the New Hampshire Constitution states that the moderator has the authority and responsibility to govern elections. The Secretary of State and Attorney General's offices have recognized that this grant of authority permits a moderator to choose to not require or to require a face covering/mask in order to enter the polling place.

The Centers for Disease Control ("CDC") and the New Hampshire Division of Public Health ("DPH") recommend face coverings/masks as one component of the COVID-19 mitigation strategy, and emerging evidence suggests that face coverings/masks can significantly reduce transmission of the virus in some situations. Additionally, the federal government had determined that COVID-19 is a "direct threat." For many moderators, requiring face coverings/masks inside the polling place is critical to Election Day operations, both for the comfort and safety of Election Day volunteers and for voters casting in-person ballots.

In guidance published by the Attorney General's Office, election officials have been instructed that if a voter is unwilling or unable to wear a face covering/mask, moderators must engage constructively with these voters to encourage them to either wear a face covering/mask while in the polling place or vote by the alternative means.

If all reasonable means to persuade the voter are exhausted, this Office believes that current law would likely support a moderator's decision to inform the voter that he or she cannot enter the polling place.

In this case, not only were you provided an alternative voting option outside, but election officials and law enforcement officers attempted to constructively engage with you to find a solution. Despite this, you rebuffed all reasonable means offered to you, causing a disruption that warranted intervention by law enforcement officials.

Disruptions at the polling place that interfere with the Election Day operations will not be tolerated. As a result, in the future, while election officials will continue to engage constructively with you, if, after exhausting those reasonable means, a solution has not been achieved, election officials will be notified that they are authorized to prohibit you and Ms. Gallagher from entering the polling place without wearing a face covering/mask. Law enforcement officials will similarly be notified that you are to be removed from the premises if you interfere with or disrupt Election Day operations as you did during the State Primary.

Failure to comply with the requirements imposed by the moderator at the polling place on Election Day may result in a cease and desist order, or further enforcement action by this Office.

Sincerely,

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

cc: William M. Gardner, Secretary of State
Portsmouth Police Department
Portsmouth Ward 4 Election Officials

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 29, 2020

Wendy Young, Town Clerk
Town of Loudon
55 South Village Road
Loudon, NH 03307

Re: Town of Loudon, Election Review and Follow-Up (2020144819)

Dear Clerk Young:

On September 10, 2020, we were notified by the Secretary of State's Office that the Town of Loudon discovered 29 absentee ballots that had not been cast. The Secretary of State's Office instructed the Loudon election officials to store these 29 absentee ballots in a secured place. If any of Loudon's races was decided by a margin that would be impacted by these 29 absentee ballots, Loudon's election officials would review how to count these ballots at that time. In reviewing the results for both the Republican and Democratic Primary Elections, none of the races were decided by a margin of 29 votes. However, it is critical that election officials ensure accuracy and thoroughness when processing and casting absentee ballots on Election Day.

On October 14, 2020, I spoke with you and you indicated that the situation was caused by election official error. You further indicated that you have worked with Loudon's ballot clerks and assistant moderators, and developed a plan to ensure such errors do not occur in the future.

From our discussion, this Office understands Loudon's plan as follows:

1. A log will be used to track who has handled absentee ballots on Election Day;
2. When an election official retrieves an alphabetical grouping of submitted absentee ballots, he or she will initial this log, identifying that this specific official has taken the absentee ballots to the ballot clerks;
3. This election official and the appropriate ballot clerk will go through the alphabetical grouping of absentee ballots, and appropriately mark the voter checklist;
4. The election official will then bring the alphabetical grouping of absentee ballots to the Town Clerk and Deputy Town Clerk, who will then initial the log that the corresponding batch of absentee ballots has been returned;
5. The Town Clerk and Deputy Town Clerk will run the completed absentee ballots through the ballot counting device; and

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6. Once the entire alphabetical grouping of absentee ballots has been run through the ballot counting device, the remaining absentee paperwork will be surrounded by a rubber band, which will signify that this batch has been counted.

We appreciate the plan developed by Loudon officials to ensure an error like this does not happen again. Not accurately counting votes has a serious effect on the integrity of our election system and can impact voters' confidence in that system. Loudon officials must continue to exercise diligence with the processing and casting of absentee ballots.

Please contact this Office 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: William M. Gardner, Secretary of State

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

Matter #	Case Name	Investigator	Report Date
2020145279	[redacted] Alleged Wrongful Voting (Clerk Theresa BRIAND, Complainant)	Richard C. Tracy	October 6, 2020

Theresa L. BRIAND, Town Clerk
Town of Litchfield,
2 Liberty Way
Litchfield, NH 03052
(603) 424-4045
tBRIAND@litchfieldnh.gov

October 5, 2020, Clerk BRIAND called to report an interaction that she had with [redacted] a Litchfield resident and registered voter. I spoke with BRIAND on October 6, 2020, who stated that [redacted] of [redacted] Litchfield, NH 03052 walked into the Town Clerk's Office on Monday October 5 to drop off his and his wife's absentee ballot. BRIAND stated that [redacted] was in the process of filling out the "Absentee Ballot Return" form when BRIAND noted that the signatures on both [redacted]s and his wife's absentee ballot request forms was the same. BRIAND questioned [redacted] about this who without hesitation acknowledged that he signed both his and his wife's signature.

[redacted] further explained to BRIAND that his wife, [redacted] is [redacted] not capable of signing her name. BRIAND tried to explain that his wife needed to make some kind of mark on the signature line and that he, [redacted] could sign verifying that is his wife's signature. BRIAND advised me that [redacted] proceeded to tell BRIAND that [redacted]s wife [redacted]s not capable of signing her name [redacted] BRIAND told [redacted] that she had to follow the law. [redacted] became upset and left with his wife's absentee ballot.

Clerk BRIAND was asked to prepare an affidavit outlining the chain of events, which she did, see attached.

[redacted]
Litchfield, NH 03052,
[redacted]

October 6, 2020, I contacted [redacted] at the above phone number. I introduced myself and told [redacted] that I was calling to discuss what happen when he

Page 1 of 3 pages	SIGNED	DATE 11-12-20

Matter #	Case Name	Investigator	Report Date
2020145279	[redacted] Alleged Wrongful Voting (Clerk Theresa BRIAND, Complainant)	Richard C. Tracy	October 6, 2020

went to the Litchfield Clerk's Office to drop off his and his wife's ballot yesterday. [redacted] stated that he would start from the beginning and tell me what he did.

[redacted] stated that in late August or early September he downloaded the absentee ballot applications for the General Election off of the Secretary of States website. [redacted] stated that he filled one out for himself and a second one for his wife, [redacted] which he then sent to the Litchfield Town Clerk's office. [redacted] explained that his wife [redacted] hat he had to fill out the absentee ballot application for her.

Upon receiving the absentee ballots, [redacted] explained that he filled out his and his wife's ballot, as she is not capable of filling out her own ballot. [redacted] stated that he signed his wife's name on the affidavit and printed her name as well. [redacted] explained that he followed the instructions that the Secretary of State's Office provided for providing assistance to the disabled. I asked [redacted] if his wife was capable of forming her own opinion on who she wanted to vote for. [redacted] stated that he and his wife have been married for 30 to 35 years that they [redacted] that he, [redacted] knows who his wife would vote for. I told [redacted] that I understood what he was telling me but that his wife has to be able to form her opinion and communicate that somehow to the person who is assisting her with voting. I explained that if his wife was blind but could verbally tell the person assisting that I want to vote for X and that person marked her ballot accordingly that would be example of the assistance with voting statute. The blinking of one's eyes or tapping of fingers on the table to yes or no answers is an acceptable form of communications as long as the voter is able to determine who they want to vote for.

[redacted] explained that he did not think the instruction guide did a good job explaining the voter assistance for those with disabilities. [redacted] recalled that the instruction guide provided by the SoS provided instruction on how to assist a "blind" person or a person with "other disabilities", [redacted] took the phrase "other disabilities" to mean that he could assist his wife, [redacted] with voting. I took the time to read the two paragraphs in the 2020-2021 Election Procedure Manuel on "Assistance To Persons Who Are Unable To Communicate" page 139

ASSISTANCE TO PERSONS WHO ARE UNABLE TO COMMUNICATE
Persons with Alzheimer's disease or persons with other disabilities, who are otherwise qualified as voters, must be allowed to vote as long as they are able to vote without assistance. If the voter needs assistance, he or she must be able to communicate his or her choice on how the ballot

Matter #	Case Name	Investigator	Report Date
2020145279	[redacted] Alleged Wrongful Voting (Clerk Theresa BRIAND, Complainant)	Richard C. Tracy	October 6, 2020

should be marked. Any means of communication that a stranger can understand is acceptable. This might include communication such as blinking their eyelids once for yes and twice for no, or tapping a finger once or twice, as the person assisting them reads off the choices. Do not authorize a family member or friend to mark the ballot based on how the family member or friend believes the voter would have voted had the voter been able to communicate a choice. A person with a power of attorney is not allowed to vote for such person or any other voter. The power of attorney does not extend to voting. Both the voter and the person assisting the voter must take the oath required by law. Page 275. Afford the voter the opportunity to take the oath orally, in writing, or by any other means of communication. If the voter lacks the capacity to take the oath they are not allowed to vote. RSA 659:20.

Once I finished reading that section to [redacted], though disappointed, [redacted] stated that he understood and would not mail or drop off the ballot that he acknowledged filling out and signing the affidavit on behalf of his wife, which he truly believed he could do based on the instruction guide he received with the absentee ballot packet. [redacted] asked that I share his concern with those that put the instruction guide together.

After speaking with [redacted] I notified Clerk Terri BRIAND that I spoke with [redacted] that he assured me that he would not mail or drop off [redacted]'s ballot. I asked Clerk BRIAND to notify me if he should attempt to do that.

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

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GORDON J. MACDONALD
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

December 1, 2020

Robert Casassa, Town Moderator
Casassa Law Office
459 Lafayette Road,
Hampton, NH 03842

Re: Town of Hampton, Election Review and Follow-Up

Dear Moderator Casassa

On November 19, 2020, Hampton Supervisor of the Checklist, Arleen Andreozzi, reported to Chief Investigator Richard Tracy that three registered voters in Hampton allegedly double voted by voting in Hampton as well as another New Hampshire town during the November 3, 2020 General Election. Supervisor Andreozzi discovered this when she attempted to enter the three voters' names into ElectioNet only to discover that they had already been entered by another town.

Our investigation into this allegation led to the discovery that all three registered voters had been mistakenly checked-off as having voted in Hampton when it was instead a family member or another citizen with a similar name that voted. We determined that the referred three voters did not double vote during the November 3, 2020 General Election.

As part of our investigation, we noted that the ballot clerk(s) in these cases did not appear to use a ruler or straight edge to draw a line through the voter's name after handing the voter a ballot. The 2020-2021 Election Procedure manual pages 126 & 129 as well as RSA 659:13, I(b) states in part, "[t]he ballot clerk shall also mark the checklist using a ruler or other straight edge to ensure accuracy of the mark in order to show that the voter obtained his or her ballot." The Secretary of State's Office and the Attorney General's Office have discovered that when ballot clerks use a ruler or straight edge they are far less likely to make mistakes like those in these cases. We ask that at your next training session you please share this information with Hampton's ballot clerks.

We have included the three names that were mistakenly checked off, as well as the names of the voters that should have been checked off. We understand that the Supervisors of the

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Checklist will be sending 30-day letters to appropriately remove the voters from the Hampton voter checklist who have since left Hampton. RSA 654:44.

1. [redacted] was checked off. [redacted] was not checked off. She confirmed she voted in Hampton on November 3, 2020, not [redacted] who now lives in Tamworth. She should have been checked off.

2. [redacted] was checked off. [redacted] was not checked off. He confirmed he voted in Hampton on November 3, 2020, not [redacted] who now lives in Danville. [redacted] should have been checked off.

3. [redacted] was checked off. [redacted] should have been checked off. Part of the reason for that mistake is that prior to the November 3, 2020 General Election, [redacted] updated her address from [redacted] to [redacted] which was mistakenly applied to [redacted] registration. [redacted] is now [redacted] and she lives in Newton.

This matter is closed. Please do not hesitate to contact us should you have any question or concerns. Thank you for all that you and your team of election officials do for the citizens of Hampton.

Sincerely,

Nicholas Chong Yen
Assistant Attorney General
Election Law Unit
(603) 271-0445
nicholas.chongyen@doj.nh.gov

cc: Arleen Andreozzi, Supervisor of the Checklist
Shirley Doheny, Hampton Town Clerk

Events Copy of Note to File

Nashua Ward 1, Alleged Election Official Misconduct	2020141626	12/9/2020 4:13 PM	Note to File

This matter will be closed.

During the September 2020 Primary Election, no issues were reported by DOJ's poll inspector.

Following the November 2020 General Election, a poll inspector was sent to the Nashua Ward 1 polling place, and similarly, did not note any issues like those reported by Attorney Christie during the 2020 February Presidential Primary.

Additionally, this Office did not receive any complaints on Election Day during the General Election, involving the issues reported by Attorney Christie during the 2020 February Presidential Primary.

Based on the forgoing, this matter will be closed, and this polling place will continue to be inspected in the routine course during future elections.

Events Copy of Note to File

Cody Martin and Alyxander Rijos, Alleged Illegal Campaign Activity	2020144879	12/9/2020 4:34 PM	Note to File

This matter will be closed.

This Office was informed that the Windham Police Department had proceeded with charges arising from the conduct in this matter: Theft by Unauthorized Taking as a misdemeanor.

Given the charges from the Windham Police Department, this Office would be unable to bring additional charges for the same conduct as requested by Mr. Bates. This Office notified Mr. Bates of the same.

Events Copy of Note to File

Town of Tamworth - modification RSA 658:9V(1)	2020142029	12/9/2020 4:27 PM	Note to File

This matter will be closed.

Tamworth's request to reduce voting booth for the 2020 November General Election was approved by the Secretary of State's Office on or around October 27, 2020 pursuant to Laws of 2020, Chapter 14 (or "HB1266").

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

December 10, 2020

Bobbi Hoerter, Moderator
Town of Ashland
20 Highland Street
Ashland, NH 03217

Re: Town of Ashland, Election Review and Follow-Up (2020145903)

Dear Moderator Hoerter:

On November 4, 2020, we received a report from a voter with a disability,who requested to use the one4all accessible voting system during the 2020 November General Election. Due to a malfunction, the one4all system was not working at the time this voter entered the polling place to vote. We understand that while the voter was successful in casting a ballot, an election official had to help the voter mark the ballot.

This Office reached out to you and understands that Ashland election officials pretested the one4all system prior to Election Day, and confirmed it was operational. You explained that on Election Day, everything but the speaker attached to the system was functioning. You shared that you were not aware that the Help America Vote (HAVA) Help Desk was available to help election officials troubleshoot any issues that may arise with the one4all system.

If you have any issues with operating the one4all accessible voting system on Election Day, please do not hesitate to contact the HAVA Help Desk at 1 (800) 540-5954 or (603) 271-8241.

This matter is closed. Please feel free to contact me if you have any questions. Thank you to you and your colleagues for all you do for the voters of Ashland.

Sincerely,

Nicholas A. Chong Yen
Assistant Attorney General

Telephone 603-271-3658 • FAX 603-271-2110 • TDD Access: Relay NH 1-800-735-2964

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

cc: Director Patricia Piecuch – Secretary of State's Office, Election Division

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

December 11, 2020

David Shea
c/o Susan Aileen Lowry, Esq.
Upton & Hatfield, LLP
10 Centre St
PO Box 1090
Concord, NH 03302-1090

Re: Placement and Removal of Political Advertising (2020144101)

Dear Mr. Shea:

On July 29, 2020, this Office was contacted by the Concord City Prosecutor's Office regarding a case being investigated by the Concord Police Department involving you and allegations of the theft of political signs. Specifically, the allegation being investigated was that you removed political signs belonging to the James Valiquet campaign, which were posted on West Portsmouth Street by the area of the Mountain Road roundabout. During the course of the investigation, you admitted to a Concord Police officer that you did in fact remove Mr. Valiquet's political signs from that area and disposed of them in a dumpster.

RSA 664:17 states that –

> "No person shall remove, deface, or knowingly destroy any political advertising which is placed on or affixed to public property or any private property except for removal by the owner of the property, persons authorized by the owner of the property, or a law enforcement officer removing improper advertising." (emphasis added)

Your conduct in this matter constituted a violation of this statute. We understand that this matter was prosecuted and resolved by the Concord City Prosecutor's Office. Please be advised that failure to comply with this law in the future could result in enforcement action by the Department of Justice that could include a civil penalty up to $1,000 or criminal prosecution for a misdemeanor-level offense. See RSA 664:21.

Telephone 603-271-3658 • FAX 603-271-2110 • TDD Access: Relay NH 1-800-735-2964

This matter is closed. Please 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: Steven Endres, Esquire, Concord City Prosecutor

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

December 11, 2020

Russell Normand
[redacted]
Chester, NH 03036

Re: Russell Normand, Alleged Illegal Campaign Activity (2020144574)

Dear Mr. Normand:

On August 24, 2020, this Office received a complaint from Representative Anthony Piermonte regarding the alleged removal of political signs, contrary to RSA 664:17. Rep. Piermonte informed Chief Investigator Richard Tracy that the matter had been investigated by the Sandown Police Department. Following receipt of Rep. Piermonte's complaint, Investigator Tracy requested and obtained the investigative reports from the Sandown Police Department.

In reviewing these reports, we understand the situation as follows. On August 22, 2020 officers from the Sandown Police Department were called to the Sandown A&M Market for a report of an issue involving political signs.

Upon arriving at the scene, Rep. Piermonte notified the officers that a male individual, later identified to be you, still on the scene had moved one of his (Piermonte's) political signs. The officers spoke with you, and during the conversation, you admitted that you did in fact move Rep. Piermonte's signs because they were blocking your own political signs.

Please note, RSA 664:17 states that –

> No person shall remove, deface, or knowingly destroy any political advertising which is placed on or affixed to public property or any private property except for removal by the owner of the property, persons authorized by the owner of the property, or a law enforcement officer removing improper advertising.

The conduct in this case does not rise to the level of removal of political signs. Neither the investigative reports, nor Rep. Piermonte alleged you damaged or otherwise removed Rep. Piermonte's signs such that they would no longer be displayed in the posted area. New

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Hampshire's election laws do not contemplate a violation where one political sign is simply moved to allow for two political signs to both be displayed in a given area.

Nonetheless, it is critical that candidates for elected office are respectful of one another's political advertisements. As a result, if such a situation occurs in the future, we encourage you to work with the owner of the political sign or the private property owner upon whose property the sign is posted, to find a way for both political signs to be displayed equally.

This matter is 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: Representative Anthony C. Piemonte
Sandown Police Department

Events Copy of Note to File

City of Concord, Election Review & Follow-Up | 2020145140 | 12/14/2020 4:31:29 PM | Note to File

This matter will be closed.

This Office did not receive any complaints or reports - either during the November 3, 2020 General Election or following it - from Concord voters that they did not receive their requested absentee ballot in time, in order to vote.

Furthermore, given the challenges presented by specific provisions of Concord's municipal charter, requiring both the state ballot and the school district ballot to be sent to voters at the same time, sending the state ballots before the school district ballots were ready would violate the city's charter.

As such, this matter will be closed.

Events Copy of Note to File

City of Manchester, Election Review & Follow-Up | 2020145100 | 12/14/2020 3:04:23 PM | Note to File

This matter will be closed.

This Office did not receive any complaints or reports - either during the November 3, 2020 General Election or following it - from Manchester voters that they did not receive their requested absentee ballot in time, in order to vote.

Moreover, following the initial order sent by this Office to the Manchester City Clerk's office requiring that they immediately commence sending out absentee ballots to voters who submitted a completed absentee ballot application form, we learned that the Clerk's Office has begun sending out absentee ballots. This Office also learned that the absentee ballot were being sent ward-by-ward, and that the Clerk's Office had printed and began verifying its mailing labels as early as September 19, 2020.

As such, this matter will be closed.

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

December 15, 2020

Lauralei Knight, Town Clerk
Town of Rindge
30 Payson Hill Road
Rindge NH 03461

Re: [redacted]

Dear Clerk Knight:

On October 26, 2020, you contacted this office with concerns that [redacted] had attempted to vote more than once during the November 2020 General Election. After careful consideration, we have determined that [redacted] did not wrongfully vote.

In reaching this determination, we reviewed election records contained in New Hampshire's centralized voter database (ElectioNet), and obtained election records for [redacted] from the Florida Department of State, Division of Election.

On October 14, 2020, you reported that [redacted] entered the Rindge Town Clerk's office and that he completed and submitted an absentee ballot for the General Election. Later that day, when checking the mail, you noted that your office had received a notice from the Florida Division of Elections, indicating that [redacted] had registered to vote in Tallahassee, Florida on October 5, 2020.

In reviewing ElectioNet records, Chief Investigator Richard Tracy discovered two [redacted] registered to vote at [redacted] Rindge, New Hampshire:

1. [redacted] and
2. [redacted]

ElectioNet records further showed that [redacted] voted during the November 3, 2020 General Election, and not [redacted]

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Investigator Tracy contacted the Hernando County Supervisor of Elections in Florida and learned that [redacted] had registered to vote and voted on November 3, 2020.

Investigator Tracy contacted and spoke with Rindge Deputy Clerk Jennifer Helsel and shared this information. Deputy Clerk Helsel confirmed that this was an error. She further confirmed that [redacted] and not [redacted] voted absentee on October 14, 2020.

Based on the forgoing, this Office concludes that [redacted] did not double-vote. Instead, this was likely an error caused by confusion by [redacted] sharing nearly identical names.

This matter is 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: David Scanlan – Deputy Secretary of State

Events Copy of Note to File

[redacted], Alleged Wrongful Voting | 2020146018 | 12/15/2020 1:01:09 PM | Note to File

This referral will be closed as unfounded.

Crosscheck reports subject voted in both Winchester, NH and Rowe, MA during the November 2016 election.Subject registered to vote in Winchester on October 22, 2014. Identifies the last place subject was registered to vote as Rowe, MA.

MA records show subject voted in both the 2016 Presidential Primary and General elections. NH records show subject only voted in the General Election in 2016.

2020 records from NH and MA show subject only voted in NH during the 2020 election cycle.

Subject surrendered his MA driver's license and obtained a NH driver's license in 2015.

While he kept the house in Rowe, he has claimed Winchester as his domicile.

MA typically has each town's residents complete a census. If a resident does not return the census, and the resident is a registered voter, the resident will be changed to an "Inactive Voter" status.

The Rowe Town Clerk reported that that they did not facilitate its 2016 census nor maintain its voter status record. Rowe Town Clerk stated that the town has "Active" status voters that have not returned a census since 2012. TC believed that the Rowe voter list likely has a number of people that should be listed as "Inactive."

Inv. Scott Gilbert spoke with subject, who admitted to voting in Winchester, and denies voting in Rowe. He moved to Winchester in between the 2016 Presidential Primary and 2016 General Election. He argued that Rowe is a small town, people knew his name and that he was registered there. He suggested someone must have voted using his name.

MA does not check photo-ID for a voter checking in on Election Day if he/she is already a registered voter. Combined with the Rowe TC's admission that the Rowe voter rolls are inaccurate, and the denial of [redacted] that he voted in

Rowe in November 2016, the State would be unable to meet its burden beyond a reasonable doubt that the subject double-voted.

Matter closed.

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

December 15, 2020

William Gannon
[redacted]
Sandown, NH 03873

Re: Gannon for State Senate, Alleged Campaign Finance Violation (2020145183)
Warning Letter

Dear Senator Gannon:

On September 4, 2020, this Office received a complaint from Tyler Pearce dated August 29, 2020. Mr. Pearce alleged that you violated RSA 664:6, II by failing to file your Statement of Receipts and Expenditures for the August 19, 2020 reporting period by the August 19 deadline.

In reviewing this filing, this Office observed that it was stamped "RECEIVED" by the Secretary of State's Office on August 24, 2020. This is three weekdays from the August 19, 2020 deadline.

This Office also reviewed your candidate committee's other filings for the 2020 Election Cycle. Among the nine total filings for this period, only two other statements were filed after the deadline: (1) the statement due September 16, 2020 was marked received by the Secretary of State's Office on September 18, 2020; and (2) the statement due October 14, 2020 was marked received by the Secretary of State on October 20, 2020.

RSA 664:6, II requires a political committee to file an itemized statement "with the secretary of state not later than the Wednesday 3 weeks immediately preceding a primary and a general election, before 5 o'clock in the afternoon."

RSA 664:6, III further requires a political committee to file an itemized statement "summarizing the previous statements if such statements are filed and itemizing all receipts and expenditures since the cutoff of the previous report and ending on the day of the primary or the general election with the secretary of state not later than the second Wednesday after the election, before 5 o'clock in the afternoon."

Telephone 603-271-3658 • FAX 603-271-2110 • TDD Access: Relay NH 1-800-735-2964

Please be advised that failure to comply with these filing deadlines may result in a cease and desist order and/or further enforcement action.[1]

This matter is 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: Tyler Pearce
William M. Gardner – Secretary of State

[1] See RSA 664:21, IV ("[A]ny person who fails to file any report or statement on the date on which the report or statement is due under this chapter shall be subject to a daily fine of $25 for every weekday for which the report or statement is late and until the report or statement is actually filed, except that candidates for the general court shall be subject to a daily fine of $5 under this paragraph.")

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Merrimack Superior Court
5 Court Street
Concord NH 03301

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
http://www.courts.state.nh.us

RETURN FROM SUPERIOR COURT – HOUSE OF CORRECTIONS

Case Name: **State v. Douglas C. Smith**
Case Number: **217-2019-CR-00234**
Name: **Douglas C. Smith**, [redacted] WARNER NH 03278
DOB: [redacted]
Charging document: Complaint

Offense:	GOC:	Charge ID:	RSA:	Date of Offense:
Voter Fraud - RSA 659:34, I (a,c,d,e,f)		1603144C	659:34,II	March 13, 2018

Disposition: Guilty/Chargeable By: Plea

A finding of GUILTY/CHARGEABLE is entered.
Conviction: Misdemeanor

Sentence: see attached

December 02, 2020 — Date
Hon. Brian T. Tucker — Presiding Justice
Catherine J. Ruffle — Clerk of Court

MITTIMUS

In accordance with this sentence, the Sheriff is ordered to deliver the defendant to the **Merrimack County House of Corrections**. Said institution is required to receive the Defendant and detain him/her until the Term of Confinement has expired or s/he is otherwise discharged by due course of law.

Attest: _____
Clerk of Court

SHERIFF'S RETURN

I DELIVERED THE DEFENDANT TO THE **Merrimack County House of Corrections** and gave a copy of this order to the Superintendent.

_____ Date
_____ Sheriff

J-ONE: ☒ State Police ☐ DMV

C: ☒ Dept. of Corrections ☒ Offender Records ☐ Sheriff ☒ Office of Cost Containment
☒ Prosecutor Nicholas Austin Chong Yen, ESQ; James T. Boffetti, ESQ ☐ Defendant ☒ Defense Attorney Jared J. Bedrick, ESQ
☐ Sex Offender Registry ☐ Other _____ ☐ _____ Dist Div. _____

Clerk's Notice of Decision
Document Sent to Parties
on 12/17/2020

Filed
File Date: 12/1/2020 4:09 PM
Merrimack Superior Court
E-Filed Document

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
http://www.courts.state.nh.us

Court Name: Merrimack Superior Court

Case Name: State v. Douglas C. Smith

Case Number: 217-2019-CR-00234 (if known) Charge ID Number: 1603144C

HOUSE OF CORRECTIONS SENTENCE

Plea/Verdict: Guilty	
Crime: Wrongful Voting - RSA 659:34, I(d) & II	Date of Crime: 03/13/2018

A finding of GUILTY/TRUE is entered.

CONVICTION

This conviction is for a Misdemeanor

☐ A. The defendant has been convicted of Domestic Violence contrary to RSA 631:2-b or of an offense recorded as Domestic Violence. See attached Domestic Violence Sentencing Addendum.

☐ B. The defendant has been convicted of a misdemeanor, other than RSA 631:2-b or an offense recorded as Domestic Violence, which includes as an element of the offense, the use or attempted use of physical force or threatened use of a deadly weapon, and the defendant's relationship to the victim is:

_____

OR The defendant is cohabiting or cohabited with victim as a _____

OR A person similarly situated to _____

CONFINEMENT

☑ A. The defendant is sentenced to the House of Corrections for a period of 12 months.
Pretrial confinement credit is 0 days.

☑ B. This sentence is to be served as follows:

☑ Stand committed ☑ Commencing 12/02/2020

☐ Consecutive weekends from _____ PM Friday to _____ PM Sunday beginning _____

☑ 6 months of the sentence is suspended during good behavior and compliance with all terms and conditions of this order. Any suspended sentence may be imposed after hearing at the request of the State. The suspended sentence begins today and ends 3 years from ☐ today **or** ☑ release on charge ID number _____. Docket 220-2020-CR-0127; Charge ID 1752436C

☐ _____ of the sentence is deferred for a period of _____.
The Court retains jurisdiction up to and after the deferred period to impose or terminate the sentence or to suspend or further defer the sentence for an additional period of _____.
Thirty (30) days prior to the expiration of the deferred period, the defendant may petition the Court to show cause why the deferred commitment should not be imposed. Failure to petition within the prescribed time will result in the immediate issuance of a warrant for the defendant's arrest.

☐ Other: _____

☑ C. The sentence is ☐ consecutive to case number and charge ID _____
☑ concurrent with case number and charge ID 220-2020-CR-0127 1752436C

☐ D. The court recommends to the county correctional authority:

☐ Work release consistent with administrative regulations.
☐ Drug and alcohol treatment and counseling.
☐ Sexual offender program.
☐ _____

HOUSE OF CORRECTIONS SENTENCE

If required by statute or Department of Corrections policies and procedures, the defendant shall provide a sample for DNA analysis.

PROBATION

☐ A. The defendant is placed on probation for a period of _____ year(s), upon the usual terms of probation and any special terms of probation determined by the probation/parole officer.
Effective: ☐ Forthwith ☐ Upon release from _____
The defendant is ordered to report immediately, or immediately upon release, to the nearest Probation/Parole Field Office.

☐ B. Subject to the provisions of RSA 504-A:4, III, the probation/parole officer is granted the authority to impose a jail sentence of 1 to 7 days in response to a violation of a condition of probation, not to exceed a total of 30 days during the probationary period.

Violation of probation or any of the terms of this sentence may result in revocation of probation and imposition of any sentence within the legal limits for the underlying offense.

FINANCIAL OBLIGATIONS

☑ A. **Fines and Fees:**
Fine of $ 2,000.00, plus a statutory penalty assessment of $ 480.00 to be paid:
☐ Today
☐ By _____
☐ Through the Department of Corrections as directed by the Probation/Parole Officer. A 10 % service charge is assessed by DOC for the collection of fines and fees, other than supervision fees.
☑ $ 2,000.00 of the fine and $ 480.00 of the penalty assessment is suspended for 3 year(s).
A $25.00 fee is assessed in each case file when a fine is paid on a date later than sentencing.

☐ B. **Restitution:**
The defendant shall pay restitution of $ _____ to _____
☐ Restitution shall be paid through the Department of Corrections as directed by the Probation/Parole Officer. A 17% administrative fee is assessed for the collection of restitution.
☐ At the request of the defendant or the Department of Corrections, a hearing may be scheduled on the amount or method of payment of restitution.
☐ Restitution is not ordered because: _____

☒ C. **Appointed Counsel: NOTE:** Financial Obligations, Section C is NOT a term and condition of the sentence.
☐ The Court finds that the defendant has the ability to pay:
counsel fees and expenses in the amount of $ _____
payable through _____ in the amount of $ _____ per month.
☒ The Court finds that the defendant has no ability to pay counsel fees and expenses.

OTHER CONDITIONS

☒ A. The defendant is to participate meaningfully and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer.

☐ B. The defendant's _____ in New Hampshire is revoked for a period of _____ effective _____.

☐ C. Under the direction of the Probation/Parole Officer, the defendant shall tour the _____

☐ D. The defendant shall perform _____ hours of community service and provide proof to _____ within ____ _____ of today's date.

☐ E. The defendant is ordered to have no contact with _____ either directly or indirectly, including but not limited to contact in-person, by mail, phone, e-mail, text message, social networking sites and/or third parties.

☑ F. Law enforcement agencies may ☑ destroy the evidence ☑ return evidence to its rightful owner.

☑ G. The defendant is ordered to be of good behavior and comply with all the terms of this sentence.

☑ I. Other:

Pursuant to Part I, Article 11 of the New Hampshire Constitution, the defendant shall no longer have the right to vote in New Hampshire under the Constitution of this State.

For Court Use Only

Honorable Brian T. Tucker

December 2, 2020

The State of New Hampshire
SUPERIOR COURT COMPLAINT

Case Number: **Charge ID:**

☐ VIOLATION	MISDEMEANOR ☑ CLASS A ☐ CLASS B ☐ UNCLASSIFIED (non-person)
	FELONY ☐ CLASS A ☐ CLASS B ☐ SPECIAL ☐ UNCLASSIFIED (non-person)

You are to appear at the: **Merrimack Superior Court**
address: **163 North Main Street Concord NH 03302**
in: **Merrimack County**
at:
on:

Under penalty of law to answer to a complaint charging you with the following offense:

THE UNDERSIGNED COMPLAINS THAT:

Smith, Jr.	Douglas	Carl
Last Name	First Name	Middle

[redacted]	Warner	NH	03278
Address	City	State	Zip

[redacted]

Sex	Race	Height	Weight	Eye Color	Hair Color

[redacted] New Hampshire
DOB License #: OP License State

☐ COMM. VEH. ☐ COMM. DR. LIC. ☐ HAZ. MAT. ☐ 16+ PASSENGER

AT: **Danbury, NH and Grafton, NH**

☑ On or about ☐ Between **March 13, 2018** in the above county and state, did commit the offense of:

RSA Name: **Wrongful Voting**
Contrary to RSA: **RSA 659:34, I, (d) & II**
Inchoate:

And the laws of New Hampshire for which the defendant should be held to answer, in that the defendant did:

knowingly apply for a ballot in his or her own name after he voted once, in that he voted in person in both the Town of Grafton and the Town of Danbury during the March 13, 2018 election.

MCSC #217 19 CR 234
CHG ID# 1603141C

RECEIVED
MAR 19 2019
By

☐ Additional allegations are attached.
against the peace and dignity of the State.

Plea of Guilty
Entered December 2, 2020

Honorable Brian T. Tucker

Date: 03/05/2019

19808	Matthew T. Broadhead	NH Attorney General
Prosecutor's Signature	NH Bar ID # Printed Name	Prosecuting Attorney's Office

Assistant Attorney General

NHJB-2486-S (12/01/2016)

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Merrimack Superior Court
5 Court Street
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Telephone: 1-855-212-1234
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RETURN FROM SUPERIOR COURT – HOUSE OF CORRECTIONS

Case Name: **State v. Douglas C. Smith**
Case Number: **217-2019-CR-00234**

Name: **Douglas C. Smith**, [redacted] WARNER NH 03278
DOB: [redacted]

Charging document: Complaint

Offense:	GOC:	Charge ID:	RSA:	Date of Offense:
Voter Fraud - RSA 659:34, I (a,c,d,e,f)		1603145C	659:34,II	March 13, 2018

Disposition: Guilty/Chargeable By: Plea

A finding of GUILTY/CHARGEABLE is entered.
Conviction: Misdemeanor

Sentence: see attached

December 02, 2020 — Date
Hon. Brian T. Tucker — Presiding Justice
Catherine J. Ruffle — Clerk of Court

MITTIMUS

In accordance with this sentence, the Sheriff is ordered to deliver the defendant to the **Merrimack County House of Corrections**. Said institution is required to receive the Defendant and detain him/her until the Term of Confinement has expired or s/he is otherwise discharged by due course of law.

Attest: _____
Clerk of Court

SHERIFF'S RETURN

I DELIVERED THE DEFENDANT TO THE **Merrimack County House of Corrections** and gave a copy of this order to the Superintendent.

_____ Date
_____ Sheriff

J-ONE: ☒ State Police ☐ DMV

C: ☒ Dept. of Corrections ☒ Offender Records ☐ Sheriff ☒ Office of Cost Containment
☒ Prosecutor Nicholas Austin Chong Yen, ESQ; James T. Boffetti, ESQ ☐ Defendant ☒ Defense Attorney Jared J. Bedrick, ESQ
☐ Sex Offender Registry ☐ Other _____ ☐ _____ Dist Div. _____

Clerk's Notice of Decision
Document Sent to Parties
on 12/17/2020

Filed
File Date: 12/1/2020 4:09 PM
Merrimack Superior Court
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THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
http://www.courts.state.nh.us

Court Name: Merrimack Superior Court

Case Name: State v. Douglas C. Smith

Case Number: 217-2019-CR-00234 (if known) Charge ID Number: 1603145C

HOUSE OF CORRECTIONS SENTENCE

Plea/Verdict: Guilty	
Crime: Wrongful Voting - RSA 659:34, I(a) & II	Date of Crime: 03/13/2018

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☐ B. The defendant has been convicted of a misdemeanor, other than RSA 631:2-b or an offense recorded as Domestic Violence, which includes as an element of the offense, the use or attempted use of physical force or threatened use of a deadly weapon, and the defendant's relationship to the victim is:

_____

OR The defendant is cohabiting or cohabited with victim as a _____

OR A person similarly situated to _____

CONFINEMENT

☑ A. The defendant is sentenced to the House of Corrections for a period of 12 months.
Pretrial confinement credit is 0 days.

☑ B. This sentence is to be served as follows:

☑ Stand committed ☑ Commencing 12/02/2020

☐ Consecutive weekends from _____ PM Friday to _____ PM Sunday beginning _____

☑ 6 months of the sentence is suspended during good behavior and compliance with all terms and conditions of this order. Any suspended sentence may be imposed after hearing at the request of the State. The suspended sentence begins today and ends 3 years from ☐ today **or** ☑ release on charge ID number _____. Docket 220-2020-CR-0127; charge ID 1752436C

☐ _____ of the sentence is deferred for a period of _____.
The Court retains jurisdiction up to and after the deferred period to impose or terminate the sentence or to suspend or further defer the sentence for an additional period of _____.
Thirty (30) days prior to the expiration of the deferred period, the defendant may petition the Court to show cause why the deferred commitment should not be imposed. Failure to petition within the prescribed time will result in the immediate issuance of a warrant for the defendant's arrest.

☐ Other: _____

☑ C. The sentence is ☐ consecutive to case number and charge ID _____
☑ concurrent with case number and charge ID 217-2019-CR-234 1603144C
220-2020-CR-0127; 1752436C

☐ D. The court recommends to the county correctional authority:
☐ Work release consistent with administrative regulations.
☐ Drug and alcohol treatment and counseling.
☐ Sexual offender program.
☐ _____

HOUSE OF CORRECTIONS SENTENCE

If required by statute or Department of Corrections policies and procedures, the defendant shall provide a sample for DNA analysis.

PROBATION

☐ A. The defendant is placed on probation for a period of _____ year(s), upon the usual terms of probation and any special terms of probation determined by the probation/parole officer.
Effective: ☐ Forthwith ☐ Upon release from _____
The defendant is ordered to report immediately, or immediately upon release, to the nearest Probation/Parole Field Office.

☐ B. Subject to the provisions of RSA 504-A:4, III, the probation/parole officer is granted the authority to impose a jail sentence of 1 to 7 days in response to a violation of a condition of probation, not to exceed a total of 30 days during the probationary period.

Violation of probation or any of the terms of this sentence may result in revocation of probation and imposition of any sentence within the legal limits for the underlying offense.

FINANCIAL OBLIGATIONS

☐ A. **Fines and Fees:**
Fine of $ _____, plus a statutory penalty assessment of $ 0.00 to be paid:
☐ Today
☐ By _____
☐ Through the Department of Corrections as directed by the Probation/Parole Officer. A 10 % service charge is assessed by DOC for the collection of fines and fees, other than supervision fees.
☐ $ _____ of the fine and $ _____ of the penalty assessment is suspended for _____ year(s).
A $25.00 fee is assessed in each case file when a fine is paid on a date later than sentencing.

☐ B. **Restitution:**
The defendant shall pay restitution of $ _____ to _____
☐ Restitution shall be paid through the Department of Corrections as directed by the Probation/Parole Officer. A 17% administrative fee is assessed for the collection of restitution.
☐ At the request of the defendant or the Department of Corrections, a hearing may be scheduled on the amount or method of payment of restitution.
☐ Restitution is not ordered because: _____

☒ C. **Appointed Counsel: NOTE:** Financial Obligations, Section C is NOT a term and condition of the sentence.
☐ The Court finds that the defendant has the ability to pay:
counsel fees and expenses in the amount of $ _____
payable through _____ in the amount of $ _____ per month.
☒ The Court finds that the defendant has no ability to pay counsel fees and expenses.

OTHER CONDITIONS

☒ A. The defendant is to participate meaningfully and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer.

☐ B. The defendant's _____ in New Hampshire is revoked for a period of _____ effective _____

☐ C. Under the direction of the Probation/Parole Officer, the defendant shall tour the _____

☐ D. The defendant shall perform _____ hours of community service and provide proof to _____ within ____ _____ of today's date.

☐ E. The defendant is ordered to have no contact with _____ either directly or indirectly, including but not limited to contact in-person, by mail, phone, e-mail, text message, social networking sites and/or third parties.

☑ F. Law enforcement agencies may ☑ destroy the evidence ☑ return evidence to its rightful owner.

☑ G. The defendant is ordered to be of good behavior and comply with all the terms of this sentence.

☑ I. Other:

Pursuant to Part I, Article 11 of the New Hampshire Constitution, the defendant shall no longer have the right to vote in New Hampshire under the Constitution of this State.

For Court Use Only

Honorable Brian T. Tucker
December 2, 2020

The State of New Hampshire
SUPERIOR COURT COMPLAINT

Case Number: **Charge ID:**

☐ VIOLATION	MISDEMEANOR ☑ CLASS A ☐ CLASS B ☐ UNCLASSIFIED (non-person)
	FELONY ☐ CLASS A ☐ CLASS B ☐ SPECIAL ☐ UNCLASSIFIED (non-person)

You are to appear at the: **Merrimack Superior Court**
address: **163 North Main Street Concord NH 03302**
in: **Merrimack County**
at:
on:

Under penalty of law to answer to a complaint charging you with the following offense:

THE UNDERSIGNED COMPLAINS THAT:

Smith, Jr.	Douglas	Carl
Last Name	First Name	Middle
[redacted]	Warner	NH 03278
Address	City	State Zip
[redacted]		
Sex Race	Height Weight Eye Color	Hair Color
[redacted]		
DOB	License #:	OP License State

☐ COMM. VEH. ☐ COMM. DR. LIC. ☐ HAZ. MAT. ☐ 16+ PASSENGER

AT: **Danbury, NH and Grafton, NH**

☑ On or about ☐ Between **March 13, 2018** in the above county and state, did commit the offense of:

RSA Name: **Wrongful Voting**
Contrary to RSA: **RSA 659:34, I, (a) & II**
Inchoate:
And the laws of New Hampshire for which the defendant should be held to answer, in that the defendant did:

vote in both the Town of Grafton and the Town of Danbury during the March 13, 2018 election. Further, he registered to vote in person in the Town of Danbury on March 13, 2018 and violated RSA 659:34, I (a) and II because he knowingly, signed and submitted an election day registration affidavit when registering to vote, and the affidavit contained false material information regarding his qualifications to vote. To wit, he signed an affidavit statement under the penalties of voting fraud that provided "I acknowledge...if registering on election day, that I have not voted and will not vote at any other polling place this election."

MCSC #217 19 CR 234
CHG ID# 1603145C

RECEIVED
MAR 19 2019
By

☐ Additional allegations are attached.

against the peace and dignity of the State.

Plea of Guilty
Entered December 2, 2020
Honorable Brian T. Tucker

Date: 03/05/2019

Prosecutor's Signature	19808 Matthew T. Broadhead	NH Attorney General
	NH Bar ID # Printed Name	Prosecuting Attorney's Office

Assistant Attorney General

NHJB-2486-S (12/01/2016)

2

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Merrimack Superior Court
5 Court Street
Concord NH 03301

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
http://www.courts.state.nh.us

RETURN FROM SUPERIOR COURT – STATE PRISON SENTENCE

Case Name: **State v. Douglas C. Smith**
Case Number: **217-2019-CR-00234**
Name: **Douglas C. Smith,** [redacted] **WARNER NH 03278**
DOB: [redacted]
Charging document: Indictment

Offense:	GOC:	Charge ID:	RSA:	Date of Offense:
Voter Fraud		1603143C	659:34,I(e)	March 13, 2018

Disposition: Guilty/Chargeable By: Plea

A finding of GUILTY/CHARGEABLE is entered.

Conviction: Felony

Sentence: see attached

December 02, 2020 — Date
Hon. Brian T. Tucker — Presiding Justice
Catherine J. Ruffle — Clerk of Court

MITTIMUS

In accordance with this sentence, the Sheriff is ordered to deliver the defendant to the **New Hampshire State Prison.** Said institution is required to receive the Defendant and detain him/her until the Term of Confinement has expired or s/he is otherwise discharged by due course of law.

Attest: _____
Clerk of Court

SHERIFF'S RETURN

I delivered the defendant to the **New Hampshire State Prison** and gave a copy of this order to the Warden.

_____ Date
_____ Sheriff

J-ONE: ☒ State Police ☐ DMV

C: ☒ Dept. of Corrections ☒ Offender Records ☐ Sheriff ☒ Office of Cost Containment
☒ Prosecutor Nicholas Austin Chong Yen, ESQ; James T. Boffetti, ESQ ☐ Defendant ☒ Defense AttorneyJared J. Bedrick, ESQ
☒ Sentence Review Board ☐ Sex Offender Registry ☐ Other _____ ☐ _____ Dist Div. _____

Clerk's Notice of Decision
Document Sent to Parties
on 12/17/2020

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
http://www.courts.state.nh.us

Court Name: Merrimack Superior Court

Case Name: State v. Douglas C. Smith

Case Number: 217-2019-CR-00234 (if known) Charge ID Number: 1603143C

STATE PRISON SENTENCE

Plea/Verdict: Guilty	
Crime: Wrongful Voting - Not Qualified to Vote	Date of Crime: 03/13/2018

A finding of GUILTY/TRUE is entered.

CONVICTION AND CONFINEMENT

☐ A. The defendant has been convicted of Domestic Violence contrary to RSA 631:2-b or of an offense recorded as Domestic Violence. See attached Domestic Violence Sentencing Addendum.

☑ B. The defendant is sentenced to the New Hampshire State Prison for not more than 4 years, nor less than 2 years.

There is added to the minimum sentence a disciplinary period equal to 150 days for each year of the minimum term of the defendant's sentence, to be prorated for any part of the year.

Pretrial confinement credit: 0 days.

☑ C. This sentence is to be served as follows:

☐ Stand committed ☐ Commencing _____

☑ All of the minimum sentence and all of the maximum sentence is suspended.

Suspensions are conditioned upon good behavior and compliance with all of the terms of this order. Any suspended sentence may be imposed after a hearing at the request of the State. The suspended sentence begins today and ends 3 years from ☐ today or ☑ release on Docket 220-2020-CR-0127; 1752436C

☐ _____ of the sentence is deferred for a period of _____ year(s). The Court retains jurisdiction up to and after the deferred period to impose or terminate the sentence or to suspend or further defer the sentence for an additional period of _____ year(s). Thirty (30) days prior to the expiration of the deferred period, the defendant may petition the Court to show cause why the deferred commitment should not be imposed, suspended and/or further deferred. Failure to petition within the prescribed time will result in the immediate issuance of a warrant for your arrest.

☐ D. The sentence is ☐ consecutive to case number and charge ID _____

☐ concurrent with case number and charge ID _____

☐ E. See Addendum to State Prison Sentence Sexual Offender Assessment and Treatment.

☐ F. See Addendum to State Prison Sentence Substance Use Disorder Assessment and Treatment.

☐ G. The Court recommends to the Department of Corrections:

☐ Screen and/or assess for drug and alcohol treatment needs.

☐ Sentence to be served at House of Corrections

☐ _____

If required by statute or Department of Corrections policies and procedures, the defendant shall provide a sample for DNA analysis.

PROBATION

☐ A. The defendant is placed on probation for a period of _____ year(s), upon the usual terms of probation and any special terms of probation determined by the Probation/Parole Officer.

Effective: ☐ Forthwith ☐ Upon release from _____

The defendant is ordered to report immediately, or immediately upon release, to the nearest Probation/Parole Office.

☐ B. Subject to the provisions of RSA 504-A:4, III, the probation/parole officer is granted the authority to impose a jail sentence of 1 to 7 days in response to a violation of a condition of probation, not to exceed a total of 30 days during the probationary period.

Violation of probation or any of the terms of this sentence may result in revocation of probation and imposition of any sentence within the legal limits for the underlying offense.

FINANCIAL OBLIGATIONS

☐ A. **Fines and Fees:**

Fine of $ _____, plus a statutory penalty assessment of $ 0.00 to be paid:

☐ Today

☐ By _____

☐ Through the Department of Corrections as directed by the Probation/Parole Officer. A 10 % service charge is assessed by DOC for the collection of fines and fees, other than supervision fees.

☐ $ _____ of the fine and $ _____ of the penalty assessment is suspended for _____ year(s).

A $25.00 fee is assessed in each case file when a fine is paid on a date later than sentencing.

☐ B. **Restitution:**

The defendant shall pay restitution of $ _____ to _____

☐ Restitution shall be paid through the Department of Corrections as directed by the Probation/Parole Officer. A 17% administrative fee is assessed for the collection of restitution.

☐ At the request of the defendant or the Department of Corrections, a hearing may be scheduled on the amount or method of payment of restitution.

☐ Restitution is not ordered because: _____

☒ C. **Appointed Counsel: NOTE:** Financial Obligations, Section C is NOT a term and condition of the sentence.

☐ The Court finds that the defendant has the ability to pay:

counsel fees and expenses in the amount of $ _____

payable through _____ in the amount of $ _____ per month.

☐ The Court order for repayment is suspended until the time of the defendant's release from state prison.

☒ The Court finds that the defendant has no ability to pay counsel fees and expenses.

Case Name: State v. Douglas C. Smith
Case Number: 217-2019-CR-00234
STATE PRISON SENTENCE

OTHER CONDITIONS

☐ A. The defendant is to participate meaningfully in and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer.

☐ B. Subject to the provisions of RSA 651-A:22-a, the Department of Corrections shall have the authority to award the defendant earned time reductions against the minimum and maximum sentences for successful completion of programming while incarcerated.

☐ C. Under the direction of the Probation/Parole Officer, the defendant shall tour the
☐ New Hampshire State Prison ☐ House of Corrections

☐ D. The defendant shall perform _____ hours of community service and provide proof to _____ within _____ _____ of today's date.

☐ E. The defendant is ordered to have no contact with _____ either directly or indirectly, including but not limited to contact in-person, by mail, phone, email, text message, social networking sites or through third parties.

☑ F. Law enforcement agencies may ☑ destroy the evidence ☑ return evidence to its rightful owner.

☒ G. The defendant and the State have waived sentence review in writing or on the record.

☑ H. The defendant is ordered to be of good behavior and comply with all the terms of this sentence.

☑ I. Other:

Pursuant to Part I, Article 11 of the New Hampshire Constitution, the defendant shall no longer have the right to vote in New Hampshire under the Constitution of this State.

For Court Use Only

Honorable Brian T. Tucker
December 2, 2020

THE STATE OF NEW HAMPSHIRE
INDICTMENT

MERRIMACK, SS. MARCH TERM, 2019

At the Superior Court, holden at Concord, within and for the County of MERRIMACK aforesaid, on the 22nd day of March in the year of our Lord two thousand and nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon oath, present that

DOUGLAS C. SMITH, JR.
[redacted]

of Warner, New Hampshire, in the State of New Hampshire, on or about March 13, 2018, did commit the crime of

WRONGFUL VOTING – NOT QUALIFIED TO VOTE
(RSA 659:34, I(e) & RSA 659:34, II)

in that, Douglas C. Smith, Jr., knowingly voted for an office or measure in both the Town of Grafton and the Town of Danbury, at an election that he was not qualified to vote in under RSA 654. He was not qualified to vote in both elections because a person can claim only one domicile for voting purposes (RSA 654:2) and he voted in Danbury, a location where he was not domiciled (RSA 654:1).

Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.

Plea of Guilty
Entered December 2, 2020
Honorable Brian T. Tucker

Nicholas A. Chong Yen, NH Bar #268425
Assistant Attorney General

This is a true bill.

NOSC #217 19 CR 234
CHG ID# 1603143C

Foreperson

Name: Douglas C. Smith, Jr.
DOB: [redacted]
Address: [redacted] Warner, NH 03278
RSA: RSA 659:34, I(e) & RSA 659:34, II
Offense level: Class B Felony
Dist/Mun Ct: N/A

5

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

December 29, 2020

SENT VIA CERTIFIED AND REGULAR MAIL
Thomas (Misha) Haas
c/o Ronald J. Caron, Esquire
Devine, Millimet & Branch, PA
111 Amherst Street
Manchester, NH 03101

Re: Violation of RSA 664:17 Removal of Political Advertising – Civil Penalty Assessment (2020145658)
Amount Due Within 30 days: $1,000

Dear Attorney Caron:

On October 8, 2020, a complaint was made to the Durham Police Department, reporting the theft of a campaign sign from the complainant's property. The theft was recorded by a game camera the complainant had setup which focused on this campaign sign. The photos produced by this game camera show a black Mercedes SUV with New Hampshire Plate: 51H11. The vehicle pulled over to the side of Bay Road, in front of the two campaign signs: one for the Trump/Pence campaign and the other for the Corky Messner campaign. The driver of this vehicle was captured removing the Trump/Pence campaign sign.

Durham Police Officer Clifford Young ran the New Hampshire Plate and determined the vehicle depicted in the game camera's photos belonged to Thomas Haas. The vehicle was registered to [redacted] in Durham, New Hampshire.

Officer Young met with the complainant who provided a print out of his property lines, establishing that his Trump/Pence campaign sign was in fact posted on his private property.

Officer Young went to [redacted] in attempt to follow-up on this complaint with Haas. Upon arriving, he met with the residence's caretaker who explained that the residents of [redacted] were currently out of state. Officer Young showed the caretaker the photos from the game camera and asked if he recognized the individual depicted. The caretaker stated he was nearly certain it was Haas.

Officer Young was later successful in calling Haas. However, Haas indicated he wanted to speak with his attorney first.

In an agreement executed by you, Haas, and Deputy Chief David Holmstock of the Durham Police Department, Haas admits that he did exercise control of and took possession of the complainant's "Trump" campaign sign, with a purpose of depriving the owner thereof.

RSA 664:17 states in relevant part that –

> No person shall remove, deface, or knowingly destroy any political advertising which is placed on or affixed to public property or any private property except for removal by the owner of the property, persons authorized by the owner of the property, or a law enforcement officer removing improper advertising.

"Whoever violates any of the provisions of RSA 664:16-a or the provisions of RSA 664:17 relative to removing, defacing, or destroying political advertising on private property shall be subject to a civil penalty not to exceed $1,000." RSA 664:21, I(a).

Haas' actions are a serious violation of New Hampshire's election laws. RSA 664:21, I(c) authorizes the Attorney General to notify suspected violators of RSA 664:17 of the state's intention to seek a civil penalty, to negotiate, and to settle with such violators without court action. This letter serves as official written notice that this Office is imposing a civil penalty of $1,000 against Haas pursuant to RSA 664:21, VI(c), because Haas violated RSA 664:17 on October 8, 2020.

Haas' payment of the penalty in the amount of $1,000 must be delivered to our office within thirty (30) days of this letter. In the event that Hass either fails to make timely payment of this $1,000 penalty in full, this office will commence enforcement proceedings in Superior Court.

Haas' payment of $1,000 shall be made by check made payable to "Treasurer, State of New Hampshire" and mailed to the Office of the Attorney General, 33 Capitol Street, Concord, NH 03301, Attention: Assistant Attorney General Nicholas A. Chong Yen.

Sincerely,

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

cc: Deputy Chief David Holmstock, Durham Police Department

Events Note to File

[redacted] **Alleged Wrongful Voting** 2020145504 Note to File 1/5/2021

This matter will be closed as unfounded.

Crosscheck said that the subject voted in both NH and AZ during the November 2016 election.

The subject denied voting in AZ and admitted to voting in NH during the 2016 November election. Counsel for the subject provided this office with a statement from the subject's uncle who bears the same name.

The uncle confirmed that he voted in the 2016 November election using a UOCAVA ballot.

AZ records do not indicate that AZ officials received a UOCAVA ballot (or "early vote") from the uncle for the 2016 November election.

An FPCA form dated 10/8/2016 confirms the uncle's statement and is stamped received by the Maricopa County Dept. of Elections on 10/26/2016. The uncle specifies on the FPCA form that he wants his UOCAVA ballot sent to him for all federal elections, specifically the 2016 presidential elections.

The AZ voter history for the subject suggests that he early voted for the 2016 November election.

An AZ FPCA affidavit signed by the uncle and dated 11/3/2016, was marked received by the Maricopa County Dept. of Elections on 11/3/2016. This affidavit is similar to the one that NH UOCAVA voters must include with the submission of their completed UOCAVA ballot.

According to the Federal Voter Assistance Program website, AZ permits UOCAVA voters to submit their completed ballots by mail, online, or by fax.

Based on the forgoing, I believe that this Crosscheck referral was due to AZ officials' error. They received a completed UOCAVA ballot for the uncle by email, but recorded it under the profile of the subject.

Therefore, this matter will be closed.

Note to File

[redacted] Alleged Wrongful Voting 2020146484 1/6/2021 2:57:11 PM Note to File

This matter will be closed as unfounded.

Crosscheck referral suggests subject voted in both Salem, NH and Methuen, MA during the November 2016 election.

While there is a letter from the Methuen City Clerk indicating that subject was checked off on both the entry and exit checklists, we only have a copy of the entry list. MA has since destroyed its election records from 2016.

The MA entry list shows three individuals living at the same residence, all having voted. Of these three voters, both the subject and another voter have the same exact name. The only difference is one of the two has a "Jr" following his name.

This Office called and spoke with the subject who denied voting in MA during the November 2016 election. He admitted to voting in Salem, NH during this election. He had lived in Methuen in 2016 but moved to Salem, NH in August of 2016, he registered to vote in September of 2016 in Salem NH as well with his new Salem address. He has officially left MA and has been domiciled in NH since 2016. He told this Office that his cousin was with him when he voted in NH.

This Office spoke with the cousin who confirmed that the subject did in fact vote in NH on Election Day, and that they voted together toward the end of the day, after they both finished work.

The subject's father, who has the exact same name, confirmed that his son was living in NH during the November 2016 election and would not have voted in MA.

Based on the forgoing, and in light of MA practice of not requiring photo ID to vote on Election Day, there is insufficient evidence to establish beyond a reasonable doubt that [redacted] voted in both NH and MA during the 2016 November election.

Therefore this matter will be closed as unfounded.

Events Note to File

Troy Police Department, Alleged Illegal Campaign Activity 2020146279 Note to File

1/11/2021

This matter will be closed.

On 1/11/2021, I spoke with Cheshire County Attorney Chris McLaughlin.

He explained that before bringing this matter to this Office's attention, he had already contacted the Troy Police Department Chief, and informed him that there is a law prohibiting electioneering by public employees, meaning that the political signs the Chief reportedly posted in his office had to come down.

This matter was appropriately handled by the County Attorney's Office, the Chief has been made aware of the applicable statute, the signs have been removed, and no further action is required.

This matter is closed.

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

January 14, 2021

Donna Antaramian
[redacted]
Haverhill, MA 01832

Re: Plaistow New Hampshire Postal Worker (2020144874)

Dear Ms. Antaramian:

On September 14, 2020, we received your complaint involving a Plaistow, New Hampshire [redacted] you identified as [redacted] In your complaint, you alleged that [redacted] admitted he planned on mailing in his ballot as well as voting in-person for the 2020 November General Election.

New Hampshire's election laws impose safeguards to ensure that a qualified voter can only vote once. If an absentee ballot received from a voter is processed on Election Day, election officials are required to make a notation on the voter check-in checklist, indicating that the voter's absentee ballot has already been cast. Once that notation is applied, even if the voter appeared in-person to vote, he or she would not be able to cast another ballot. RSA 659:53.

Please be advised that we contacted the [redacted] We obtained the [redacted] last name and using New Hampshire's ElectioNet system, determined that no voter by this name requested an absentee ballot during the 2020 November General Election. We also understand the employee known as [redacted] no longer works for [redacted]

This matter is closed. Thank you for sharing your concern.

Sincerely,

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

Telephone 603-271-3658 • FAX 603-271-2110 • TDD Access: Relay NH 1-800-735-2964

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 8, 2021

Janice Bonenfant, City Clerk
City of Concord
41 Green Street
Concord NH 03301

Re: [redacted] Alleged Wrongful Voting (2020146513)

Dear Clerk Bonefant:

On June 4, 2020 you contacted this Office to report that [redacted] may have double voted during the February 11, 2020 Presidential Primary, by voting in both Plymouth and Concord, New Hampshire. After careful consideration, this Office concludes that there is insufficient evidence to prove beyond a reasonable doubt that a violation of New Hampshire's election laws occurred.

In reaching this determination, we reviewed election records from both Plymouth and Concord for [redacted] including his voter registration form, the marked voter checklist for the 2020 Presidential Primary election from Plymouth and Concord, and also spoke with [redacted] about this matter.

On February 11, 2020, [redacted] same-day registered to vote in Concord during the Presidential Primary election. He listed [redacted] in Concord as his domicile address for voting purposes. [redacted] wrote that he was previously registered to vote in Plymouth, New Hampshire.

Election records show that [redacted] last registered to vote in Plymouth on September 11, 2018. On his voter registration form, he wrote that he was domiciled at [redacted] The last place he was registered to vote was in Manchester, New Hampshire. The voter registration form shows that [redacted] used information from his "MyPlymouth" account (part of Plymouth State University), as proof of his domicile. He moved to this address in August of 2018.

On January 5, 2021, Investigator Robert Sullivan spoke with [redacted] s sister. She stated she knew [redacted] did not vote in Plymouth during the

Telephone 603-271-3658 • FAX 603-271-2110 • TDD Access: Relay NH 1-800-735-2964

2020 Presidential Primary because he had moved to Concord following his graduation from Plymouth State University.

This same day, Investigator Sullivan also spoke with [redacted] directly. [redacted] denied voting in Plymouth during the 2020 Presidential Primary election. He explained that he had left Plymouth in August of 2019 and moved to Concord. He said he was no longer enrolled at Plymouth State University and no longer domiciled in Plymouth. Moreover, [redacted] only returned to the campus approximately twice a month in order to attend a one-hour meeting with his [redacted] advisor. [redacted] denied being in Plymouth on the day of the Presidential Primary.

On the day of the Presidential Primary, the routine monthly meeting scheduled on Wednesday, February 12, 2020 was postponed. [redacted] was also contacted by his mentor teacher, who directed him to cover a teacher workshop at the Belmont High School on the day of the election. Consequently, [redacted] had no reason to be in Plymouth that week, let alone on the day of the election.

Based on the forgoing, there is insufficient evidence to prove beyond a reasonable doubt that [redacted] voted in both Concord and Plymouth during the 2020 Presidential Primary election.

This matter is 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: Plymouth Supervisors 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

February 18, 2021

[redacted]
Worcester, MA 01609

Re: [redacted] Alleged Wrongful Voting (2020145629)

Dear [redacted]

On October 14, 2020, this Office received a report from the Town of Chester Supervisor of the Checklist Kathy Burke, stating that you were attempting to register to vote using an address you no longer lived at. After careful consideration, we have determined that no violation of New Hampshire's election laws has occurred.

In making this determination, this Office spoke with Supervisor Burke, who in addition to her report, shared information she was given by [redacted] the owner of [redacted] Chester, New Hampshire. This Office also obtained and reviewed your election records and motor vehicle records.

On September 7, 2020, you submitted to the Chester election officials an absentee voter registration package. On the voter registration form, you wrote that you were domiciled at [redacted] Chester, New Hampshore. You listed that your mailing address was [redacted] Worcester, MA. You completed an absentee voter registration affidavit. However, the version you completed and signed was from "6/18." The version of this affidavit that was required at this time was dated "7/20." In addition, the proof of domicile you provided was a letter, written by [redacted] and dated June 3, 2019. [redacted] stated that you had been residing at this address since "5-29-19." Attached with [redacted] letter was your New Hampshire driver's license, which listed [redacted] as your address.

Noting the date of [redacted] letter, the Supervisors contact him to verify if you were still domiciled at [redacted] told the Supervisors that you had not been domiciled at this address since October 27, 2019. He further stated that you had been living and/or travelling between your girlfriend's home in Worcester, Massachusetts and the country of Lebanon.

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After conducting this review, the Supervisors voted to reject your absentee voter registration application. You did not attempt to register again to vote in New Hampshire, and have not ever voted in this State.

On January 7, 2021, Chief Investigator Richard Tracy spoke with you. You acknowledged that you attempted to register to vote in Chester before the 2020 November General Election. You explained that you used your Chester address, which was listed on your driver's license, because it was what you considered to be your last permanent domicile. You further explained to Investigator Tracy that for the past year, you had been staying between Worcester and Lebanon, but had not established a permanent domicile in either place. You indicated that you have now established [redacted] in Worcester as your permanent domicile.

Investigator Tracy informed you that unless you re-establish domicile in New Hampshire, you cannot register to vote or vote in this State.

In New Hampshire, in order to vote in a town, ward, or unincorporated place a person must be domiciled there. A "domicile for voting purposes is that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government." RSA 654:1, I. Domicile for the purpose of voting as defined in RSA 654:1, once existing, continues to exist until another such domicile is gained. RSA 654:2.

In this case, the Supervisors correctly rejected your application. However, we understand that you believed the Chester address was your last permanent domicile, and you had not established domicile in either Worcester or Lebanon. Based on the forgoing, we conclude that no violation of New Hampshire's election laws has occurred.

However, you have informed this Office that you are no longer domiciled in New Hampshire. Please be advised that unless you re-establish domicile in this State within the meaning of RSA 654:1, you cannot register to vote or vote in New Hampshire. Failure to follow this law could result in enforcement action, including criminal prosecution. This matter is 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: William M. Gardner, Secretary of State
Kathy Burke, Town of Chester

THE STATE OF NEW HAMPSHIRE

COMPLAINT

Case Number: 456-20-3441 Charge ID: 1812319c

Case Number:

☐ VIOLATION	MISDEMEANOR ☐ CLASS A ☑ CLASS B ☐ UNCLASSIFIED (non-person)
	FELONY ☐ CLASS A ☐ CLASS B ☐ SPECIAL ☐ UNCLASSIFIED (non-person)

You are to appear at the: **9th Circuit - District Division - Manchester** Court,

Address: **35 Amherst Street Manchester NH 03101** County: **Hillsborough County**

Time: Date: DEC 0 4 2020

Under penalty of law to answer to a complaint charging you with the following offense:

THE UNDERSIGNED COMPLAINS THAT: PLEASE PRINT

Vondel RCT-120 10/7/20	Rachel	
Last Name	First Name	Middle
[redacted]	Manchester	NH 03104
Address	City	State Zip
[redacted]		
Sex Race	Height Weight Eye Color Hair Color	
[redacted]		
DOB	License #:	OP License State

☐ COMM. VEH. ☐ COMM. DR. LIC. ☐ HAZ. MAT. ☐ 16+PASSENGER

AT: **Ray Street, Manchester, New Hampshire**

On **10/05/2020** at in **Hillsborough County NH, did commit the offense of:**

RSA Name: **Placement and Removal of Political Advertising**

Contrary to RSA: **RSA 664:17; RSA 664:21, 629:1**

Inchoate: **Attempt**

(Sentence Enhancer):

And the laws of New Hampshire for which the defendant should be held to answer, in that the defendant did:

knowingly attempt to remove political advertising, to wit, a "Trump Keep America Great 2020" sign, that was affixed to private property belonging to J.C. in Manchester, New Hampshire, by cutting one of the ropes affixing this political advertisement to J.C.'s private property, when Vondel was not the owner of the property or a person authorized by the owner of the property to remove the sign, which, under the circumstances as Vondel believed them to be, was an act constituting a substantial step toward the commission of the crime,

[signature] 11/6361
Conditional Nol Pros
2-26-21

Charge ID:

against the peace and dignity of the State.

☐ SERVED IN HAND

[signature]	Nicholas Chong Yen #268425	Attorney General
Complainant Signature	Complainant Printed Name	Complainant Dept.

Making a false statement on this complaint may result in criminal prosecution.

Oath below not required for police officers unless complaint charges class A misdemeanor or felony (RSA 592-A:7.I).

Personally appeared the above named complainant and made oath that the above complaint by him/her subscribed is, in his/her belief, true.

Date Justice of the Peace

THE STATE OF NEW HAMPSHIRE

COMPLAINT

Case Number: 460-20-3441 Charge ID: 18123200

Case Number:

☐ VIOLATION	MISDEMEANOR	☐ CLASS A	☑ CLASS B	☐ UNCLASSIFIED (non-person)	
	FELONY	☐ CLASS A	☐ CLASS B	☐ SPECIAL	☐ UNCLASSIFIED (non-person)

You are to appear at the: **9th Circuit - District Division - Manchester** Court,
Address: **35 Amherst Street Manchester NH 03101** County: **Hillsborough County**
Time: Date:

Under penalty of law to answer to a complaint charging you with the following offense:

THE UNDERSIGNED COMPLAINS THAT: PLEASE PRINT

Vondel LE RCT 10/1/20	Rachel	
Last Name	First Name	Middle
[redacted]	Manchester	NH 03104
Address	City	State Zip
[redacted]		
Sex Race	Height Weight	Eye Color Hair Color
[redacted]		
DOB	License #:	OP License State

☐ COMM. VEH. ☐ COMM. DR. LIC. ☐ HAZ. MAT. ☐ 16+PASSENGER

AT: **Ray Street, Manchester, New Hampshire**

On **10/05/2020** at in **Hillsborough County NH, did commit the offense of:**
RSA Name: **Criminal Mischief**
Contrary to RSA: **RSA 634:2**
Inchoate:
(Sentence Enhancer):
And the laws of New Hampshire for which the defendant should be held to answer, in that the defendant did:

having no right to do so nor any reasonable basis for belief of having such a right, Vondel recklessly damaged the property of another, a political sign belonging to J.C., by cutting a rope affixing that sign to J.C.'s private property in Manchester, New Hampshire.

Charge ID:

H1636
NoL Pros
2-26-21

against the peace and dignity of the State.

☐ SERVED IN HAND

Nicholas Chong Yen	Nicholas Chong Yen #268425	Attorney General
Complainant Signature	Complainant Printed Name	Complainant Dept.

Making a false statement on this complaint may result in criminal prosecution.

Oath below not required for police officers unless complaint charges class A misdemeanor or felony (RSA 592-A:7.I).

Personally appeared the above named complainant and made oath that the above complaint by him/her subscribed is, in his/her belief, true.

Date Justice of the Peace

NHJB-2962-D (06/27/2016)

THE STATE OF NEW HAMPSHIRE

COMPLAINT

Case Number: 456-2020-3441 Charge ID: 1812321C

☑ VIOLATION	MISDEMEANOR	☐ CLASS A	☐ CLASS B	☐ UNCLASSIFIED (non-person)	
	FELONY	☐ CLASS A	☐ CLASS B	☐ SPECIAL	☐ UNCLASSIFIED (non-person)

You are to appear at the: **9th Circuit - District Division - Manchester** Court,

Address: **35 Amherst Street Manchester NH 03101** County: **Hillsborough County**

Time: Date: DEC 0 4 2020

Under penalty of law to answer to a complaint charging you with the following offense:

THE UNDERSIGNED COMPLAINS THAT: PLEASE PRINT

Vondel HE RCT 12/7/20 **Rachel**

Last Name First Name Middle

[redacted] **Manchester** **NH** **03104**

Address City State Zip

[redacted]

Sex Race Height Weight Eye Color Hair Color

[redacted]

DOB License #: OP License State

☐ COMM. VEH. ☐ COMM. DR. LIC. ☐ HAZ. MAT. ☐ 16+PASSENGER

AT: **Ray Street, Manchester, New Hampshire**

On **10/05/2020** at in **Hillsborough County NH, did commit the offense of:**

RSA Name: **Criminal Trespass**

Contrary to RSA: **RSA 635:2**

Inchoate:

(Sentence Enhancer):

And the laws of New Hampshire for which the defendant should be held to answer, in that the defendant did:

knowing that she was not licensed nor privileged to do so, Vondel entered the private property of J.C. in Manchester, New Hampshire,

against the peace and dignity of the State.

☐ SERVED IN HAND

Nicholas Chong Yen | **Nicholas Chong Yen #268425** | **Attorney General**

Complainant Signature | Complainant Printed Name | Complainant Dept.

Making a false statement on this complaint may result in criminal prosecution.

Oath below not required for police officers unless complaint charges class A misdemeanor or felony (RSA 592-A:7.I).

Personally appeared the above named complainant and made oath that the above complaint by him/her subscribed is, in his/her belief, true.

Date Justice of the Peace

000086

NHJB-2962-D (06/27/2016)

Case Number:

Charge ID:

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
http://www.courts.state.nh.us

Court Name: 9th Circuit - District Division - Manchester

Case Name: State v. Rachel Vonderie ret 12/7/20

Case Number: 456-2020-CR-03441 (if known) Charge ID Number: 1812321C

DISPOSITION AND SENTENCING FORM

PLEA: ☐ Guilty ☒ Not Guilty ☐ No Contest ☐ No Plea
☐ **Change Plea To:** ☐ No Contest ☒ Guilty

FINDING: ☒ Guilty ☐ Not Guilty ☐ Dismissed

☐ Complaint placed on file ☐ With finding ☐ Without finding
and not to be brought forward after _____ on the below conditions of this order.

PROBABLE CAUSE: ☐ Found ☐ Not Found ☐ Hearing Waived _____ (date)

☐ Bail $ _____ ☐ Committed ☐ See attached bail order

R/402-21

SENTENCE:

FINE

☒ The defendant is fined $ 500, plus statutory penalty assessment of $ 120

$ _____ of the fine is: ☐ suspended ☐ deferred for _____ ☐ months ☐ years

$ _____ of the statutory penalty assessment is:
☐ suspended ☐ deferred for _____ ☐ months ☐ years

☐ The defendant shall perform _____ hours of community service to satisfy the fine.

☐ This is a domestic violence conviction under RSA 631:3 reckless conduct, or RSA 633:3-a interference with freedom – stalking, requiring the mandatory imposition of a **$50.00 fine** which may not be reduced, suspended or discharged by imprisonment.

COMMITMENT

☐ The defendant is sentenced to the House of Corrections for a period of _____ ☐ days ☐ months

☐ Pretrial confinement credit: _____ days.

This sentence is to be served as follows:
☐ Stand committed ☐ Commencing _____

☐ _____ ☐ days ☐ months of the sentence are ☐ suspended ☐ deferred to ___ (date) on the below conditions.

☐ The commitment is consecutive to _____

RESTITUTION

☐ The defendant is ordered to make restitution to _____
in the amount of $ _____

☐ Payable through the Department of Corrections as directed by the probation/parole officer plus the statutory administrative fee.

☐ Other: _____

Case Name: State v. Rachel Vondel

Case Number: 456-2020-CR-03441 Charge ID Number: 1812321C

DISPOSITION AND SENTENCING FORM

PROBATION

☐ The defendant is placed on probation for a period of ____ ☐ months ☐ year(s), upon the usual terms of probation and any special terms of probation determined by the probation/parole officer.
Effective: ☐ Immediately ☐ Upon Release

The defendant is ordered to report immediately/upon release to the Probation/Parole Office.

OTHER CONDITIONS OF SUSPENDED OR DEFERRED SENTENCE

The defendant is ordered to be of good behavior and comply with all the terms of this sentence for a period of _____ ☐ days ☐ months ☐ years. Good behavior is defined as not committing any act(s) that would constitute a felony, misdemeanor or major motor vehicle violation as defined in RSA 259:39 (I).

☐ The defendant's ☐ license ☐ privilege to operate in New Hampshire is ☐ Suspended ☐ Revoked for a period of _____ ☐ days ☐ months ☐ years effective _____

☐ The loss of license is consecutive to _____

☐ The defendant shall meaningfully participate in LADC/mental health/_____ evaluation and follow all recommendations including, but not limited to, counseling, treatment and education programs. Written proof of the evaluation shall be provided to the prosecutor and the court by _____ (date) and written proof of compliance with the recommendations shall be provided by _____ (date).

☐ The defendant shall perform _____ hours of community service and provide proof to the State by _____ (date).

☐ The defendant is ordered to have no contact with _____ either directly or indirectly, or through third parties, including but not limited to contact in-person, by mail, phone, e-mail, text message, social networking sites and/or electronic communications for a period of _____ ☐ days ☐ months ☐ years

☐ The defendant is not allowed to enter _____ (location) for a period of _____ years.

☐ Other:

_____

_____

_____

_____

_____

_____

☐ APPEAL _____ (date) ☐ Bail $ _____ ☐ Committed ☐ See attached bail order

2/26/21
Date

William H. Lyons
Signature of Judge

William H. Lyons
Printed Name of Judge

000088

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

March 11, 2021

[redacted]
Dover, NH 03820

Re: [redacted] Alleged Wrongful Voting

Dear [redacted]

As part of the Interstate Voter Registration Crosscheck Program ("Crosscheck:"), your names were referred to this Office for further investigation into potential violations of RSA 659:34-a – Voting in More than One State Prohibited. Crosscheck indicated that you both voted in Dover, New Hampshire and Kittery, Maine during the November 8, 2016 General Election. After careful consideration, we conclude that there is insufficient evidence to prove beyond a reasonable doubt that either of you voted in New Hampshire and Maine during the 2016 General Election.

In reaching this conclusion, we reviewed Kittery's election records from the 2016 General Election, reviewed Dover's election records from the 2016 General Election, spoke with Kittery Town Clerk Karen Estee, reviewed property records, spoke with [redacted] and spoke with both of you.

On the Kittery voter checklist for the 2016 General Election, both of your names were marked with a red checkmark, which indicated that you were in-person voters. Beside both of your names was the address: [redacted] Kittery, Maine. Clerk Estee confirmed that since the November 8, 2016 General Election, neither of you had voted in Kittery.

On October 28, 2016, you both completed and submitted New Hampshire voter registration forms, on which, you listed [redacted] as your previous address, and [redacted] Dover, New Hampshire as your current address. A law enforcement database confirmed that you both moved from your address in Kittery to your address in Dover in April of 2016. Property records further confirmed that you sold your home in Kittery on April 12, 2016.

On the Dover voter checklist for the November 8, 2016 General Election, both of your names had a line through the last name, indicating you voted in-person.

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On October 20, 2020, [redacted] spoke with Investigator Allison Vachon. During the conversation, while [redacted] admitted to voting in Dover during the 2016 General Election, she denied voting in Kittery. [redacted] remarked how everyone in Kittery knew her family, and knew they had left Kittery.

Also on October 20, 2020, Investigator Vachon spoke with [redacted]. He similarly denied voting in Kittery, but confirmed that he voted in Dover during the 2016 General Election. [redacted] added that at the time, he worked at the [redacted] in Portsmouth, New Hampshire, and that the family had transferred their motor vehicle registration from Kittery to Dover.

On October 22, 2020, [redacted] shared with Investigator Vachon that the neighbors' house at [redacted] in Kittery, was bought by a couple with a similar name to the [redacted] suggested that having similar names and addresses, perhaps [redacted] names were checked off instead of [redacted] names during the 2016 General Election. A law enforcement database confirmed that [redacted] did in fact reside at [redacted]

On October 29, 2020, Investigator Vachon spoke with Clerk Estee, who explained that Maine election officials do not check identification when a voter comes to the polling place to vote.

On November 23, 2020, Clerk Estee confirmed that [redacted] was listed on Kittery's "Additions to Incoming Voter List" for the 2016 General Election, and was checked-off as having voted in-person. However, Clerk Estee could not find an entry for [redacted] that indicated he voted in Kittery during the 2016 General Election. There was however a [redacted] who lived at [redacted] who was listed on the checklist. [redacted] was not marked as having voted during the 2016 General Election.

On March 1, 2021, Investigator Vachon spoke with both [redacted] stated that he does not vote in Kittery because he works and his primary residence is in Lynn, Massachusetts. [redacted] confirmed that he registered to vote in Kittery, but has not voted since he registered. Investigator Vachon also spoke with [redacted] confirmed that she did in fact vote in-person during the 2016 General Election.

Based on the forgoing, there is insufficient evidence to establish beyond a reasonable doubt that either of you voted in New Hampshire and in Maine during the 2016 General Election. The evidence instead suggests you both took affirmative steps to make Dover, New Hampshire your domicile, and had no reason to be in Kittery during the 2016 General Election. This includes selling your home in Kittery six months prior to the 2016 General Election. Furthermore, the fact that Maine election officials do not examine photo identification while voters check-in at the polling place on Election Day, suggests the possibility of election official error in this case.

Please be advised, RSA 659:34-a prohibits voters from voting in more than one state. Violation of this statute is a class B felony. Failure to comply with this statute could result in criminal prosecution.

This matter is 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

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

~~GORDON J. MACDONALD~~
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

March 23, 2020

[redacted]
Northwood, NH 03261

Re: **CEASE AND DESIST ORDER** (2020145319)
Warning for violation of RSA 659:34-a

Dear [redacted]

On October 7, 2020, Northwood Moderator Tom Chase contacted this Office with allegations that you unlawfully voted using [redacted] in Northwood, New Hampshire as your domicile address for voting purposes during the 2020 September State Primary election.

We reviewed documents from Mr. Chase including: (i) a copy of the 09/08/2020 State Primary Election official checklist; (ii) an obituary from the Parker Funeral Home for [redacted] (iii) printouts from the websites of "Whitepages Premium," "FastPeople Search," and "mylife.com"; and (iv) a newsletter from a parish located in Beverly, Massachusetts. Mr. Chase suggested these documents established that you were not domiciled in Northwood, New Hampshire, and thus not qualified to vote in Northwood during the 2020 September State Primary election. We also reviewed Mr. Chase's email exchange with Assistant Clerk Christine Dixon of Beverly. In addition to this information, this Office reviewed your voter records, your motor vehicle records, spoke with Northwood Town Clerk Marisa Russo, and spoke with you.

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). A "voter can only have **one** domicile for voting purposes." RSA 654:2. (emphasis added).

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The supervisors of the checklist must consider the applicant's manifestations of intent to maintain a single, continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government. There are many types of documents that satisfy this requirement. Among those documents, election officials have recognized that a New Hampshire driver's license or non-driver ID showing the applicant's current domicile address is satisfactory proof of domicile. Election officials have similarly recognized these additional documents as satisfactory proof of domicile:

- A document showing that the applicant owns the place the applicant is domiciled at, such as a deed, property tax bill, or other similar document that has the applicant's name and address; or
- A New Hampshire resident motor vehicle registration, driver's license, or non-driver photo ID showing the applicant's domicile address.

See New Hampshire Election Procedure Manual: 2020-2021, Pgs. 173-174.

You registered to vote in Northwood on October 30, 2009. You completed a voter registration form, and listed [redacted] Northwood, New Hampshire as your domicile for voting purposes. On that voter registration form, you wrote that the last place you were registered to vote was in Beverly, Massachusetts. Also on your voter registration form, you listed a New Hampshire driver's license number.

On October 21, 2020, Mr. Chase received an email from Beverly, Massachusetts City Clerk Dixon. She confirmed that you last voted in Beverly in 2013, and were removed from Beverly's voter checklist in 2018.

On January 26, 2021, Investigator Stephen Johnson spoke with Northwood Town Clerk Russo who explained that she was also the tax collector for Northwood. Clerk Russo indicated that you pay property taxes to the Town for [redacted]

You also had (and continue to possess) an active New Hampshire driver's license at the time of your voter registration in 2009. On your driver's license, [redacted] is listed as your address. Investigator Johnson observed from motor vehicle records that you had surrendered your Massachusetts driver's license. You also has registered your vehicle using your New Hampshire address.

On January 27, 2021, Investigator Johnson spoke with you. During the phone call, you confirmed that you are domiciled at [redacted] in Northwood. You indicated that you own the property located at this address and pay its property taxes. You said that you had obtained your New Hampshire driver's license long before registering to vote in Northwood in 2009. With respect to the property in Beverly, Massachusetts, you explained that residence is owned by your wife, who continues to live there.

In this case, you not only possessed a New Hampshire driver's license during the September 2020 State Primary, but had one before your voter registration in 2009.

Furthermore, you have relinquished your Massachusetts driver's license. Motor vehicle records confirm that you have a vehicle registered at [redacted] in Northwood.

This Office also received confirmation from the Northwood Town Clerk that you own the property located at [redacted] and have continued to pay taxes for it.

In light of the evidence routinely accepted by election officials as satisfactory proof of domicile, and based on the forgoing, this Office concludes that you are in fact domiciled at [redacted] in Northwood, New Hampshire. We further conclude that you were lawfully domiciled and properly voted in Northwood during the 2020 September State Primary election. This Office notes further that you only voted in New Hampshire during both the 2020 State Primary and November General elections.

However, in the course of this investigation this Office reviewed your voting history in both New Hampshire and Massachusetts. Records from New Hampshire and Massachusetts reveal that you voted in both states during the November 2, 2010 and November 6, 2012 General Elections. You also did not contest the fact to Investigator Johnson that you had voted in New Hampshire and Massachusetts during both of these elections. After acknowledging this conduct, you assured Investigator Johnson that you would not vote in both states again.

RSA 659:34-a states –

> A person is guilty of a class B felony if, at any election, such person knowingly checks in at the checklist and casts a New Hampshire ballot on which one or more federal or statewide offices or statewide questions are listed if the person also casts a ballot in the same election year in any election held in any other state or territory of the United States where one or more federal or statewide offices or statewide questions are listed.

This matter was not referred to this Office until October 7, 2020. RSA 625:8 sets the statute of limitations on a class B felony at 6 years. In light of our analysis above, the evidence establishes that you have been domiciled in New Hampshire since approximately 2009, and as a result, any tolling provision to the statute of limitations under RSA 625:8 would not apply. Therefore, the statute of limitations on this violation has expired. Any qualifying misdemeanor, which carries a one year statute of limitations under RSA 659:34, has also expired. See RSA 625:8, I(c).

Please be advised and be aware that your conduct would have constituted a felony violation of RSA 659:34-a.

Pursuant to Part I, article 11 of the New Hampshire Constitution, RSA 659:34-a, and based upon the investigation conducted by our office, you are hereby ordered to **Cease and Desist from voting in more than one state**. Failure to comply with this

Cease and Desist Order may result in this office pursuing criminal or civil enforcement actions

Cease and Desist Order Issued

By Authority of:

Jane E. Young
Deputy Attorney General

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

cc: Northwood Moderator Tom Chase
Northwood Supervisors of the Checklist
Northwood Town Clerk

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

March 24, 2021

Brad Roscoe, Moderator
Town of Chesterfield
[redacted]
Chesterfield NH 03443

Re: Town of Chesterfield, Election Review and Follow-Up (2020145984)

Dear Moderator Roscoe:

Pursuant to our email exchange on November 12 and 13, 2020, I am including some resources regarding the one4all accessible voting tablet, which you may find helpful.

- Section: 659:20 Assistance in Voting. - This statute covers the process of a voter who requests assistance in marking his or her ballot. An assistant may be a person of the voter's choice, provided it is not the voter's employer or union official.
- Election Procedure Manual - 2020 - Pgs. 86, 137, and 138 have a brief overview of the one4all system and applicable statutes.
- ElectioNet - If you go into ElectioNet, click on "Help," then click on "Instructions." There is a PDF titled "2020 – Accessible Voting System Instructions NEW 10-2020." There is also a PDF titled "2020 – Accessible Voting System Quick Set-up and Troubleshooting Guide," which may also prove helpful.

This matter is 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

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

~~GORDON J. MACDONALD~~
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

March 26, 2021

George Davenport
[redacted]
Stoddard, NH 03464

Re: Stoddard New Hampshire Democrats, Alleged Illegal Campaign Activity (2020145199)

Dear Mr. Davenport:

On August 31, 2020 this Office received your complaint dated August 28, 2020, against the Stoddard New Hampshire Democrats, Alfrieda Englund, and Joyce Healy. Specifically, you alleged the following violations of New Hampshire's election laws: (1) violation of RSA 657:4 for using a return address label that was different than the entity responsible for the mailing; and (2) violation of RSA 664:2 and 664:14 for failing to provide the name and address of the entity responsible for the mailing as well as failing to write a disclaimer that the mailing was not authorized by any candidate. After careful review of this matter, we conclude that there has been no violation of New Hampshire's election laws.

RSA 657:4, II(a) states that –

> Any person, other than the city or town clerk or the secretary of state, that publishes, mails, or distributes in any manner any written communication that contains a form or post card which a reasonable person would consider as intended to be used by the recipient of the communication to submit a request for an absentee ballot shall identify who is publishing, mailing, or distributing the communication, and attach a copy of the form prepared by the secretary of state pursuant to paragraph I of this section to the communication or include in the communication a complete facsimile of the form prepared by the secretary of state pursuant to paragraph I of this section.

This law does not require a mailing containing an absentee ballot application form to display identifying information in a particular place among the mailed papers. Nor does it state

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that the first thing the reader must see on the mailing is the identity of the person(s) or entity responsible for it.

In this case, the mailing did contain a letter the clearly states "This mailing paid for by the Stoddard NH Democrats." This Office concludes that this statement satisfies the identification requirement under RSA 657:4, II(a).

With respect to RSA 664:14, the identification requirements under this law apply to political advertising.

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.

The mailer you provided from the Stoddard NH Democrats contains the following: (1) letter dated August 2020 from the Stoddard NH Democrats; (2) an "Application for State Election Absentee Ballot-RSA 657:4"; and (3) the envelope containing the two previously mentioned documents.

The absentee ballot application form is a complete facsimile of the form prepared by the Secretary of State and is in compliance with the requirements of RSA 657:4, II(a). Additionally, this application does not contain any statements that would constitute explicit advocacy for a particular candidate or measure.

The letter written by the Stoddard NH Democrats identifies the dates of the upcoming elections, and provides information on how to vote absentee during the public health crisis caused by the coronavirus. It does not explicitly advocate for nor direct the reader to vote for a particular candidate or measure. The fact that it was sent by an entity belonging to a particular party does not by itself make the mailing a form of explicit advocacy.

Based on the forgoing, we conclude that this mailing would not constitute "political advertising" within the meaning of RSA 664:2, VI. Therefore, the mailing from the Stoddard NH Democrats would not trigger the identification requirements under RSA 664:14. Nonetheless, we note that the mailing does include the aforementioned statement identifying who sent it, as well as contact information for the two chair members of the Stoddard NH Democrats.

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

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Rockingham Superior Court
Rockingham Cty Courthouse/PO Box 1258
Kingston NH 03848-1258

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
http://www.courts.state.nh.us

RETURN FROM SUPERIOR COURT – HOUSE OF CORRECTIONS

Case Name: **State v. Laurence Kahn**
Case Number: **218-2021-CR-00113**

Name: **Laurence Kahn**, [redacted] Londonderry NH 03053
DOB: [redacted]

Charging document: Complaint

Offense:	GOC:	Charge ID:	RSA:	Date of Offense:
Vote in More than 1 State		1818718C	659:34-a	October 08, 2016

Disposition: Guilty/Chargeable By: Plea

A finding of GUILTY/CHARGEABLE is entered.
Conviction: Felony

Sentence: see attached

May 13, 2021 — Date
Hon. Martin P. Honigberg — Presiding Justice
Jennifer M. Haggar — Clerk of Court

MITTIMUS

In accordance with this sentence, the Sheriff is ordered to deliver the defendant to the **Rockingham County House of Corrections**. Said institution is required to receive the Defendant and detain him/her until the Term of Confinement has expired or s/he is otherwise discharged by due course of law.

Attest: _____
Clerk of Court

SHERIFF'S RETURN

I DELIVERED THE DEFENDANT TO THE **Rockingham County House of Corrections** and gave a copy of this order to the Superintendent.

_____ Date
_____ Sheriff

J-ONE: ☒ State Police ☐ DMV

C: ☒ Dept. of Corrections ☐ Offender Records ☐ Sheriff ☐ Office of Cost Containment
☒ Prosecutor Nicholas Austin Chong Yen, ESQ ☐ Defendant ☒ Defense Attorney Peter Douglas Anderson, ESQ
☐ Sex Offender Registry ☐ Other _____ ☐ _____ Dist Div. _____

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
http://www.courts.state.nh.us

Court Name: Rockingham Superior Court

Case Name: State v. Laurence Kahn

Case Number: 218-2021-CR-00113 Charge ID Number: 1818718C
(if known)

HOUSE OF CORRECTIONS SENTENCE

Plea/Verdict: Guilty	
Crime: Vote in More than 1 State	Date of Crime: 11/08/2016

A finding of GUILTY/TRUE is entered.

CONVICTION

This conviction is for a Felony.

☐ A. The defendant has been convicted of Domestic Violence contrary to RSA 631:2-b or of an offense recorded as Domestic Violence. See attached Domestic Violence Sentencing Addendum.

☐ B. The defendant has been convicted of a misdemeanor, other than RSA 631:2-b or an offense recorded as Domestic Violence, which includes as an element of the offense, the use or attempted use of physical force or threatened use of a deadly weapon, and the defendant's relationship to the victim is:

_____

OR The defendant is cohabiting or cohabited with victim as a _____

OR A person similarly situated to _____

CONFINEMENT

☑ A. The defendant is sentenced to the House of Corrections for a period of 90 days.
Pretrial confinement credit is _____ days.

☑ B. This sentence is to be served as follows:

☐ Stand committed ☐ Commencing _____

☐ Consecutive weekends from _____ PM Friday to _____ PM Sunday beginning _____

☑ All of the sentence is suspended during good behavior and compliance with all terms and conditions of this order. Any suspended sentence may be imposed after hearing at the request of the State. The suspended sentence begins today and ends 1 years from ☑ today or ☐ release on charge ID number _____.

☐ _____ of the sentence is deferred for a period of _____.
The Court retains jurisdiction up to and after the deferred period to impose or terminate the sentence or to suspend or further defer the sentence for an additional period of _____.
Thirty (30) days prior to the expiration of the deferred period, the defendant may petition the Court to show cause why the deferred commitment should not be imposed. Failure to petition within the prescribed time will result in the immediate issuance of a warrant for the defendant's arrest.

☐ Other: _____

☐ C. The sentence is ☐ consecutive to case number and charge ID _____
☐ concurrent with case number and charge ID _____

☐ D. The court recommends to the county correctional authority:

☐ Work release consistent with administrative regulations.
☐ Drug and alcohol treatment and counseling.
☐ Sexual offender program.
☐ _____

If required by statute or Department of Corrections policies and procedures, the defendant shall provide a sample for DNA analysis.

PROBATION

☐ A. The defendant is placed on probation for a period of _____ year(s), upon the usual terms of probation and any special terms of probation determined by the probation/parole officer.
Effective: ☐ Forthwith ☐ Upon release from _____
The defendant is ordered to report immediately, or immediately upon release, to the nearest Probation/Parole Field Office.

☐ B. Subject to the provisions of RSA 504-A:4, III, the probation/parole officer is granted the authority to impose a jail sentence of 1 to 7 days in response to a violation of a condition of probation, not to exceed a total of 30 days during the probationary period.

Violation of probation or any of the terms of this sentence may result in revocation of probation and imposition of any sentence within the legal limits for the underlying offense.

FINANCIAL OBLIGATIONS

☑ A. **Fines and Fees:**
Fine of $ 4,000.00, plus a statutory penalty assessment of $ 960.00 to be paid:
☑ Today
☐ By _____
☐ Through the Department of Corrections as directed by the Probation/Parole Officer. A 10 % service charge is assessed by DOC for the collection of fines and fees, other than supervision fees.
☐ $ _____ of the fine and $ _____ of the penalty assessment is suspended for _____ year(s).
A $25.00 fee is assessed in each case file when a fine is paid on a date later than sentencing.

☐ B. **Restitution:**
The defendant shall pay restitution of $ _____ to _____
☐ Restitution shall be paid through the Department of Corrections as directed by the Probation/Parole Officer. A 17% administrative fee is assessed for the collection of restitution.
☐ At the request of the defendant or the Department of Corrections, a hearing may be scheduled on the amount or method of payment of restitution.
☐ Restitution is not ordered because: _____

☐ C. **Appointed Counsel: NOTE:** Financial Obligations, Section C is NOT a term and condition of the sentence.
☐ The Court finds that the defendant has the ability to pay:
counsel fees and expenses in the amount of $ _____
payable through _____ in the amount of $ _____ per month.
☐ The Court finds that the defendant has no ability to pay counsel fees and expenses.

_____

_____

Case Name: State v. Laurence Kahn
Case Number: 218-2021-CR-00113
HOUSE OF CORRECTIONS SENTENCE

OTHER CONDITIONS

☐ A. The defendant is to participate meaningfully and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer.

☐ B. The defendant's _____ in New Hampshire is revoked for a period of _____ effective _____

☐ C. Under the direction of the Probation/Parole Officer, the defendant shall tour the _____

☐ D. The defendant shall perform _____ hours of community service and provide proof to _____ within _____ of today's date.

☐ E. The defendant is ordered to have no contact with _____ either directly or indirectly, including but not limited to contact in-person, by mail, phone, e-mail, text message, social networking sites and/or third parties.

☑ F. Law enforcement agencies may ☑ destroy the evidence ☑ return evidence to its rightful owner.

☑ G. The defendant is ordered to be of good behavior and comply with all the terms of this sentence.

☑ I. Other:

Pursuant to Part I, Article 11 of the New Hampshire Constitution the defendant shall no longer have the right to vote in New Hampshire under the Constitution of this State.

For Court Use Only

Honorable Martin P. Honigberg

May 13, 2021

THE STATE OF NEW HAMPSHIRE
COMPLAINT

Case Number: [redacted] Charge ID: [redacted]

☐ VIOLATION	MISDEMEANOR	☐ CLASS A	☐ CLASS B	☐ UNCLASSIFIED (non-person)	
	FELONY	☐ CLASS A	☑ CLASS B	☐ SPECIAL	☐ UNCLASSIFIED (non-person)

You are to appear at the: **10th Circuit - District Division - Derry** Court,
Address: **10 Courthouse Lane Derry NH 03038** County: **Rockingham County**
Time: Date:
Under penalty of law to answer to a complaint charging you with the following offense:
THE UNDERSIGNED COMPLAINS THAT: PLEASE PRINT

Kahn	Laurence	Gartner
Last Name	First Name	Middle
[redacted]	Londonderry	NH 03053
Address	City	State Zip
[redacted]		
Sex Race	Height Weight	Eye Color Hair Color
[redacted]		
DOB	License #:	OP License State

☐ COMM. VEH. ☐ COMM. DR. LIC. ☐ HAZ. MAT. ☐ 16+PASSENGER

AT: [redacted] **Londonderry, NH**

On **11/08/2016** at in **Rockingham County NH, did commit the offense of:**
RSA Name: **Voting in More than One State Prohibited**
Contrary to RSA: **659:34-a**
Inchoate:
(Sentence Enhancer):
And the laws of New Hampshire for which the defendant should be held to answer, in that the defendant did:

knowingly check in at the checklist in Londonderry, New Hampshire and cast a New Hampshire ballot on which one or more federal or statewide offices or statewide questions are listed and also cast a ballot in the same election year in 2016 in Michigan, where one or more federal or statewide offices or statewide questions are listed.

Plea of Guilty
Entered May 13, 2021

Honorable Martin P. Honigberg

against the peace and dignity of the State.

☐ SERVED IN HAND

Complainant Signature	Nicholas Chong Yen #268425	NH Attorney General
	Complainant Printed Name	Complainant Dept.

Making a false statement on this complaint may result in criminal prosecution.
Oath below not required for police officers unless complaint charges class A misdemeanor or felony (RSA 592-A:7.I).
Personally appeared the above named complainant and made oath that the above complaint by him/her subscribed is, in his/her belief, true.

Date Justice of the Peace

NHJB-2962-D (08/27/2016)

Case Number:

Charge ID:

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE
33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

June 7, 2021

Town of Swanzey Selectboard
620 Old Homestead Highway
P.O. Box 10009
Swanzey, NH 03446

Re: Town of Swanzey Polling Place Traffic (2020145934)

Dear Swanzey Selectboard:

In accordance with RSA 7:6-c, the Attorney General is charged with enforcing New Hampshire's election laws. During the November 3, 2020 general election, polling place inspectors visited 98% of New Hampshire's polling places, inspecting 302 out of 309 total locations.

During the 2020 general election, this Office received reports from its polling place inspectors about complaints regarding the wait times at Swanzey's polling place. The inspector assigned to Swanzey's polling place described long lines, with voters waiting over an hour to vote. The lines were so long that a Swanzey voter approached our polling place inspector assigned to Keene, and asked if the voter could vote there instead.

The Swanzey Police Department was not contacted by election officials until the afternoon to help direct vehicular traffic, and ease congestion in the polling place's parking lot. By 4:45PM, this Office was notified that these long lines and significant wait times persisted throughout the day.[1] Our inspector confirmed this, having been present at the Swanzey polling place from 3:45PM-7:30PM, with the longest wait time reported by some voters as being one hour and fifteen minutes. The shortest wait time reported during this period was at 5:00PM, and was forty-five minutes.

In addition, we understand that in order to enter the voting area, voters had to line up in a narrow hallway. During the 2020 general election, two lines stretched down this hallway, one for

[1] In addition, on September 1, 2020, this Office received a complaint about the polling location being inside of the Christian Life Fellowship Church. The complainant alleged that given the comments by the church's pastor on social media, voters felt unwelcomed and uncomfortable entering this building in order to vote. On September 11, 2020, I spoke with Town Administrator Michael Branley, who stated that town officials were actively reviewing the concerns raised by this complainant to identify potential solutions.

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voters checking-in and another for voters registering to vote. Given the public health crisis, with one of the protective health measures being social distancing, we also received a complaint about voters being in close proximity to one another while waiting at the polling place.

The inspection checklist from the 2020 general election identified the below concerns. Copies of both checklists are enclosed.

1. Complaints from voters of a narrow hallway serving as both the entrance and the exit for the polling place;
2. There were sufficient parking spots, but insufficient space for vehicles to enter causing crowding, and leading to some voters parking on the street;
3. The line management caused an entire line of voters who were checking-in to have to wait until one of two officials assigned to their section of the alphabet became available. Lines were unable to form at the table assigned to a voter's corresponding section of the alphabet. This meant that even if a check-in table for a voter's alphabet group was available, they would not know until they were at the front of the line. Eventually, officials began calling out the availability of their given alphabet section so those qualifying voters waiting could immediately walk to the front of the line;
4. Registration took place in a small room adjacent to the voter check-in line. This room was not clearly marked;
5. Only one of two doors at the entrance/exit was opened, causing voters leaving and entering to take turns at the door.

We understand that the November 3, 2020 general election presented unprecedented challenges, a high degree of voter engagement, and increased voter turnout. Indeed, in reviewing the inspection checklist from the 2020 September primary election, wait times for obtaining a ballot during this election was less than five minutes. Similarly, registering to vote during this election took less than five minutes.

However, pursuant to RSA 658:9, the Selectboard is responsible for designating and equipping the town's polling place.

RSA 658:9, I states in relevant part –

> "The selectmen of each town and ward shall provide for a suitable place in which to hold state elections and shall see that the same is warmed, lighted, and furnished with proper supplies and conveniences. […] Each place in which state elections are held shall be easily accessible as provided in RSA 658:9-a to all persons including persons with disabilities and elderly persons who are otherwise qualified to vote in the choice of any officer or officers to be elected or upon any question submitted at such election."

Part I, Article 11 of the New Hampshire Constitution provides that "polling places shall be easily accessible to all persons[.]" Traffic delays – both pedestrian and vehicular – such as those observed and experienced during the 2020 general election hinder voters' access to the

polls and show that your polling place is not "easily accessible to all persons." Recurring traffic delays of this nature are a good indicator that the Town needs to establish additional polling places for State general elections or that the polling place is no longer suitable for the Town. *See* RSA 658:10.

We are requesting the Town of Swanzey initiate a corrective action plan to address this issue prior to the next State Election and provide a copy of the plan to this Office within 6 months after receipt of this letter.

Please 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

cc: David Scanlan, Deputy Secretary of State
Michael Branley, Swanzey Town Administrator

From: Town Clerk
To: Matteson, Myles
Subject: FW: Follow-up from the Attorney General"s Office
Date: Thursday, April 28, 2022 1:43:09 PM

From: Town Clerk
Sent: Thursday, April 28, 2022 11:25 AM
To: Michael T. Branley <mbranley@swanzeynh.gov>
Subject: RE: Follow-up from the Attorney General's Office

Good Morning Miles,
Below is how we plan to address the concerns that were raised after the 2020 general election. The numbers correspond with the document that you sent.

1. The new voting location has a separate entrance and exit for voters.
2. Voting will take place at the Monadnock Regional High School which provides ample parking spaces as well as handicap spaces to accommodate all voters.
3. The set-up for the alphabetical voter check-in stations are more spread out more allowing greater visibility. We will also have people helping the voters get to their appropriate check-in station.
4. Registration at the new location is in the same space as the voter check-in and the voting booths. At the entrance we will also have someone there to assistance and direct the voters to where they need to go.
5. With having a separate entrance and exit this will not be an issue moving forward.

If you have any questions or concerns please let us know.

Thank-you

Heather Estrella
Town Clerk

Town of Swanzey
PO Box 10009
Swanzey, NH 03446
603-352-7411 x101
www.swanzeynh.gov

From: Matteson, Myles [mailto:Myles.B.Matteson@doj.nh.gov]
Sent: Wednesday, April 27, 2022 11:07 AM
To: Town Clerk <townclerk@swanzeynh.gov>
Cc: Tekin, Jill <Jill.Tekin@doj.nh.gov>
Subject: RE: Follow-up from the Attorney General's Office

Heather,

Thank you for the update. We would appreciate a bit more explanation as to how this change will address the concerns identified in our prior letter. Specifically, are all five of the checklist

items on page two of our letter addressed using this new location? Additionally, what impact will the new location have on traffic management and wait times?

Thank you.

Myles

From: Town Clerk <townclerk@swanzeynh.gov>
Sent: Wednesday, April 20, 2022 2:52 PM
To: Matteson, Myles <Myles.B.Matteson@doj.nh.gov>
Subject: RE: Follow-up from the Attorney General's Office

Hi Myles,
We do not use this voting location anymore, the elections will take place at the Monadnock Regional high School gym.

Thank you,

Heather Estrella
Town Clerk

Town of Swanzey
PO Box 10009
Swanzey, NH 03446
603-352-7411 x101
www.swanzeynh.gov

From: Matteson, Myles [mailto:Myles.B.Matteson@doj.nh.gov]
Sent: Friday, April 15, 2022 9:15 AM
To: Ashley Patnode <apatnode@swanzeynh.gov>; Town Clerk <townclerk@swanzeynh.gov>
Cc: Tekin, Jill <Jill.Tekin@doj.nh.gov>
Subject: Follow-up from the Attorney General's Office

Good morning,

I am writing to request a status on an elections corrective action plan. On June 7, 2021, this Office sent the Selectboard a letter (attached) concerning the Town of Swanzey's polling place. The letter requested the town initiate a corrective action plan to address the identified issues and provide a copy of that plan to our Office with six months.

To date, we do not appear to have received the corrective action plan. Can you please provide an update on when we can expect to receive the plan or direct me to an individual who can respond?

Thanks,

Myles

Myles Matteson
Deputy General Counsel
Attorney General's Office
33 Capitol Street
Concord, NH 03301-6397
Phone: (603) 271-1119
Myles.B.Matteson@doj.nh.gov

STATEMENT OF CONFIDENTIALITY

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

April 28, 2022

Town of Swanzey Selectboard
620 Old Homestead Highway
P.O. Box 10009
Swanzey, NH 03446

Re: Town of Swanzey Polling Place Traffic

Dear Swanzey Selectboard:

This Office is in receipt of the town's remediation plan described in an email dated April 28, 2022, relative to this matter.

We have reviewed the remediation plan and it is accepted. This matter is closed.

Sincerely,

Myles Matteson
Deputy General Counsel
Attorney General's Office
(603) 271-3650
myles.b.matteson@doj.nh.gov

Enclosure

cc: David Scanlan, Secretary of State
Michael Branley, Swanzey Town Administrator

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ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

June 7, 2021

Lucifer Everilove
[redacted]
Manchester, NH 03109

Re: Absentee Ballot (2020146297)

Dear Mr. Everilove,

On December 4, 2020, you spoke with Chief Investigator Richard Tracy and explained that during the November 3, 2020 General Election, you were a Uniformed and Overseas Citizens Absentee Voting Act (or UOCAVA) voter. You told Investigator Tracy that you voted by UOCAVA ballot, but found out that your ballot had been rejected, and wanted to know why. You also asked about a Right-to-Know request you made upon the Manchester City Clerk's Office for a copy of the absentee voter list.

With respect to your first question, you reported to Investigator Tracy that you emailed your completed UOCAVA ballot to Staples, where it was picked up and delivered to Ward 8 in Manchester by your friend and roommate [redacted] You also indicated that in case [redacted] could not make it in time, you also contacted another friend about delivering your ballot, whom you did not ultimately use.

RSA 657:20 requires UOCAVA voters to follow the procedures set forth under RSA 657:17.

RSA 657:17 provides that a voter can only deliver his/her absentee ballot contained inside a sealed envelope to the city and town clerk in one of two ways: (a) The voter or the voter's delivery agent may personally deliver the envelope; or (b) The voter or the person assisting the blind voter or voter with a disability may mail the envelope to the city or town clerk, with postage affixed.

RSA 657:17 defines specific categories of individuals who fit the definition of "delivery agent":

(a) The voter's spouse, parent, sibling, child, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild; or

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(b) If the voter is a resident of a nursing home as defined in RSA 151-A:1, IV, the nursing home administrator, licensed pursuant to RSA 151-A:2, or a nursing home staff member designated in writing by the administrator to deliver ballots; or
(c) If the voter is a resident of a residential care facility licensed pursuant to RSA 151:2, I(e) and described in RSA 151:9, VII(a)(1) and (2), the residential care facility administrator, or a residential care facility staff member designated in writing by the administrator to deliver ballots; or
(d) A person assisting a blind voter or a voter with a disability who has signed a statement on the affidavit envelope acknowledging the assistance.

In this case, your friend and roommate [redacted] could not be a "delivery agent" within the meaning of RSA 657:17. Given the specific nature of this law, delivery of an absentee or UOCAVA ballot that fails to meet RSA 657:17's requirements would properly be rejected by a moderator pursuant to his/her authority under RSA 659:53.[1]

This same information regarding the two options of delivering a completed UOCAVA ballot is contained in the "State of New Hampshire Email Instructions for UOCAVA Voters", which you would have received with your ballot that was emailed to you on Monday, November 2, 2020. A copy of those instructions is enclosed. Please note that the instructions state that your completed ballot must be sealed in an envelope addressed to the Manchester City Clerk, and your sealed ballot must be hand delivered by you personally or an authorized delivery agent.

With respect to your second question, if you wish to determine what options are available to you to continue pursuing your Right-to-Know request, you will need to consult private counsel. You may find more information in the Attorney General's Right-to-Know memorandum, which can be found here: https://www.doj.nh.gov/civil/documents/right-to-know.pdf

This matter is closed.

Sincerely,

Nicholas Chong Yen
Assistant Attorney General
Election Law Unit
(603) 271-0445
Nicholas.chongyen@doj.nh.gov

Enclosure

cc: Deputy Clerk JoAnn Ferruolo
Jim Gaudet, Ward 8 Moderator

[1] This Office does not have statutory authority to unseal the boxes containing the marked absentee ballots. Additionally, there is no evidence of a crime in this case to meet the probable cause threshold in order to obtain a search warrant for this purpose.

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

June 7, 2021

Pixie Hill, Town Clerk
Town of Springfield
PO Box 22
Springfield NH 03284-0022

Re: Inappropriate Comments during Voter Registration (2020145848)

Dear Clerk Hill:

On November 2, 2020, this Office received a complaint from a Springfield voter about the voter's experience that day at the Springfield Town Hall while registering to vote. The complaint alleged that while completing an absentee ballot for the 2020 November general election, another individual appeared at Town Hall to request information about the general election voting procedure.

According to the complaint, a town representative advised this individual to drive safely on election day. This individual responded "so I should drive fast and hit as many as I can?" to which the town representative stated "only if they're wearing blue" (or words to this effect).

On November 5, 2020, this Office reached out to you to confirm the accuracy of this complaint. You indicated that you were responsible for making the comment "only if they're wearing blue," which you acknowledged was inappropriate.

RSA 659:44-a prohibits public employees from electioneering while in the performance of their official duties. This statute defines "public employee" according to RSA 273-A:1, IX. A public employee is defined as "any person employed by a public employer" with some limited exceptions. RSA 273-A:1, IX. Those exceptions are:

(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. For the purposes of this chapter, however, no employee shall be determined

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> to be in a probationary status who shall have been employed for more than 12 months or who has an individual contract with his employer, nor shall any employee be determined to be in a temporary status solely by reason of the source of funding of the position in which he is employed.

In this case, since the town clerk is an elected position, you are not considered a "public employee" within the meaning of this law.

Additionally, it is questionable whether your comment would constitute "electioneering" within the meaning of RSA 659:44-a, III.

Nonetheless, your comment, was inappropriate, and could be misconstrued. While we understand it was a spontaneous and poorly chosen remark, as an election official, you must exercise a higher degree of prudence in the day-to-day affairs of your office. Failure to do so could be interpreted as evidence of impropriety, which may undermine the trust and confidence Springfield voters have in their elected officials.

This matter is closed.

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

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

June 7, 2021

Elizabeth S. Kinney
[redacted]
Portsmouth NH 03801

Re: City of Portsmouth – 2020 September Primary (2020145196)

Dear Ms. Kinney:

Thank you for sharing your concerns from the 2020 September primary election. This past year has presented unprecedented election challenges, and we appreciate your understanding as we continue to review complaints and reports from that period.

We understand that during the September 8, 2020 state primary, you did not have a satisfactory voting experience due to the polling place modifications utilized by City of Portsmouth election officials in response to the public health crisis. Specifically, you raise issues with:

1. The questions asked by officials as to why you were unable to wear a mask; and
2. Concerns with being unable to observe your marked ballot as it was fed into the ballot counting device.

With respect to your first concern, guidance published by this Office recognized the broad authority of moderators granted by the New Hampshire Constitution to impose a face covering or mask requirement to enter the polling place. However, we indicated that the ability to impose such a requirement was conditioned upon providing voting alternatives to those unable or unwilling to wear a mask. These alternatives relied upon strong encouragement from this Office for election officials to engage constructively with voters unable or unwilling to wear a face covering/mask to find a solution that would work for the voter.

Based on your description of events, it is apparent that the moderator's questions were not meant to be offensive, but attempting to engage constructively with you as the moderator carried out this voting alternative for the first time.

With respect to your second concern, our guidance indicated it was acceptable for election officials to use a separate ballot box in the area set aside for those unable or unwilling to

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wear a face covering or mask. The guidance also stated that it was permissible for officials to periodically take this ballot box inside to transfer cast ballots into a ballot counting device.

The State's election officials have consistently and routinely carried out New Hampshire's elections with the highest degree of integrity, diligence, and security. We have every confidence that the moderator ensured that your ballot was cast into the ballot counting device. Records from the State's centralized voter database confirm that you voted in both the 2020 September Primary and November General elections. Additionally, this Office deployed inspectors to 99% of the polling places in New Hampshire. Each of the city's five wards were inspected, and the inspector noted that an alternative voting option was provided, and did not observe any issues with this alternative option.

This matter is 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: Portsmouth City Clerk

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

June 14, 2021

[redacted]
Thornton, NH 03285

Re: [redacted] Alleged Wrongful Voting (2021148443)

Dear [redacted]

On August 18, 2020, this Office received a complaint alleging that you "fraudulently registered to vote" in Thornton, New Hampshire. Specifically, the complainant alleged that, while you claimed to be living in Thornton, you were in fact living in Lowell, Massachusetts. After careful consideration, we have concluded that no violation of New Hampshire's election laws has occurred.

In making this determination, this Office reviewed several documents forwarded by the complainant, including: a print out from Massachusetts' "ePlace" website purporting to contain information about your [redacted] an email dated July 29, 2020 from Elliott Veloso – City of Lowell's Interim Director of Elections, an email dated July 29, 2020 from the Lowell City Clerk's Office in response to the complainant's public records request, a document dated December 9, 2016 titled [redacted] and bearing a [redacted] seal for [redacted] a quote purportedly taken from the Waterville Estates' website and attributed to [redacted] a screenshot of your Facebook page taken on July 20, 2020, and the Thornton Alpha Voter List dated 01/24/2020. In addition, this Office also spoke with Thornton Supervisor of the Checklist Mary Pelchat, spoke with Lowell Police Officer John Spinney, reviewed your New Hampshire voter records, reviewed your New Hampshire motor vehicle records, and spoke with you.

On October 8, 2020, the complainant notified this Office that he had reported to the Lowell Police Department's Officer John Spinney, that you had illegally registered your vehicles in New Hampshire and obtained a New Hampshire driver's license. Chief Investigator Richard Tracy spoke with Officer Spinney. Officer Spinney shared that he had spoken to you about the report. You explained to Officer Spinney that you were separated from your wife, and were living in New Hampshire. Officer Spinney also learned that you had obtained a New Hampshire driver's license and registered two vehicles in New Hampshire. Officer Spinney accepted your

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explanation and concluded that a citation for registering your vehicles in New Hampshire was unnecessary.

Your New Hampshire voter records indicate that you registered to vote in Thornton on December 30, 2019. You have not voted in a New Hampshire election since registering to vote in this State. Records obtained from Lowell indicate that you last voted there on November 6, 2018.

On April 14, 2021, Investigator Tracy spoke with Supervisor Pelchat. Supervisor Pelchat indicated that an individual had challenged your qualifications to vote in Thornton. Based on the Asserting a Challenge affidavit, that individual was identified as the complainant in this case. In support of his challenge, the complainant attached an email received from the Interim Director for Lowell Massachusetts Elections. The email indicated that you were a registered, active voter in Lowell. This challenge voter affidavit and accompanying email was reviewed by Thornton Moderator John Piantedosi, who subsequently notified the Supervisors. After receiving this information, the Supervisors decided to remove you from the Thornton voter checklist.

Also on April 26, 2021, Investigator Tracy spoke with you. You indicated that you discovered you were removed from Thornton's voter checklist and did not understand why you remained on the voter rolls in Lowell. You assumed that you would have been removed from the Lowell voter rolls upon registering to vote in Thornton.[1]

With respect to your domicile, you indicated that you moved to Thornton approximately two years ago in February, [redacted] Following your move to Thornton, you obtained a New Hampshire driver's license and registered two vehicles using your Thornton address. New Hampshire motor vehicle records confirmed that you obtained your driver's license on February 6, 2019, and also confirmed that you registered two vehicles using your Thornton address.

When you first moved to Thornton in February, 2019, you stated that you were spending the majority of your time in Thornton. When the public health crisis caused by the coronavirus began in March of 2020, you described how you and your two children were living in Thornton. While your children go to a school in Lowell, they attended their classes remotely from Thornton. As the public health crisis began to subside, you shared that your children returned to Lowell to intermittently attend class in-person. You indicated that you would travel from Thornton to Lowell each week to assist your children with remote learning while your wife worked. You stated that during the summer of 2020, you began splitting time between Thornton and Lowell.

In the fall of 2020, when the COVID numbers started to rise again, your children returned full-time to learning remotely. At this point, you explained that you began spending more time in Lowell. This was because your wife works full-time during the day, and you needed to be at the Lowell home to assist the children with their remote classes. On April 26, 2021, your children began returning to school in-person, and you intend to resume living in Thornton.

[1] RSA 654:13 requires that a notice of transfer be sent if the voter was last registered to vote in another New England state.

In New Hampshire, in order to vote in a town, ward, or unincorporated place a person must be domiciled there. A "domicile for voting purposes is that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government." RSA 654:1, I.[2] "A domicile for voting purposes acquired by any person in any town shall not be interrupted or lost by a temporary absence therefrom with the intention of returning thereto as his or her domicile." RSA 654:2.

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

The supervisors must consider the applicant's manifestations of intent to maintain a single, continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government. There are many types of documents that satisfy this requirement. Among those documents, election officials have recognized that a New Hampshire driver's license or non-driver ID showing the applicant's current domicile address is satisfactory proof of domicile. Similarly, a New Hampshire resident motor vehicle registration showing the applicant's domicile address is also satisfactory proof of domicile.[3]

In this case, you obtained a New Hampshire driver's license bearing your Thornton address, just over ten months before registering to vote in Thornton. You also registered two of your vehicles using your Thornton address. Since obtaining a New Hampshire driver's license and registering your vehicles in this State, you told Investigator Tracy that you have been living in Thornton. As for your time in Lowell during the public health crisis to care for your children, this would constitute a temporary absence as defined under RSA 654:2.

Based on the forgoing, and your representation that you are resuming living in Thornton, this Office concludes that you are lawfully domiciled in Thornton. A copy of this letter will be sent to the Thornton Supervisors and Town Clerk. You will need to again register to vote and present proof of your voting qualifications in order to be re-added to Thornton's voter checklist. This letter is also begin sent to the Lowell City Clerk, to notify that office that you are to be removed from Lowell's voter rolls.

This matter is closed. Please feel free to contact me if you have any questions.

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

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

Sincerely,

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

cc: Edward McElroy
Thornton Supervisors of the Checklist
Thornton Town Clerk
Shannon Gouveia, Lowell City Clerk

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DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

June 14, 2021

[redacted]
Campton NH 03223

Re: [redacted] Alleged Wrongful Voting (2020144475)

Dear [redacted]

On August 18, 2020, this Office received a complaint alleging that you "fraudulently registered to vote" in Campton, New Hampshire. Specifically, the complainant alleged that while you claimed to be living in Campton, you were in fact living in Boxford, Massachusetts. After careful consideration, we have concluded that no violation of New Hampshire's election laws has occurred.

In making this determination, this Office reviewed several documents forwarded by the complainant, including: the Campton Alpha Voter List dated 07/10/2020, a spreadsheet titled [redacted] displaying the value details for your property in Campton, a print-out of details compiled by the website "mylife.com," a business listing for an organization called [redacted] from the website "buzzfile.com," and your Massachusetts voter registration status. This Office also reviewed your New Hampshire motor vehicle records, your New Hampshire voter records, and your Massachusetts voting records. We spoke with Boxford Town Clerk Robin Phelan and spoke with you.

On December 30, 2019, your New Hampshire voter records show you registered to vote in Campton. You listed [redacted] as your domicile for voting purposes. You presented an out-of-state driver's license as proof of your identity. You first voted in Campton during the February 11, 2020 Presidential Primary election. You also voted during the 2020 state primary and general elections. You did not vote during Campton's March 9, 2021 town election.

New Hampshire motor vehicle records show that you obtained a New Hampshire driver's license and surrendered your Massachusetts driver's license on January 6, 2020. Additionally, the records show that on March 27, 2020, you registered your vehicle in New Hampshire as well. Both your New Hampshire driver's license and motor vehicle registration show your address as [redacted] in Campton.

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On September 17, 2020, this Office received copies of your voter registration and voting history from Boxford Town Clerk Phelan. Clerk Phelan verified that, at the time of this call, you were still listed as a registered voter in Boxford. Your voting history shows that the last time you voted in Boxford was during the November 6, 2018 election. On April 8, 2021, Chief Investigator Richard Tracy spoke with Clerk Phelan, who confirmed that your name had been removed from Boxford's voter checklist.

On October 20, 2020, you contacted Investigator Tracy after learning that he had inquired about your voting status in Boxford. During the conversation, you confirmed that you and your wife own property in both Boxford and Campton. However, you explained that you live predominately in Campton, while your wife lives in Boxford. You stated that this has been the arrangement for the past year.

On April 8, 2021, Investigator Tracy contacted you to follow-up on this matter. You asserted that you have continued to live in Campton, and have obtained a New Hampshire driver's license and registered your vehicle in this State. You confirmed having voted three times in New Hampshire during the 2020 election cycle. You explained that prior to your conversation with Investigator Tracy on October 20, 2020, you were not aware that the Boxford officials had failed to remove you from their voter checklist because you believed the removal process to automatically take place after registering to vote in Campton, New Hampshire. As a result, following your conversation with Investigator Tracy on October 20, 2020, you immediately contacted the Boxford Town Clerk's office and asked to be removed from the voter checklist. Finally, you told Investigator Tracy that you and your wife are considering selling your property in Boxford.

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

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

The supervisors must consider the applicant's manifestations of intent to maintain a single, continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government. There are many types of documents that satisfy this requirement. Among those documents, election officials have recognized that a New Hampshire driver's

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

license or non-driver ID showing the applicant's current domicile address is satisfactory proof of domicile. Similarly, a New Hampshire resident motor vehicle registration showing the applicant's domicile address is also satisfactory proof of domicile.[2]

In this case, in addition to establishing physical presence in Campton on or before December 30, 2019, you have obtained a New Hampshire driver's license and registered your vehicle in this State. Furthermore, you contacted the Boxford Town Clerk and directed them to remove you from their voter checklist. This evidence taken together, in light of the analysis outlined above, establishes that you are in fact lawfully domiciled for voting purposes in Campton, New Hampshire.

This matter is closed. Please 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: Edward McElroy
Hannah Joyce, Campton Town Clerk
Campton Supervisors of the Checklist

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

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

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JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

June 14, 2021

Linda Guyette, Town Clerk
Town of Peterborough
1 Grove Street
Peterborough, NH 03458

Re: Town of Peterborough, 2020 November General Election Complaints
(2020145901)

Dear Clerk Guyette:

During the November 3, 2020 General Election, this Office received three complaints regarding the alternative voting option available at the Town of Peterborough's polling place. The three complainants shared that there was no ballot box available in the alternative voting area. Voters reported that after completing their ballot, the election officials held onto the completed ballot until the voter left, after which it was cast into the ballot box inside the polling place.

Marc Cramer reported that he waited in a line to enter the polling place for approximately thirty minutes without a mask. He observed election officials walking up and down this line, passing him several times, yet not telling him that a mask was required to enter the polling place. It was not until Mr. Cramer reached the front of the line that he was told he could not enter unless he wore a mask. Ultimately, Mr. Cramer accepted the alternative voting option offered by election officials. The alternative voting area was on the side of the building. Mr. Cramer reported that once an election official met with him, the official asked multiple times why he (Mr. Cramer) would not wear a mask, and did not initially offer the voting alternative. Mr. Cramer explained to the Moderator that he simply wanted to vote using whatever alternative was available. He estimated between speaking to this official and waiting in this side area, he was there for one hour, without having received a ballot. He was ultimately allowed into the atrium of the building to vote, without a voting booth, and with two election officials standing behind him. Mr. Cramer described how he was told to give the completed ballot to the election officials, and was not allowed to put the ballot into the ballot box himself. He had concerns about not knowing whether his ballot was in fact placed into the ballot box

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On November 6 and 9, 2020, you provided this Office with information regarding the alternative voting option available at the Peterborough polling place during the November General Election.

You acknowledged that due to heavy poll traffic, it did take some time to respond to voters who had been directed to the alternative voting area. Most of the time, a police officer would escort voters unable or unwilling to wear a mask, inside the Food Pantry lobby/atrium while they waited for you to bring them a ballot. However, you explained there was one instance when the officer was not available because there was an incident outside the polls requiring the officer's attention. You stated election officials made every effort to get to the voters unable or unwilling to wear a mask as quickly as possible, but it was at times difficult, given the significant demands of this election cycle.

With respect to the alternative voting area, you confirmed that there was no ballot box inside the Food Pantry lobby. Once the voter was finished voting, he/she handed you his/her ballot, at which time it was promptly walked over to the voting machine to be deposited. You described how there are windows on the Food Pantry lobby doors, which would permit a voter to observe you deposit his/her ballot.

As for the process of dealing with voters unable or unwilling to wear a mask, you stated that election officials were instructed to make sure that voters were wearing a mask and, if they were not, to offer them a mask. If the voter still refused to wear one, election officials were to instruct the voter to go to the Food Pantry doors at the front of the building where you would meet him/her.

You further explained that you checked-in the voters in the alternative voting area and also gave them their ballots. You waited at the other end of the Food Pantry lobby until the voter finished voting, after which, the voter would hand you his/her ballot. The voter had the option to watch you walk his/her ballot over to the ballot counting device or simply leave the building.

With respect to matter of a ballot box not being present in the alternative voting area, our guidance indicated it was acceptable for election officials to utilize a separate ballot box in the event they utilized a separate ballot box for those unable or unwilling to wear a face covering or mask. The guidance also stated that it was permitted for officials to periodically take this ballot box inside to transfer cast ballots into their ballot counting device. The State's election officials have consistently and routinely carried out New Hampshire's elections with the highest degree of integrity, diligence, and security. We have every confidence that the moderator ensured that the ballots in this case were cast into the ballot counting device.

On August 20, 2020, the Attorney General's Office published memorandum outlining guidelines to follow if an alternative voting area was utilized. Specifically, an alternative option that "must allow the voter to register and vote efficiently, privately, and in a manner that best allows the realization of the full extent of that voter's right to vote." Attorney General's Supplemental Guidance on 2020 Election Operations, Pg. 5. "The alternative cannot, through inefficiency or difficult of use, make it harder for a non-face covered voter to register and vote." Id.

We acknowledge that the unprecedented challenges presented by the public health crisis imposed increased burdens upon election officials during an already busy election cycle. The reports received by this Office following the election were a testament to the tremendous efforts of election officials in ensuring the 2020 election cycle was conducted safely.

Nonetheless, given the three complaints received by this Office, and the information you provided, the deficiencies in Peterborough's alternative voting area must also be acknowledged. Not only were voters in this area without similar privacy as the inside voting area, but wait times for voters unable or unwilling to wear a mask appeared to have been longer compared to masked voters.

While this Office did not obtain any evidence to suggest a voter's ballot was not counted, or a voter who was unable or unwilling to wear a mask was deterred from voting, the above deficiencies led to negative voting experiences of some voters. Both the Secretary of State and Attorney General publish guidance to ensure officials are equipped to handle the unique challenges that appear for each election. It is important that this guidance is followed as is reasonably practicable to ensure the consistency of a voter's voting experience in every polling place.

This matter is 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: Town of Peterborough Moderator
Marc Cramer

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

June 28, 2021

Friends of Senator French
[redacted]
Webster, NH 03303

Re: Friends of Senator French, Alleged Campaign Finance Violation (2020145201)
Warning Letter

Dear Senator French:

On August 31, 2020, this Office received a complaint from Johnna Davis, dated August 28, 2020. Ms. Davis alleged that you violated RSA 664:6, II by not filing your Statement of Receipts and Expenditures for the August 19, 2020 reporting period by its deadline, also on August 19, 2020.

In reviewing this filing, this Office observed that it was stamped "RECEIVED" by the Secretary of State's Office on September 1, 2020. This is nine weekdays after the August 19, 2020 deadline.

This Office also reviewed your candidate committee's other filings for the 2020 election cycle. Among the nine filings for this period, four other statements were filed after the deadline:

(1) the statement due June 5, 2019, was marked received by the Secretary of State's Office on June 7, 2019;
(2) the statement due June 17, 2020, was marked received by the Secretary of State's Office on June 26, 2020;
(3) the statement due September 2, 2020, was marked received by the Secretary of State's Office on September 17, 2020; and
(4) the statement due September 16, 2020, was marked received by the Secretary of State's Office on September 17, 2020.

RSA 664:6, I mandates that "[s]tatements shall be filed not later than the first Wednesday in June and December after the state general election and before the filing deadline established in RSA 655:14."

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RSA 664:6, II requires a political committee to file an itemized statement "with the secretary of state not later than the Wednesday three weeks immediately preceding a primary and a general election, before 5 o'clock in the afternoon."

RSA 664:6, III further requires a political committee to file an itemized statement "summarizing the previous statements if such statements are filed and itemizing all receipts and expenditures since the cutoff of the previous report and ending on the day of the primary or the general election with the secretary of state not later than the second Wednesday after the election, before 5 o'clock in the afternoon."

Please be advised that failure to comply with these filing deadlines may result in further enforcement action by this Office.[1]

This matter is 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: Johanna Davis
William M. Gardner – Secretary of State

[1] See RSA 664:21, IV ("[A]ny person who fails to file any report or statement on the date on which the report or statement is due under this chapter shall be subject to a daily fine of $25 for every weekday for which the report or statement is late and until the report or statement is actually filed, except that candidates for the general court shall be subject to a daily fine of $5 under this paragraph.")

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JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

June 28, 2021

[redacted]
Lafayette CO 80026

Re: [redacted] Alleged Wrongful Voting (2020146045)

Dear [redacted]:

On or around November 13, 2020, this Office was notified by the Derry Town Clerk that a complainant alleged that you wrongfully voted during the November 3, 2020 general election because at the time, you were no longer domiciled in Derry, but in Colorado.

On November 13, 2020, you spoke with Chief Investigator Richard Tracy and confirmed that you did, in fact, vote absentee in Derry during the November 3, 2020 general election. You explained that prior to the election, you visited Colorado on or about January 2020 to take a temporary job [redacted] You continued to maintain your domicile in Derry. The employment contract was scheduled for 400 hours and scheduled to end sometime in the spring of 2020.

During the November 2020 general election, you stated that you voted absentee in Derry because if you lost the job, you would need to move back to Derry, which is why you continued to maintain the Derry address. You indicated that due in large part to the pandemic, you were uncertain whether your part-time job would actually last. You also expressed concerns about standing in line to register and vote in Colorado during the pandemic. You assured Investigator Tracy that if you remained in Colorado you would register and vote in Colorado.

On February 8, 2021, Investigator Richard Tracy searched motor vehicle records and verified that you still possessed both a valid New Hampshire Driver's License and a New Hampshire motor vehicle registration for your car.

In New Hampshire, in order to vote in a town, ward, or unincorporated place a person must be domiciled there. A "domicile for voting purposes is that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in

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democratic self-government." RSA 654:1, I.[1] "A domicile for voting purposes acquired by any person in any town shall not be interrupted or lost by a temporary absence therefrom with the intention of returning thereto as his or her domicile." RSA 654:2.

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

In this case, during the November 3, 2020 general election, you continued to maintain your New Hampshire Driver's License and motor vehicle registration. Additionally, while you did move to Colorado, given the uncertainty surrounding your employment and the purpose of your visit to Colorado being the pursuit of temporary job opportunities, we do not believe the evidence shows that you established domicile in Colorado. As a result, this Office concludes that you were domiciled and appropriately voted in Derry during the November 3, 2020 General Election.

Please note, if you are no longer domiciled within the meaning of RSA 654:1 in Derry or any town in New Hampshire, you may no longer vote in this State unless and until you re-establish your domicile in New Hampshire.

This matter is closed. Please 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: Daniel Healey, Town of Derry

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

ATTORNEY GENERAL
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JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

July 2, 2021

SENT VIA EMAIL ONLY
Woodburn for Senate, Candidate Committee
c/o Donna Brown, Esq.
dbrown@wadleighlaw.org

Re: **CEASE AND DESIST ORDER** (2020144978)
Violation of RSA 664:13, 664:21, V

Dear Woodburn for Senate:

On August 26, 2020, this Office received a report that the Woodburn for Senate Campaign improperly used campaign funds for personal expenses. Specifically, it was alleged that $500 had been withdrawn from the campaign's bank account and used to pay for Jeff Woodburn's bail for his pending criminal case.

I. FACTUAL BACKGROUND

The complainant reported that the "Woodburn for Senate" candidate committee listed an expenditure on August 2, 2018 to "Denny Ruprecht" for $500. The complainant stated that this was the same day that Mr. Woodburn posted bail, and according to a New Hampshire Public Radio article[1], the amount of his bail was $500. The complainant stated that Mr. Ruprecht was Mr. Woodburn's campaign manager during the 2018 campaign.

On the statement for the August 22, 2018 reporting period, the Woodburn for Senate candidate committee listed the following expense:

- **Paid to Whom**: Denny Ruprecht
- **Amount of Expense**: $500
- **Date**: 8/2/18
- **Nature of Expenditure**: "ATM withdrawal error (personal matter)".

Under the list of receipts on the Statement was the following transaction:

- **Contributor Name**: Jeff Woodburn –Woodburn Properties
- **Amount**: $500.00
- **Date**: 8/7/18

[1] https://www.nhpr.org/post/state-sen-jeff-woodburn-arrested-domestic-violence-assault-charges#stream/0

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On September 18, 2020, this Office contacted Mr. Ruprecht for clarification of this reported transaction. After explaining the purpose of the call, Mr. Ruprecht indicated that he would need to consult an attorney before providing an answer. He also wanted an opportunity to review the statement in question.

On September 22, 2020, this Office was contacted by Attorney Alan Cronheim about this matter. After explaining the nature of the complaint, and the objective of this Office's inquiry, Attorney Cronheim said he would speak with Mr. Ruprecht, and determine what information, if any, he could provide.

On September 25, 2020, Attorney Cronheim contacted this Office and stated that Mr. Ruprecht declined to respond to the complaint.

On December 22, 2020 following the 2020 general election, this Office notified Attorney Cronheim it would be issuing an administrative subpoena to interview Mr. Ruprecht.

On January 21, 2021, pursuant to this subpoena, this Office spoke with Mr. Ruprecht, who was accompanied by Attorney Cronheim.

During the interview, Mr. Ruprecht explained that he was the campaign manager during Mr. Woodburn's 2018 campaign. With respect to the campaign's reporting obligations under Chapter 664, Mr. Ruprecht explained that Mr. Woodburn kept track of all of his candidate committee's receipts and expenses using a spreadsheet, which he himself maintained. Mr. Ruprecht also shared that Mr. Woodburn assigned each expenditure its own description. As a result, Mr. Ruprecht asserted that he did not put together the candidate committee's August 22, 2018 statement.

With respect to the day of the reported expenditure, Mr. Ruprecht stated that he and Mr. Woodburn were at the New Hampshire Democratic Party's (or "NHDP") headquarters in Concord. Throughout the day, Mr. Ruprecht said he was working on an assignment from Mr. Woodburn to have his (Woodburn's) voting record available in every library in his jurisdiction.

In the afternoon, he said Mr. Woodburn left and walked to the State House. Mr. Ruprecht said that Mr. Woodburn left his car keys and wallet with Mr. Ruprecht. After Mr. Woodburn's departure, Mr. Ruprecht stated that he received a phone call from Andrew Hosmer. Upon answering, Mr. Hosmer gave the phone to Mr. Woodburn. Mr. Ruprecht said Mr. Woodburn asked him to withdraw $500 and meet him at the offices of Preti Flaherty in Concord.

Mr. Ruprecht explained that he only had access to one of Mr. Woodburn's debit cards, and that was the one for the candidate committee's bank account. He said there was only one debit card associated with this account, and this debit card bore the name "Woodburn for Senate." Mr. Ruprecht added that Mr. Woodburn would often give him the candidate committee's debit card. Consequently, Mr. Ruprecht also knew the candidate committee's PIN number.

Mr. Ruprecht told this Office that Mr. Woodburn did not explain what the $500 was for. Additionally, Mr. Ruprecht represented that Mr. Woodburn did not inform him that he (Woodburn) had a warrant for his arrest.

After taking this call. Mr. Ruprecht said he went to the Bank of New Hampshire in Concord and withdrew $500 using the candidate committee's debit card. Mr. Ruprecht said he could not recall having used this debit card at an ATM before, but he asserted he had no reason to be suspicious of this withdrawal.

Upon arriving at Preti Flaherty, Mr. Ruprecht said he was met by Mr. Hosmer, and gave him the $500. Mr. Ruprecht reported when he dropped off the cash, he did not see Mr. Woodburn.

After dropping off the cash, Mr. Ruprecht said he returned to the NHDP headquarters to resume his library assignment from earlier that day.

Mr. Ruprecht said he returned to Preti Flaherty and was present inside a conference room while Mr. Hosmer and Mr. Woodburn spoke. Mr. Ruprecht asserted they did not discuss the $500 or what it was used for.

At some point in the discussion Mr. Ruprecht said Mr. Woodburn asked which bank account he used to withdraw the $500 from. When Mr. Ruprecht answered it was the candidate committee's bank account, he described how Mr. Woodburn remarked that the money was not supposed to come from this account. According to Mr. Ruprecht, Mr. Woodburn thought aloud that he would have to reimburse the candidate committee's bank account to correct the withdrawal error.

II. APPLICABLE LAW

RSA 664:13 states in relevant part –

> "No member of such committee shall make or permit any unlawful expenditure or act by said committee, in whole or in part, or consent thereto, or aid, abet or conspire to make or permit the same."

RSA 664:2, IX defines an "expenditure" as "the disbursement of money or thing of value or the making of a legally binding commitment to make such a disbursement in the future or the transfer of funds by a political committee to another political committee or to a candidate for the purpose of promoting the success or defeat of a candidate or candidates or measure or measures."

III. ANALYSIS

In the instant case, it is clear that the funds withdrawn by Mr. Ruprecht at the direction of the candidate committee was used to pay Mr. Woodburn's bail in his criminal matter. The value of the withdrawal matches the reported bail amount that was ordered in Mr. Woodburn's

criminal case. The purpose of the withdrawal is further established by the attempt to reimburse the candidate committee. The receipt entry dated August 7, 2018, shows the exact same amount being received by the candidate committee from "Jeff Woodburn –Woodburn Properties," two business days after the $500 withdrawal was made. This receipt by the candidate committee, an apparent attempt to rectify an unlawful expenditure, is additional evidence that the withdrawal was used for a non-campaign purpose.

While it was necessary for the candidate committee to be reimbursed for this non-campaign related expense, the expenditure should not have occurred in the first place.

The candidate committee and Mr. Woodburn should have been aware that Mr. Ruprecht only had access to the committee's debit card, and not Mr. Woodburn's personal bank account. There is no argument that would permit using campaign contributions to pay for a candidate's bail in a criminal matter as a legitimate "expenditure" within the meaning of RSA 664:2, IX.

Candidates, committees, and elected officials must be held to a high standard of care with respect to their campaign finance obligations. These obligations are required by law to maximize transparency, and to ensure the public can trust their contributions to their chosen candidate will not be used improperly.

Failure to comply with these obligations and using these contributions for non-campaign purposes undermines this trust, the confidence of the public in their chosen candidate, and the electoral process as a whole.

IV. CONCLUSION

RSA 664:18, II(a) authorizes the attorney general to issue an order requiring the violator of Chapter 664 to cease and desist from his or her violation. If the attorney general's order is not obeyed, the attorney general or designee may petition the superior court of the county in which the violation occurred for an order of enforcement. RSA 664:18, II(a).

Based on the forgoing, this Office concludes that the candidate committee has violated RSA 664:13, by using campaign contributions for a non-campaign purpose, specifically, to pay for Mr. Woodburn's bail in his criminal matter. The candidate committee is hereby ordered to **Cease and Desist from making further expenditures for non-campaign purposes**. Failure to do so could constitute a violation of RSA 664:13

This matter is closed.

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

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

July 21, 2021

Nicole Bottai, Town Clerk
Town of Windham
PO Box 120
Windham, NH 03087

Re: Town Clerk's Office Clerical Error (2020145572)

Dear Clerk Bottai:

On October 20, 2020, this Office was notified that a Windham resident had requested an absentee ballot for the November 3, 2020 general election. It was reported that on October 16, 2020, the voter was given a completed, sealed absentee ballot belonging to another voter. This voter did not realize the absentee ballot package he received was one containing a completed absentee ballot, until he opened the envelope.

On October 21, 2021, Chief Investigator Richard Tracy met with this voter, and took possession of the opened affidavit envelope containing the completed absentee ballot. He met with you at the Windham Town Clerk's Office, and the voter, whose affidavit envelope was opened, was contacted and successfully submitted another absentee ballot. This voter's original absentee ballot was properly spoiled in accordance with RSA 659:22.

The voter who received the completed absentee ballot, was similarly provided with a fresh absentee ballot package and voted using it.

While present at your office, Investigator Tracy observed other Windham residents applying for and/or dropping off absentee ballots. The assistant clerks serving these residents were seated behind a counter. Investigator Tracy saw that in front of these assistant clerks were a stack of completed absentee ballot packages on one side, and a stack of blank absentee ballot packages on another.

Fortunately, in this case, Windham election officials in cooperation with this Office were able to quickly address the situation to ensure both voters were able to vote. Furthermore, this Office has not obtained any evidence to suggest that there were any other instances of this error occurring prior to the 2020 general election. However, had the receiving voter not informed this

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Office of this error, this situation may not have been detected in time to adequately deploy sufficient remedies.

This Office recognizes the unprecedented challenges and burdens upon election officials during the 2020 election cycle. However, this was a significant error that could have resulted in one or two voters' votes not being counted.

Consequently, we require the Windham Town Clerk's Office to submit a written remediation plan within 30 days, outlining the steps it will take to keep track of completed absentee ballots submitted by voters to ensure these envelopes are not inadvertently provided in response to new absentee ballot requests.

We will follow-up upon receipt of an acceptable remediation plan. Please 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: William M. Gardner, Secretary of State
Attorney Bernard Campbell, Windham Town Counsel

TOWN OF Windham NEW HAMPSHIRE

TOWN CLERK'S DEPARTMENT
3 N Lowell Road, Windham, NH 03087
(603) 434-5075 / Fax (603) 965-1275
TownClerk@WindhamNH.gov

August 24, 2021

Acknowledgment and Remediation Plan

Overview:

The Windham Town Clerk's Department received correspondence from the Attorney General's office dated July 21, 2021 regarding an absentee voter that received another voter's completed absentee ballot. During the Covid pandemic, and the months and weeks leading up to the 2020 November General Election, Windham received triple the amount of absentee ballot requests and new voter absentee ballot requests than we have ever seen historically. Unfortunately, we did not have a Deputy Town Clerk during this unprecedented and peculiar time. We managed to recruit the help of our Town Moderator and Deputy Town Moderator some days to manually alphabetize absentee requests, match up the absentee requests with completed absentee ballots, alphabetize received completed ballots, accept absentee applications from "in person" voters, and issue and prepare absentee ballots and all instructions and envelopes associated.

Background:

As Investigator Tracy witnessed, our office environment has an extremely limited amount of space, and while practicing social distancing, we were working in the very best manner that the space, and tools within allowed us, all while doing other important required duties such as processing motor vehicle registrations and title applications, providing vital record assistance, support for any record requests, notary services, and other election duties such as voter registration and preparing our large polling place with the new Covid guidelines that was temporarily put into place. Unfortunately, the election volunteers don't have access to the ElectioNet system, so we had to be hyper aware of additional piles of "not inputted" and "inputted" requests and absentee ballots into the ElectioNet system. These system updates are extremely important to the voter whom also has access to verify that their absentee ballot was requested, issued, and received on the correct dates. At that time, we only had 3 ElectioNet users that could continuously update all of the absentee ballot requests in the system concurrently. We needed to make sure that all received requests were in fact in the system, all ballots issued and received were also date stamped and updated in the system. At the time of the occurrence, there were 2 Assistant Clerks at the counter, along with one of the Moderators, helping the incessant line that wrapped around Town Hall all day, every day.

In an effort to work efficiently, one of the Clerks had a pile of pre-prepared absentee ballot packages ready for new absentee ballot requests, and a pile of just received completed absentee ballots from the few dozens of "in person" absentee voters in line. Inadvertently a ballot was selected from the incorrect pile and given to the next voter. We never have our own election material working piles in front of us, in fact we have dedicated areas within our office space where we prepare absentee ballots and envelopes and then another dedicated area for received absentee ballots.

Town of Windham New Hampshire

TOWN CLERK'S DEPARTMENT
3 N Lowell Road, Windham, NH 03087
(603) 434-5075 / Fax (603) 965-1275
TownClerk@WindhamNH.gov

Even though we were short staffed, and had the most requests that we have ever seen in our careers, we tried our best to spend the time and care for the completion of each task, even if the voter had to wait some time. At times, many voters would also try to simply leave their completed absentee ballots on the counter, forcing us to call them to remedy the situation. Needless to say, voters were impatient and looking to get in and out as quick as possible.

During a normal circumstance, when we receive completed absentee ballots, we update the ElectioNet system immediately, locate the absentee ballot request, and file the completed ballot in our records vault alphabetically as soon as the voter finishes. More often than not during October, we didn't have many opportunities to break away from the counter due to the in person demand, wait line times, and pressure of the voters. This specific occurrence is something that is extremely rare, due to the sheer quantity of requests received, and limited staff. This has never happened due to our checks and balances that are in place, and specifically our dedicated areas and processes that we have already established.

Remediation:

- Recruit more volunteers or temporary employees if there is a staff shortage during Election times, specifically people that can utilize ElectioNet if space and time allows during any Presidential Election, or there happens to be another health emergency crisis.
- Even under intense stress and pressure, pause after each voter's request and focus on completing entries in the system, matching requests, and filing manually all materials immediately and successfully before entertaining the next customer/voter.
- Continue to keep all various "status" absentee ballot piles organized however, ensure that they remain in the specific dedicated areas assigned and not in personal work stations.
- Continue to keep open communication with staff, and distribute this correspondence as a reminder.
- Continue to meet periodically with office staff and other Election officials leading up to each Election and post-Election. Continue facilitation and incorporating brainstorming sessions of best practices for the office regarding Elections.

Thank you for bringing this to our attention, and we will continue to do the very best that we possibly can.

Sincerely,

Nicole Merrill
Town Clerk

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

August 31, 2021

SENT VIA EMAIL ONLY
Nicole Merrill, Town Clerk
Town of Windham
NBottai@WindhamNH.gov

Re: Town Clerk's Office Clerical Error (2020145572)

Dear Clerk Merrill:

This Office is in receipt of the Windham Town Clerk's Office's remediation plan dated August 24, 2021 relative to this matter.

We have reviewed the remediation plan and it is acceptable. This matter is closed.

Sincerely,

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

cc: Bernard H. Campbell, Esq., Windham Town Counsel

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ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

August 5, 2021

Alfred LeBlanc
[redacted]
Sunapee, NH 03782

Re: **CEASE AND DESIST ORDER** (2020145888)
Violation of RSA 659:43

Dear Mr. LeBlanc:

On November 9, 2020, this Office received a report from the Town of Sunapee Moderator, alleging unlawful electioneering inside the polling place during the November, 2020 general election. Specifically, the Moderator alleged that on election day, you refused to remove a "Trump" hat while inside the polling place. The Moderator also reported that you contested the existence of any law prohibiting the wearing of electioneering clothing inside the polling place. You were not otherwise prohibited from entering the polling place, or prevented from voting during this election.

On August 4, 2021, Chief Investigator Richard Tracy reached out and spoke with you. After explaining the purpose of his call, you acknowledged that you did in fact wear your "Trump" hat inside the polling place and refused to take it off as directed. During that conversation with Investigator Tracy, you were informed of the prohibition against electioneering inside the polling place pursuant to RSA 659:43.

Please be advised, RSA 659:43 states in relevant part that "[e]lectioneering shall be prohibited within the polling place building."

"Electioneering" means "visibly displaying or audibly disseminating information that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure being voted." RSA 652:16-h. This includes, but is not limited to, wearing clothing that displays a candidate's name. RSA 652:16-h, I.

The law further contemplates penalties for violations, which include –

- Whoever violates any of the provisions of this section shall be guilty of a violation.

- Whoever violates any of the provisions of this section shall be subject to a civil penalty not to exceed $1,000.

RSA 659:43, VIII & IX.

In this case, you wore a hat bearing the name of a candidate on the November, 2020 general election ballot. As such, your hat would constitute "electioneering" within the meaning of RSA 652:16-h, and was prohibited from being displayed or worn inside the polling place.

Pursuant to RSA 659:43, and based upon the investigation conducted by our Office, you are hereby ordered to **Cease and Desist from engaging in further electioneering inside the polling place in future elections**. Failure to do so could constitute a violation of RSA 659:43 and result in further enforcement action by this Office.

This matter is closed.

Sincerely,

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

cc: Town of Sunapee Moderator

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

August 5, 2021

Joanne O'Brien
[redacted]
Raymond, NII 03077

Re: Town of Raymond, Alleged Election Official Misconduct (2020145250)

Dear Ms. O'Brien:

On October 2, 2020, you contacted this Office to report a concern you had regarding the receipt of your absentee ballot for the September, 2020 state primary. Specifically, you reported that your completed absentee ballot was received at the polling place by two male election officials. You stated that after accepting your absentee ballot, you observed one of the male election officials remove your absentee ballot from the envelope and add it to what appeared to be a stack of ballots. Next, you reported that this male election official tossed your absentee ballot envelope into a waste basket. You were concerned given, what you observed, about whether your absentee ballot was actually counted. You explained that you checked the Secretary of State's website and learned that your absentee ballot was rejected.

On October 3, 2020, Chief Investigator Richard Tracy spoke with Raymond Town Clerk Alyssa Richard. She assured us that the two male election officials stationed for receipt of dropped-off absentee ballots were experienced selectboard members. Furthermore, upon receipt of dropped-off absentee ballots, these individuals would have brought them inside for processing. Clerk Richard also shared that your absentee ballot was rejected because you did not sign the affidavit envelope. Clerk Richard informed us that she would contact you and explain the situation.

On July 27, 2021, you spoke with Investigator Tracy, and shared that you did not submit the appropriate envelopes with the submission of your absentee ballot for the September, 2020 state primary. Having learned from this mistake, you informed Investigator Tracy that you successfully voted absentee during the November 2020 general and March, 2021 town elections.

As discussed with Investigator Tracy, please be advised that in order to properly submit your absentee ballot, it first must be sealed in a signed affidavit envelope. The signed and sealed affidavit envelope containing your absentee ballot must be sealed inside of the outer envelope.

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RSA 659:53 provides that a moderator shall reject an absentee ballot for reasons including, but not limited to: (1) Affidavit improperly executed; or (2) Not signed by a proper person.

Based on the forgoing, we conclude that your absentee ballot for the September, 2020 state primary was properly rejected for the reason outlined by Clerk Richard.

For your convenience, a copy of the one-page absentee ballot instructions from the 2020 election cycle has been included for your review.

This matter is 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
cc: Alyssa Richard, Raymond Town Clerk

STATE OF NEW HAMPSHIRE
Instructions for
STATE PRIMARY OR GENERAL ELECTION

HOW TO MARK YOUR BALLOT:
To Vote: Completely fill in the oval ● to the right of your choice. For each office, vote for not more than the number of candidates stated in the sentence: "Vote for not more than _____." If you vote for more than the stated number of candidates, your vote for that office will not be counted.
To Vote by Write-In: To vote for a person whose name is not printed on the ballot, write in the name of the person in the "write-in" space. Completely fill in the oval ● to the right of your choice.
To Vote on a question on the ballot: Completely fill in the oval ● opposite either YES or NO indicating your choice on that question.

PROCEDURE AFTER MARKING YOUR BALLOT:

After marking the ballot, the voter or the person assisting a blind voter shall enclose and seal the same in the small inner affidavit envelope. The voter shall execute the affidavit. If you are voting absentee because of COVID-19 concerns, execute the affidavit "Absence Because of Religious Observance or Physical Disability. Even if you do not consider yourself a person with disability in other circumstances, this term applies for registering to vote and voting in 2020. Make sure you read the affidavit before signing. A person assisting a blind voter or a voter with a disability in executing the affidavit shall sign a statement on the affidavit envelope acknowledging the assistance and shall enclose and seal the small inner envelope with the affidavit in the larger outer envelope. On the larger outer envelope, fill in the name of the town or city where you are entitled to vote, write your full name, address and voting place in the upper left hand corner.

Affix postage and mail the larger outer envelope to the clerk in the city or town in which you are entitled to vote **OR** the voter may personally deliver it or have it delivered by the voter's "delivery agent."

A delivery agent may be:

a) The voter's spouse, parent, sibling, child, grandchild, father-in-law, mother-in-law, daughter-in-law, son-in-law, stepparent, stepchild; or
(b) If the voter is a resident of a nursing home as defined in RSA 151-A:1, IV, the nursing home administrator, licensed pursuant to RSA 151-A:2, or a nursing home staff member designated in writing by the administrator to deliver ballots; or
(c) If the voter is a resident of a residential care facility licensed pursuant to RSA 151:2, I(e) and described in RSA 151:9, VII(a)(1) and (2), the residential care facility administrator, or a residential care facility staff member designated in writing by the administrator to deliver ballots,; or
(d) * A person assisting a blind voter or a voter with a disability who has signed a statement on the affidavit envelope acknowledging the assistance. **A person assisting blind/disabled voters may not deliver more than 4 absentee ballots in any election.*

If delivered to the polls on election day by a "delivery agent" he or she will be required to complete a form provided there by the clerk and to present government issued photo identification or have his or her identity verified by the clerk. RSA 657:17.

Absentee ballots delivered through the mail or by the voter's delivery agent shall be received by the town, city or ward clerk no later than 5:00 PM on the day of the election.

In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed $2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed $5,000.

Visit the web site: **https://app.sos.nh.gov** to track your ballot. You may verify receipt of your application, the date when your absentee ballot was mailed to you, the date the clerk receives your completed absentee ballot, and after the election learn if your absentee ballot was rejected/not counted and why. Contact your clerk if you have questions regarding the information on the track your ballot site.

NOTE: Your ballot must be received by the town or city clerk, ***no later than 5:00 p.m. on election day in order to be submitted for counting.***

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

August 5, 2021

Chief Robbie E. Dirsa
Hampton Falls Police Department
3 Drinkwater Road
Hampton Falls, NH 03844

Re: Hampton Falls, Alleged Illegal Campaign Activity (2020145635)

Dear Chief Dirsa:

On October 21, 2020, you forwarded this Office a report from your police department, regarding a vandalized campaign sign. Specifically, two swastika labels were affixed to a "Trump 2020" campaign sign at the intersection of Drinkwater Road and Hillcrest Drive in Hampton Falls.

This Office understands that Officer Justin Doty spoke with the complainants – Edward Beattie and David Allen – however neither individual had information on the identity of the perpetrator. Officer Doty also spoke with the owner of the property where the campaign sign was placed, Sylvie St. Jean, but she, too, did not have any information on the identity of the suspect. Ms. St. Jean explained that she cannot see the sign from her home and she does not have a household camera that covers the area where the sign was placed.

On July 29, 2021, Chief Investigator Richard Tracy contacted you about this matter. You indicated that your police department did not receive any other information that would identify the suspect. Investigator Tracy also spoke with Mr. Beattie that same day, however, he did not have any additional information.

Based on the forgoing, there is insufficient evidence for this Office to identify the suspect in this matter in order to continue its investigation. As such, this matter will be closed.

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

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Sincerely,

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

cc: Edward Beattie

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

August 18, 2021

Bruce Hartford
[redacted]
Lebanon, NH 03766

Re: **WARNING LETTER REGARDING ELECTIONEERING**
(2020145856)
Violation of RSA 659:43

Dear Mr. Hartford:

On November 5, 2020, this Office received a report from the Lebanon City Clerk alleging unlawful electioneering inside the polling place during the November 2020 general election.

The moderator alleged that she asked you to remove your hat because it displayed a candidate's slogan, "Make America Great Again". She reported that at first you ignored her, then after her additional requests you removed your hat for a short period of time before donning it again while inside the polling place. Another witness reported that she believed a second voting official also asked you to remove your hat, but that you refused. You were not otherwise prohibited from entering the polling place, or prevented from voting during this election.

On July 29, 2021, Chief Investigator Richard Tracy spoke with you. After explaining the purpose of his call, you acknowledged that you did in fact wear a "Make America Great Again" hat inside the polling place and refused to take it off as directed. You stated that two individuals asked you to remove your hat. You stated that you gave an election official "some crap" but did take off your hat while casting your ballot before putting it on to walk out of the polling place. During that conversation with Investigator Tracy, he informed you of the prohibition against electioneering inside the polling place pursuant to RSA 659:43.

RSA 659:43 states in relevant part that "[e]lectioneering shall be prohibited within the polling place building." "Electioneering" means "visibly displaying or audibly disseminating information that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure being voted." RSA 652:16-h. This

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includes, but is not limited to, wearing clothing that displays a candidate's name. RSA 652:16-h, I.

The law further contemplates penalties for violations, which include –

- Whoever violates any of the provisions of this section shall be guilty of a violation.
- Whoever violates any of the provisions of this section shall be subject to a civil penalty not to exceed $1,000.

RSA 659:43, VIII & IX.

In this case, you wore a hat bearing the slogan of a candidate on the November 2020 general election ballot. As such, your hat would constitute "electioneering" within the meaning of RSA 652:16-h, and was prohibited from being displayed or worn inside the polling place.

Pursuant to RSA 659:43, and based upon the investigation conducted by our Office, you are hereby **warned against engaging in further electioneering inside the polling place in future elections**. Failure to do so could constitute a violation of RSA 659:43 and result in further enforcement action by this Office.

This matter is closed.

Sincerely,

Myles Matteson
Assistant Attorney General
Election Law Unit
(603) 271-3650
myles.b.matteson@doj.nh.gov

cc: Lebanon City Clerk

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

August 18, 2021

Brandan Little
[redacted]
Farmington NH 03835

Re: CEASE AND DESIST ORDER (2020146006)
Violation of RSA 659:43

Dear Mr. Little:

On November 16, 2020, this Office received a report from the Farmington Police Department alleging unlawful electioneering inside the polling place during the November 2020 general election.

The Police Chief alleged that on election day you refused to remove a "Trump 45" jacket while inside the polling place. A Supervisor of the Checklist reported that when he approached you and asked you to remove or reverse your jacket because it displayed a candidate's name, you first ignored him, and then swore at him. The Farmington Town Moderator informed you of the law that prohibited the wearing of electioneering clothing inside the polling place. The Police Chief informed you that the matter would be referred to the Attorney General's Office. You were not otherwise prohibited from entering the polling place, or prevented from voting during this election.

On August 6, 2021, Chief Investigator Richard Tracy spoke with you. After explaining the purpose of his call, you acknowledged that you did, in fact, wear a "45" jacket inside the polling place and refused to take it off as directed. Chief Investigator Tracy also informed you that he had a photo of you at the polling place wearing a jacket with "Trump" and "45" on the back. During that conversation with Investigator Tracy, he informed you of the prohibition against electioneering inside the polling place, pursuant to RSA 659:43.

RSA 659:43 states in relevant part that "[e]lectioneering shall be prohibited within the polling place building." "Electioneering" means "visibly displaying or audibly disseminating information that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure being voted." RSA 652:16-h. This includes, but is not limited to, wearing clothing that displays a candidate's name. RSA 652:16-h, I.

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The law further contemplates penalties for violations, which include –

- Whoever violates any of the provisions of this section shall be guilty of a violation.
- Whoever violates any of the provisions of this section shall be subject to a civil penalty not to exceed $1,000.

RSA 659:43, VIII & IX.

In this case, you wore a jacket bearing the name of a candidate on the November 2020 general election ballot. As such, your jacket would constitute "electioneering" within the meaning of RSA 652:16-h, and was prohibited from being displayed or worn inside the polling place.

Pursuant to RSA 659:43, and based upon the investigation conducted by our Office, you are hereby ordered to **Cease and Desist from engaging in further electioneering inside the polling place in future elections**. Failure to do so could constitute a violation of RSA 659:43 and result in further enforcement action by this Office.

This matter is closed.

Sincerely,

Myles Matteson
Assistant Attorney General
Election Law Unit
(603) 271-3650
myles.b.matteson@doj.nh.gov

cc: Town of Farmington Supervisor of the Checklist
Town of Farmington Moderator
Town of Farmington Police Chief

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

August 23, 2021

Glenn Bostwick
[redacted]
Salisbury, MA 01952

Re: **CEASE AND DESIST ORDER** (2020145488)
Violation of RSA 664:17

Dear Mr. Bostwick:

On October 15, 2020, this Office received a report from the Newfields Police Department, detailing the removal of a political sign. Specifically, an unidentified individual had removed a "Trump" campaign sign from a grass island at the intersection of Bald Hill Road and Piscassic Road in Newfields.

Three images were captured from a game camera that was setup nearby. A male subject is seen exiting a blue van and taking one of the "Trump" campaign signs.

On October 16, 2020, Newfields Police Officer Drew Fessenden was in the area of Piscassic Road and Runaway Lane when he saw a van matching the description of the vehicle belonging to the unidentified male who was seen on the video removing the "Trump" campaign sign. Officer Fessenden stopped the van and determined that you were driving it.

You told Officer Fessenden that you saw the "Trump" campaign sign at that intersection and observed that it was tipped over on the ground. You admitted that you stopped, picked up the sign, and took it with you. You admitted that once you arrived home, you threw the sign away. You consented to a search of your vehicle by Officer Fessenden. He did not locate any other campaign signs.

On July 29, 2021, you spoke with Investigator Anna Brewer-Croteau from the Attorney General's Office. During the call, you admitted, again, that you took the "Trump" sign, and explained it was because it had fallen over. You stated that you only took the single campaign sign. You acknowledged that you knew at the time that you should not have removed the sign.

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On August 4, 2021, you agreed to an interview with Investigator Brewer-Croteau and Chief Investigator Richard Tracy. During the interview, you described how you approached the intersection of Bald Hill Road and Piscassic Road in Newfields, and saw the multiple campaign signs, including a number of "Trump" campaign signs. You explained that you had been attempting to get a "Trump" campaign sign, but were unsuccessful. After noticing all of the "Trump" campaign signs, and noticing one had fallen over, you admitted to taking it. You explained that the next morning when you got to your van, there was a strong urine odor in the vehicle. You said that you concluded that the sign had been urinated on, which is why you threw it away. You denied taking any other campaign signs.

RSA 664:17 states in relevant part that –

> "No person shall remove, deface, or knowingly destroy any political advertising which is placed on or affixed to public property or any private property except for removal by the owner of the property, persons authorized by the owner of the property, or a law enforcement officer removing improper advertising."[1]

Based on the forgoing, there is sufficient evidence to conclude that you unlawfully removed a "Trump" campaign sign from the intersection of Bald Hill Road and Piscassic Road in Newfields.

Therefore, you are hereby ordered to Cease and Desist from removing political advertising or campaign signs contrary to RSA 664:17.

Failure to comply with this Cease and Desist Order will result in further enforcement action by this Office. This matter is closed.

Cease and Desist Order Issued

By Authority of:

John M. Formella
Attorney General

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

cc: Newfields Police Department

[1] "Political advertising" means any communication, including buttons or printed material attached to motor vehicles, which expressly advocates the success or defeat of any party, measure or person at any election.

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

August 24, 2021

[redacted]
Westwood, MA 02090

Re: [redacted] Alleged Wrongful Voting (2020145849)

Dear [redacted]

On November 2, 2020, this Office received a complaint from Richard Girard, which alleged that that you wrongfully voted. Specifically, the allegation is that during the 2020 election cycle, you were not actually domiciled in Manchester, New Hampshire, and that you were domiciled in Massachusetts. After carefully reviewing this matter, we conclude that you did not violate New Hampshire's election laws.

Factual Background

In reviewing this complaint, we examined information provided to us by Mr. Girard, spoke with the landlord of [redacted] Manchester, NH, reviewed information acquired from the Westwood Massachusetts Town Clerk's office, obtained and reviewed your New Hampshire election records, reviewed your motor vehicle information, and spoke with you.

We understand that on or about February 1, 2020, you moved into and rented the residence located at [redacted] in Manchester. You explained you lived there while working for State Senator Channon Chandley's re-election campaign for District 11.

On February 11, 2020, you registered to vote in Manchester on Election Day, during the February Presidential Primary. You indicated that you were domiciled at [redacted] You also identified [redacted] Westwood, Massachusetts as the last place you were registered to vote. You provided proof of your qualifications to vote in Manchester to the supervisors of the checklist. According to your Voter Registration form, your proof included a utility bill to prove your domicile and an out-of-state driver's (Massachusetts) license to prove your identity. This proof and your Voter Registration form were accepted by the supervisors of the checklist who added you to the checklist for Ward 1.

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The vehicle you drove in New Hampshire, bearing a Massachusetts license plate, was not registered to you, but to [redacted]

On December 10, 2020, Chief Investigator Richard Tracy received information about your voting records from the Westwood Town Clerk's office. The Town Clerk's office confirmed that you did not vote in Westwood, Massachusetts during the period you were living in New Hampshire.

On December 17, 2020, you spoke with Investigator Tracy. During your conversation with Investigator Tracy, you stated that you voted during New Hampshire's 2020 Presidential Primary, State Primary, and General Elections, you did not vote in Massachusetts during those elections, and you resided at [redacted] in Manchester from February 1, 2020, until November 30, 2020.

Applicable Law

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

RSA 654:11 creates a presumption that the applicant is qualified to vote and authorizes the supervisors of the checklist to reject the application only if they conclude that it is more likely than not that the applicant is not qualified.[2] See New Hampshire Election Procedure Manual: 2020-2021, Pg. 170.

The supervisors must consider the applicant's manifestations of intent to maintain a single, continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government. There are many types of documents that satisfy this requirement. Among those documents, election officials have recognized that a public utility bill, such as such as an electric, telephone, water, gas, or other utility bill, with the applicant's name and domicile address on it.[3]

---

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

[2] See also New Hampshire Election Procedure Manual: 2020-2021, Pg. 176, "A homeless person's domicile may be the street or parking lot where a person living in a car parks/sleeps, more than any other place. The domicile may be the home of another where, more often than any other, the homeless person sleeps on a couch. The domicile can even be the park or area under a bridge where, more than any other place, the homeless person sleeps."

[3] Notably, before it was struck down by the Court, the Legislature, through SB3, similarly recognized evidence of obtaining public utility service(s) to be satisfactory proof of domicile.

Analysis

In this case, your voter registration form indicates you showed proof of your domicile by presenting officials with your utility bill containing your name and domicile address for [redacted] This utility bill confirmed your domicile at this address during the time period of the 2020 State Primary and General Elections. This Office also acknowledges that during the 2020 election cycle, you did not vote in Massachusetts, where you were last registered to vote. Based on the forgoing and our interview with you confirming when you lived at [redacted] we conclude that [redacted] was in fact your domicile for voting purposes within the meaning of RSA 654:1.

Claiming domicile in New Hampshire for voting purposes also carries with it other obligations and responsibilities outside of election law.

A person who establishes a domicile/residence in New Hampshire and drives in New Hampshire must obtain a New Hampshire driver's license within 60 days of establishing his or her domicile/residence. See RSA 21:6; RSA 21:6-a; RSA 263:1; and RSA 263:35. A New Hampshire driver's license is not required to register to vote.

Additionally, a person who establishes domicile/residence in New Hampshire and owns a vehicle used in New Hampshire must register the vehicle in New Hampshire within 60 days of establishing his or her domicile/residence. RSA 261:45.

No one can be denied the right to register to vote or vote for being out of compliance with the requirements of the motor vehicle code.

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

In those instances, a utility bill or a lease alone may not be sufficient to establish the voter's domicile if intervening actions of the voter suggest they are domiciled outside the State of New Hampshire. Your actions in New Hampshire reveal your intent to make a place in New Hampshire your domicile/residence. Such actions include, but are not limited to, purchasing or leasing a principal (*i.e.* primary) house or apartment, obtaining a resident vehicle registration, placing dependent children in a publicly funded school, registering to vote, paying taxes applicable only to residents, etc. RSA 21:6; RSA 21:6-a; RSA 259:23; RSA 654:1. See also Establishing a Domicile/Residence in New Hampshire FAQ https://www.doj.nh.gov/election-law/domicile-residence-faq.htm

As you are no longer domiciled in New Hampshire, you cannot vote in this state until you re-establish domicile within the meaning of RSA Chapter 654.

Please also be advised that if you remained in New Hampshire and attempted to vote again in this State, your failure to obtain a New Hampshire driver's license after you registered to vote, the fact that the campaign that employed you in this State has since ended, and the fact you no longer have a lease showing a place of residence, are significant factors that would undermine your claim of domicile, and bring into questions your qualifications to vote. To claim domicile in this State in the future, you would need to show that you have taken steps to re-establish domicile in this State.

Your potential violations of motor vehicle laws has been forwarded to the New Hampshire State Police to determine what enforcement action, if any, is appropriate.

Please be advised if, in the future, you seek to make New Hampshire your domicile you would be required to comply with the motor vehicle requirements outlined above, the violation of which could result in enforcement actions against you.

This matter is 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: Manchester City Clerk's Office
Manchester Police Department
William M. Gardner, Secretary of State
Richard Girard
Edward Naile

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

August 24, 2021

[redacted]
Boxborough, MA 01719

Re: [redacted] Alleged Wrongful Voting (2020145850)

Dear [redacted]

On November 2, 2020, this Office received a complaint from Richard Girard, which alleged that you wrongfully voted. Specifically, the allegation is that, during the 2020 election cycle, you were not actually domiciled in Manchester, New Hampshire, and that you were domiciled in Massachusetts. After carefully reviewing this matter, we conclude that you did not violate New Hampshire's election laws.

Factual Background

In reviewing this complaint, we examined information provided to us by Mr. Girard, spoke with the landlord of [redacted] Manchester, New Hampshire, spoke with a representative of the Boxborough, Massachusetts Town Clerk's office, obtained and reviewed your New Hampshire election records, reviewed your motor vehicle information, and spoke with you.

We understand that on or about February 1, 2020, you moved into and rented the residence located at [redacted] in Manchester. You explained that you lived at this address while you worked on Senator Jeanne Shaheen's re-election campaign.

On February 11, 2020, you registered to vote in Manchester on Election Day, during the February Presidential Primary. You indicated that you were domiciled at [redacted] You also identified [redacted] Boxborough, Massachusetts as the last place you were registered to vote. You provided proof of your qualifications to vote in Manchester to the supervisors of the checklist. According to your Voter Registration form, your proof included a lease to prove your domicile and an out-of-state driver's (Massachusetts) license to prove your identity. This proof and your Voter Registration form were accepted by the supervisors of the checklist who added you to the checklist for Ward 1.

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The vehicle you drove in New Hampshire, bearing a Massachusetts license plate, was not registered to you, but to [redacted]

On December 7, 2020, Chief Investigator Richard Tracy received confirmation from the Boxborough Town Clerk's office that you did not vote in Boxborough during the 2020 election cycle.

On December 17, 2020, you spoke with Investigator Tracy. During your conversation with Investigator Tracy, you stated that you voted during New Hampshire's 2020 Presidential Primary, State Primary, and General Elections, you did not vote in Massachusetts during those elections, and you resided at [redacted] in Manchester from February 1, 2020, until November 30, 2020.

Applicable Law

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

RSA 654:11 creates a presumption that the applicant is qualified to vote and authorizes the supervisors of the checklist to reject the application only if they conclude that it is more likely than not that the applicant is not qualified.[2] See New Hampshire Election Procedure Manual: 2020-2021, Pg. 170.

The supervisors must consider the applicant's manifestations of intent to maintain a single, continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government. There are many types of documents that satisfy this requirement. Among those documents, election officials have recognized that a rental agreement, lease, or similar document that shows the applicant's name and the address of the applicant's domicile is satisfactory proof of domicile.[3]

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

[2] See also New Hampshire Election Procedure Manual: 2020-2021, Pg. 176, "A homeless person's domicile may be the street or parking lot where a person living in a car parks/sleeps, more than any other place. The domicile may be the home of another where, more often than any other, the homeless person sleeps on a couch. The domicile can even be the park or area under a bridge where, more than any other place, the homeless person sleeps."

[3] Notably, before it was struck down by the Court, the Legislature, through SB3, similarly recognized evidence of renting or leasing an abode for a period of more than 30 days to be satisfactory proof of domicile.

Analysis

In this case, your voter registration form indicates you showed proof of your domicile by presenting officials with your lease containing your name and domicile address for [redacted] This lease agreement confirmed your domicile at this address during the time period of the 2020 State Primary and General Elections. This Office also acknowledges that during the 2020 election cycle, you did not vote in Massachusetts. Based on the forgoing and our interview with you confirming when you lived at [redacted] we conclude that [redacted] was in fact your domicile for voting purposes within the meaning of RSA 654:1.

Claiming domicile in New Hampshire for voting purposes also carries with it other obligations and responsibilities outside of election law.

A person who establishes a domicile/residence in New Hampshire and drives in New Hampshire must obtain a New Hampshire driver's license within 60 days of establishing his or her domicile/residence. See RSA 21:6; RSA 21:6-a; RSA 263:1; and RSA 263:35. A New Hampshire driver's license is not required to register to vote.

Additionally, a person who establishes domicile/residence in New Hampshire and owns a vehicle used in New Hampshire must register the vehicle in New Hampshire within 60 days of establishing his or her domicile/residence. RSA 261:45.

No one can be denied the right to register to vote or vote for being out of compliance with the requirements of the motor vehicle code.

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

In those instances, a lease alone may not be sufficient to establish the voter's domicile if intervening actions of the voter suggest they are domiciled outside the State of New Hampshire. Your actions in New Hampshire reveal your intent to make a place in New Hampshire your domicile/residence. Such actions include, but are not limited to, purchasing or leasing a principal (*i.e.* primary) house or apartment, obtaining a resident vehicle registration, placing dependent children in a publicly funded school, registering to vote, paying taxes applicable only to residents, etc. RSA 21:6; RSA 21:6-a; RSA 259:23; RSA 654:1. See also Establishing a Domicile/Residence in New Hampshire FAQ https://www.doj.nh.gov/election-law/domicile-residence-faq.htm

As you are no longer domiciled in New Hampshire, you cannot vote in this state until you re-establish domicile within the meaning of RSA Chapter 654.

Please also be advised that if you remained in New Hampshire and attempted to vote again in this State, your failure to obtain a New Hampshire driver's license after you registered to vote, the fact that the campaign that employed you in this State has since ended, and the fact you no longer have a lease showing a place of residence, are significant factors that would undermine your claim of domicile, and bring into questions your qualifications to vote. To claim domicile in this State in the future, you would need to show that you have taken steps to re-establish domicile in this State.

Your potential violations of motor vehicle laws has been forwarded to the New Hampshire State Police to determine what enforcement action, if any, is appropriate.

Please be advised if, in the future, you seek to make New Hampshire your domicile you would be required to comply with the motor vehicle requirements outlined above, the violation of which could result in enforcement actions against you.

This matter is 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: Manchester City Clerk's Office
Manchester Police Department
William M. Gardner, Secretary of State
Richard Girard
Edward Naile

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

August 24, 2021

Robert Rupnick
[redacted]
Antrim, NH

Re: Antrim Polling Place Disruption (2020145943)

Dear Mr. Rupnick:

During the November 3, 2020 general election, this Office was contacted by Town of Antrim election officials. The officials reported that while using the alternative voting area, you became disruptive and belligerent once an official indicated your ballot would be taken to the masked voting area to be fed through the ballot counting device. The Antrim moderator had imposed a mask requirement in order to enter the polling place. You demanded that you be allowed to submit your completed ballot into the ballot counting device yourself, arguing that it was your constitutional right to do so.

When the official indicated she would go and get the moderator to assist with the situation, you followed her into the polling place without wearing a mask, contrary to the requirement imposed by the moderator. Once the moderator was retrieved, and wanting to limit further disruption, the moderator permitted you to enter the masked voting area, and deposit your completed ballot into the ballot counting device.

Part II, Article 32 of the New Hampshire Constitution states that the moderator has the authority and responsibility to govern elections. The Secretary of State and Attorney General's Offices have recognized that this grant of authority permits a moderator to choose whether to require a face covering/mask in order to enter the polling place.

The Centers for Disease Control ("CDC") and the New Hampshire Division of Public Health ("DPH") recommend face coverings/masks as one component of the COVID-19 mitigation strategy, and emerging evidence suggests that face coverings/masks can significantly reduce transmission of the virus in some situations. For many moderators, requiring face coverings/masks inside the polling place was critical to Election Day operations, for the safety of Election Day volunteers and for voters casting in-person ballots.

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In this case, we understand that the alternative voting area was not equipped with its own ballot box. This Office published guidance on August 20, 2020 that provided, a separate ballot box could be used in the alternative voting area to collect completed ballots. This, however, was not a requirement.

The United States Supreme Court has recognized that the right to vote does not include the right to vote in any manner demanded by the voter. See Burdick v. Takushi, 504 U.S. 428, 433 (1992) ("It does not follow, however, that the right to vote in any manner and the right to associate for political purposes through the ballot are absolute.") See also United States Constitution, Art. I § 4, cl. 1 ("The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof...").

Your actions on that day constitute a violation of polling place requirements imposed by the moderator. There is no reason to believe that Antrim's election officials, who routinely carry out the State's elections with integrity, would fail to ensure your completed ballot was properly cast. Antrim officials also provided a privacy screen to ensure the ballot remained private and secure during its short transfer to the masked voting area.

Given the unprecedented challenges presented by the public health crisis, and the protective health measures mandated by public health officials, it was appropriate, and the election officials were authorized to transport your ballot from the alternative voting area to be fed through the ballot counting device. Your behavior however, in response to this lawful exercise of power, required intervention by two election officials to prevent further disruption.

Disruptions at the polling place that interfere with the Election Day operations will not be tolerated. Temporary polling place modifications in response to the public health crisis are likely to end before the next election. However, compliance with the rules of the polling place imposed by the moderator will continue to be a requirement.

Failure to comply with the requirements imposed by the moderator at the polling place on election day may result in a cease and desist order, or further enforcement action by this Office. This matter is closed.

Sincerely,

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

cc: Antrim Town Clerk
Antrim Town Moderator

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE
33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

August 24, 2021

[redacted]
Yonkers, NY 10705

Re: [redacted] Alleged Wrongful Voting (2020145687)

Dear [redacted]:

On October 28, 2020, this Office was notified by the Manchester Police Department, that Ed Naile alleged you had wrongfully voted. On November 2, 2020, this Office received a complaint from Richard Girard, which similarly alleged that you wrongfully voted. Specifically, the allegations are that, during the 2020 election cycle, you were not actually domiciled in Manchester, New Hampshire, and that you were domiciled in New York. After carefully reviewing this matter, we conclude that you did not violate New Hampshire's election laws.

Factual Background

In reviewing these complaints, we examined information provided to us by Mr. Girard, spoke with the landlord of [redacted], Manchester, New Hampshire, spoke with a representative of the Westchester County New York Board of Elections, obtained and reviewed your New Hampshire election records, reviewed your motor vehicle information, and spoke with you.

We understand that on or about July 1, 2020, you moved into and rented the residence located at [redacted] in Manchester. You explained that you lived at this address while you worked on the re-election campaign for State Senator Jenn Alford Teaster.

On August 19, 2020, you registered to vote in Manchester. On your New Hampshire Voter Registration Form, you wrote that you were domiciled at [redacted] You also identified [redacted] Yonkers, New York as the last place you were registered to vote. You provided proof of your qualifications to vote in Manchester to the supervisors of the checklist. According to your Voter Registration form, your proof included a lease to prove your domicile and an out-of-state driver's (New York) license to prove your identity. This proof and your Voter Registration form were accepted by the supervisors of the checklist who added you to the checklist for Ward 1.

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The vehicle you drove in New Hampshire, bearing a New York license plate, was not registered to you, but to [redacted]

On December 3, 2020, Chief Investigator Richard Tracy spoke with the Westchester County Board of Elections. The County Board of Elections confirmed that you did not vote in New York during the period you were living in New Hampshire.

On December 17, 2020, you spoke with Investigator Tracy. During your conversation with Investigator Tracy, you stated that you voted during New Hampshire's 2020 State Primary and 2020 General Election, you did not vote in New York during those elections, and you resided at [redacted] in Manchester from July 1, 2020, until November 30, 2020.

Applicable Law

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

RSA 654:11 creates a presumption that the applicant is qualified to vote and authorizes the supervisors of the checklist to reject the application only if they conclude that it is more likely than not that the applicant is not qualified.[2] See New Hampshire Election Procedure Manual: 2020-2021, Pg. 170.

The supervisors must consider the applicant's manifestations of intent to maintain a single, continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government. There are many types of documents that satisfy this requirement. Among those documents, election officials have recognized that a rental agreement, lease, or similar document that shows the applicant's name and the address of the applicant's domicile is satisfactory proof of domicile.[3]

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

[2] See also New Hampshire Election Procedure Manual: 2020-2021, Pg. 176, "A homeless person's domicile may be the street or parking lot where a person living in a car parks/sleeps, more than any other place. The domicile may be the home of another where, more often than any other, the homeless person sleeps on a couch. The domicile can even be the park or area under a bridge where, more than any other place, the homeless person sleeps."

[3] Notably, before it was struck down by the Court, the Legislature, through SB3, similarly recognized evidence of renting or leasing an abode for a period of more than 30 days to be satisfactory proof of domicile.

Analysis

In this case, your voter registration form indicates you showed proof of your domicile by presenting officials with your lease containing your name and domicile address for [redacted] This lease agreement confirmed your domicile at this address during the time period of the 2020 State Primary and General Elections. This Office also acknowledges that during the 2020 election cycle, you did not vote in New York. Based on the forgoing and our interview with you confirming when you lived at [redacted] we conclude that [redacted] was in fact your domicile for voting purposes within the meaning of RSA 654:1.

Claiming domicile in New Hampshire for voting purposes also carries with it other obligations and responsibilities outside of election law.

A person who establishes a domicile/residence in New Hampshire and drives in New Hampshire must obtain a New Hampshire driver's license within 60 days of establishing his or her domicile/residence. See RSA 21:6; RSA 21:6-a; RSA 263:1; and RSA 263:35. A New Hampshire driver's license is not required to register to vote.

Additionally, a person who establishes domicile/residence in New Hampshire and owns a vehicle used in New Hampshire must register the vehicle in New Hampshire within 60 days of establishing his or her domicile/residence. RSA 261:45.

No one can be denied the right to register to vote or vote for being out of compliance with the requirements of the motor vehicle code.

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

In those instances, a lease alone may not be sufficient to establish the voter's domicile if intervening actions of the voter suggest they are domiciled outside the State of New Hampshire. Your actions in New Hampshire reveal your intent to make a place in New Hampshire your domicile/residence. Such actions include, but are not limited to, purchasing or leasing a principal (*i.e.* primary) house or apartment, obtaining a resident vehicle registration, placing dependent children in a publicly funded school, registering to vote, paying taxes applicable only to residents, etc. RSA 21:6; RSA 21:6-a; RSA 259:23; RSA 654:1. See also Establishing a Domicile/Residence in New Hampshire FAQ https://www.doj.nh.gov/election-law/domicile-residence-faq.htm

As you are no longer domiciled in New Hampshire, you cannot vote in this state until you re-establish domicile within the meaning of RSA Chapter 654.

Please also be advised that if you remained in New Hampshire and attempted to vote again in this State, your failure to obtain a New Hampshire driver's license after you registered

to vote, the fact that the campaign that employed you in this State has since ended, and the fact you no longer have a lease showing a place of residence, are significant factors that would undermine your claim of domicile, and bring into questions your qualifications to vote. To claim domicile in this State in the future, you would need to show that you have taken steps to re-establish domicile in this State.

Your potential violations of motor vehicle laws has been forwarded to the New Hampshire State Police to determine what enforcement action, if any, is appropriate.

Please be advised if, in the future, you seek to make New Hampshire your domicile you would be required to comply with the motor vehicle requirements outlined above, the violation of which could result in enforcement actions against you.

This matter is 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: Manchester City Clerk's Office
Manchester Police Department
William M. Gardner, Secretary of State
Richard Girard
Edward Naile

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

September 2, 2021

SENT VIA CERTIFIED MAIL
Daniel Chang
[redacted]
San Francisco, CA 94114

Re: Violation of RSA 664:17 Defacing a Political Advertisement (2020145544)
AMOUNT DUE WITHIN 30 DAYS: $300.00

On October 6, 2020, the Keene, New Hampshire Police Department, received a report that a male and female who were driving a grey "Sprinter" travel van, vandalized a "Trump" campaign sign by spray painting over the sign's letters so it read: "HUMP PENIS." The reporting party also stated that the travel van had out-of-state license plates.

The reporting party alleged that the male and female had placed the cans of spray paint they used to vandalize this sign in a plastic bag behind a piece of PVC pipe on the back of their vehicle.

The reporting party followed this vehicle until Keene police officers were able to catch up and initiate a motor vehicle stop. During this motor vehicle stop, you were identified as the driver. You admitted to the Keene police officers that you did in fact deface the "Trump" campaign sign, and also volunteered to similarly deface a "Biden" campaign sign. You admitted to the officers that the reports were accurate, and the spray paint you used to deface the campaign sign was behind the PVC pipe on the back of your travel van.

The Keene police also spoke with the Cheshire County Republican Party. They informed the police that the double-sided campaign sign you defaced had a replacement value of $300.

This matter was referred to this Office on October 20, 2020.

On July 28 and 29, 2021, this Office attempted to contact you with respect to this allegation. As of the date of this letter, you have yet to return our calls.

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RSA 664:17 states in relevant part that "[n]o person shall remove, deface, or knowingly destroy any political advertising which is placed on or affixed to public property or any private property…"[1]

RSA 664:21, VI(a) states that "[w]hoever violates any of the provisions of […] RSA 664:17 relative to removing, defacing, or destroying political advertising on private property shall be subject to a civil penalty not to exceed $1,000."

Based on the forgoing evidence, there is a sufficient basis to conclude that you violated RSA 664:17 by defacing a "Trump" campaign sign.

RSA 664:21, VI(c) authorizes the Attorney General to notify suspected violators of RSA 664:17 of the state's intention to seek a civil penalty, to negotiate, and to settle with such suspected violators without court action, provided any civil penalty paid as settlement shall be paid to the Secretary of State for deposit into the general fund. Accordingly, the Attorney General imposes a civil penalty for your violation of this state's election laws in the amount of $300.00.

Your payment of this penalty in the amount of $300.00 must be delivered to our office within thirty (30) days of receipt of this letter. In the event that you fail to make timely payment of this penalty our office will initiate further enforcement action.

Your payment of $300.00 shall be made by check made payable to "Treasurer, State of New Hampshire" and mailed to the Office of the Attorney General, 33 Capitol Street, Concord, NH 03301, Attention: Assistant Attorney General Nicholas A. Chong Yen.

This matter will also be referred back to the Keene Police Department to determine what criminal charges, if any, may be appropriate in this matter.

Sincerely,

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

cc: The Honorable William M. Gardner, Secretary of State
Keene Police Department

[1] "Political advertising" means any communication, including buttons or printed material attached to motor vehicles, which expressly advocates the success or defeat of any party, measure or person at any election. RSA 664:2, VI.

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

September 21, 2020

Lorraine Anderson, Town Clerk
Town of Nottingham
139 Stage Road
P.O Box 114
Nottingham, NH 03290

Re: Town of Nottingham, Absentee Ballots (2020146026)

Dear Clerk Anderson:

On November 16, 2020, this Office was notified by the Secretary of State's Office that you called to report the discovery of three absentee ballots after the November 3, 2020 General Election, which had not been processed nor counted. In reviewing this matter, this Office concludes that these three votes would not have impacted the outcome of any of the races on the ballot in Nottingham during the 2020 General Election.

This year presented unprecedented challenges for election officials. We understand that you and your colleagues were under immense pressure to carry out Nottingham's elections in a manner that closely resembled the election experience before the public health crisis, while also balancing compliance with protective public health measures. We are grateful to your service and commitment to the Nottingham voters.

However, this situation must still be addressed, and is an opportunity to refine Nottingham's processes to ensure that this does not occur again.

In reviewing this matter, we spoke with you, former Deputy Town Clerk Teresa Bascom, and Supervisor of the Checklist Dee Decker. We understand the situation as follows:

On October 31, 2020, Nottingham election officials conducted partial processing of absentee ballots received prior to this date. Any newly registered voter's absentee ballot received after October 28, and any previously registered voter's absentee ballot received on or after October 31, was placed in a designated folder, which was contained inside a box, and was to be processed on the day of the election. This box containing these folders was secured in the town clerk's safe after business hours and was monitored by election officials at all other times.

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The box was brought to the Nottingham polling place on Election Day, November 3, 2020. On Election Day, the box remained on your (the town clerk's) table, which was located beside the moderator's table. The box was monitored by election officials throughout the day.

In speaking with Chief Investigator Richard Tracy, you reported that you went through all the folders inside the box seven or eight times during Election Day. This was to ensure that all the absentee ballots and voter registration applications contained inside the box were processed. Given the number of times you thoroughly checked the box, you were uncertain how these three absentee ballots could have been missed.

The three absentee ballots in question were all submitted after October 28, 2020, the day the Supervisors finalized and approved the Election Day checklist. The three absentee ballots in question were all newly registered voters and not on the checklist approved by the Supervisors on October 28. You explained to Investigator Tracy that according to Nottingham's procedure, these three absentee ballots should have been placed in a folder inside the box. However, following the 2020 General Election, as you were going through the Election Day materials to include the box, you discovered these three absentee ballots. There is insufficient evidence to identify whether a specific person or persons made an error in failing to place these three absentee ballots in the designated folder of the box. There is similarly no evidence that a specific person or persons intended to withhold these three absentee ballots on purpose, and again, these three absentee ballots were not outcome determinative.

Based on the forgoing, the Nottingham town clerk's office must:

1. Contact the three voters whose absentee ballots were not processed nor counted, and explain the situation to them; and
2. Provide this Office within 30 days of receipt of this letter with a written remediation plan on tracking absentee ballots received prior to Election Day, and include any other measures to ensure that all properly submitted absentee ballots are processed and counted.

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: William M. Gardner, Secretary of State

TOWN OF NOTTINGHAM
P.O. BOX 114
NOTTINGHAM, N.H. 03290
603-679-9598
(fax) 603-679-1013

October 8, 2021

Nicholas A. Chong Yen
Assistant Attorney General
Election Law Unit
NH Department of Justice
33 Capitol Street
Concord, NH 03301-6397

RE: Town of Nottingham Absentee Ballots (2020146026)

Dear Mr. Chong Yen:

I am in receipt of your letter pertaining to the completion of the investigation regarding the three absentee ballots that were located after the 2020 General Election and therefore, not counted.

I have sent letters to each of the voters and described that their ballots were found after the election occurred and unfortunately were not counted. I have also offered to speak with them if they would like to discuss the events that led up to this event.

Upon reviewing the processes that my office can take in order to avoid such an oversight happening in the future, I propose the following:.

Traffic control of the general public during normal operating hours before an election needs to be refined. While no appointment was or will be necessary when it pertains to voting, customers and voters will be asked to wait their turn.

Time will be set aside on a daily basis, while there are no customers or voters, in order to review the requests received and/or fulfilled. This should happen as close to the end of day as possible in order for memories to be fresh and outstanding issues be resolved.

Simple tasks, such as alphabetizing requests and returns of ballots should be done on an ongoing basis.

Placement of all ballots at end of day needs to be refined and done in a step by step manner, with all personnel present.

A method of capturing all ballots received on Election Day has been developed. A similar method of inputting data and placement of ballots received beforehand will be put in place.

Please let me know if you require anything further.

Sincerely,

Lorraine Anderson
Town Clerk

From: Lori Anderson
To: Matteson, Myles
Subject: Re: Remediation plan
Date: Thursday, April 28, 2022 12:48:31 PM
Attachments: Election Day AB requests received.pdf
Election Day AB Alpha totals.pdf

Good Morning,

Thank you for asking. I have set up a couple of forms that are used in capturing this information. One important piece of the puzzle is to print out the list of Absentee Ballot requests/returned from Electionet in sections by letter the day before the election. This format allows the Clerk to know how many requests and ballots received on election day, per letter, which is far easier to track than by the entire list.

- Print out the Absentee Ballot list, broken down by letter
- Using the printout, note which ballots previously requested are returned on Election Day
- Using an additional form, one or two pages per letter, of new requests made on the day of the election. This was helpful when we had used an outside accessible voting area set up, or if someone is unable to vote in person due to illness and someone is deputized to deliver/return a ballot to the voter.
- End of Day form used to compile totals received on Election Day by letter for grand total.

I did use this method for the Town election in 2021, but there was no need to do so this year since the requests were reduced dramatically. I have attached scans of the forms used, for reference.

Sincerely,
Lori Anderson

Lorraine Anderson
Town Clerk

Town of Nottingham
PO Box 114
139 Stage Road
Nottingham, NH 03290

603-679-9598

Monday 8:30 am - 12:30 pm
Tuesday 12:00 pm-4:00 pm
Wednesday 2:00 pm - 6:00 pm
Thursday 8:30 am - 12:30 pm
Friday 8:30 am - 12:30 pm

From: Matteson, Myles <Myles.B.Matteson@doj.nh.gov>
Sent: Thursday, April 28, 2022 9:22 AM
To: Lori Anderson <landerson@nottingham-nh.gov>
Cc: Tekin, Jill <Jill.Tekin@doj.nh.gov>
Subject: Remediation plan

Good morning, Ms. Anderson—

I'm following up on the remediation plan outline that you submitted to this office in October. Thank you for that material.

As you know, we asked for a remediation plan given the absentee ballots that were uncounted. In your response, you write, "A method of capturing all ballots received on Election Day has been developed." Can you please expand on what this method and process are? Did you utilize it during the town election this year?

Thank you,

Myles

Myles Matteson
Deputy General Counsel
Attorney General's Office
33 Capitol Street
Concord, NH 03301-6397
Phone: (603) 271-1119
Myles.B.Matteson@doj.nh.gov

Voter Name	Residence Address	Party	UND Bal/Ch	Date Requested	Date Mailed	Date Returned

00075

ELECTON DAY ABSENTEE BALLOTS RECEIVED

ALPHA SECTION	Number Received	LessNumber Rejected	TOTAL
A			
B			
C			
D			
E			
F			
G			
H			
I			
J			
K			
L			
M			
N			
O			
P			
Q			
R			
S			
T			
U			
V			
W			
X			
Y			
Z			
TOTALS			

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

April 28, 2022

Lorraine Anderson, Town Clerk
Town of Nottingham
139 Stage Road
P.O Box 114
Nottingham, NH 03290

Re: Town of Nottingham, Absentee Ballots

Dear Clerk Anderson:

This Office is in receipt of the town's remediation plan described in an email dated April 28, 2022, relative to this matter.

We have reviewed the remediation plan and it is accepted. This matter is closed.

Sincerely,

Myles Matteson
Deputy General Counsel
Attorney General's Office
(603) 271-3650
myles.b.matteson@doj.nh.gov

cc: David Scanlan, Secretary of State

000177

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

October 11, 2021

Dianne Trippet, Town Clerk/Tax Collector
Town of Merrimack
6 Baboosic Lake Road
Merrimack, NH 03054

Re: Town of Merrimack, Absentee Ballot Remediation Plan (3324073)

Dear Clerk Trippet:

On November 16, 2020, this Office was notified by the Secretary of State's Office that Merrimack election officials called to report the discovery of three absentee ballots after the November 3, 2020, general election, which had not been processed or counted. On September 21, 2021, this Office sent you correspondence that included a direction to produce a remediation plan.

Following discussions between this Office and Town counsel, you delivered a remediation plan on October 1, 2021. A summary of the plan is as follows:

1. The Town will contact the three absentee voters and explain in writing what happened with their ballots such that they were not counted.
2. The Town will conduct trainings for Town employees regarding the identification and handling of absentee ballots.
3. The Town will provide reminders to Town employees prior to elections regarding absentee ballots.
4. On election days, Town Clerk staff will check central mail processing and physical office locations in Town Hall to locate any absentee ballots received.
5. On election days the Town Clerk or Deputy are responsible for leaving the polling place, going to Town Hall, collecting any received absentee ballots, ensuring that any absentee ballots received at Town Hall are collected, and returning them to the polling location to be counted.
6. The Clerk or Deputy will conduct this retrieval of absentee ballots after the mail delivery, and any ballot received at Town Hall prior to 5pm on election day shall be considered timely and counted even if the ballot is not transported to the polling place prior to 5pm.

We appreciate the plan developed by Merrimack officials to ensure an error like this does not happen again. Not accurately counting votes has a serious effect on the integrity of our

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election system and can impact voters' confidence in that system. Merrimack officials must continue to exercise diligence with the processing and casting of absentee ballots.

Please contact me if you have any questions.

Sincerely,

Myles Matteson
Deputy General Counsel
New Hampshire Attorney General's Office
(603) 271-3650
myles.b.matteson@doj.nh.gov

cc: William M. Gardner, Secretary of State

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

November 4, 2021

Chief Paul Poirier
Barnstead Police Department
24 Shackford Corner Road
Barnstead, NH 03225

Re: Barnstead Police Department, Alleged Illegal Campaign Activity (3203310)

Dear Chief Poirier:

On July 31, 2020, this Office received a report alleging that the Barnstead Police Department (the "Department") was engaging in impermissible electioneering using the police department building. On August 4, 2020, this Office was notified that the Barnstead Police Department's Facebook page had published a post, which the complainant described as a depiction of a "Women for Trump" rally. The complainant stated that the Women for Trump representatives toured the Police Department, but the Department's lobby otherwise remained closed to the public. Two Select Board members were reportedly in attendance at this rally. This complainant also alleged that the Department's Facebook page published photos of individuals holding Republican campaign signs, in addition to signs supporting Donald Trump. The complainant did not indicate whether the depicted individuals were Department personnel. This investigation followed.

I. FACTUAL BACKGROUND

On May 26, 2021, you spoke with Investigator John Lannon. You stated that the Women for Trump (or "the organization") representatives visited the Police Department on July 23, 2020. In the weeks leading up to the July 23 visit, you described how you had been corresponding through email with several mid-level type staffers associated with the organization.

When asked about why the organization staffers reached out to you and the Department, you shared that, in your private capacity while off-duty, you had requested to be part of the organization's contact mailing list in an attempt to obtain tickets for the Trump rally scheduled to take place in Portsmouth in June, 2020. You explained that when you submitted your request for the tickets, you provided your contact information. On June 9, 2021, when Investigator Lannon reached out to you for clarification about this, you stated that, in the spring of 2020, once you

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became aware of the Portsmouth Trump rally, you emailed the campaign inviting President Trump to the Department to swear-in three new officers. You had learned President Trump had done this in the past, and thought you would take an opportunity to invite him to the Department while he was in the area. In the email, you indicated that you identified yourself as the Chief of the Department. You stated that you received a reply from the campaign declining the invitation because President Trump's schedule could not accommodate the visit. However, as a consolation, you told Investigator Lannon that the campaign offered you ten tickets for the Portsmouth rally, which you accepted.

While the Trump rally was ultimately canceled, you stated that Women for Trump later reached out to you asking for permission to coordinate their trip to New Hampshire with a visit to the Barnstead Police Department. You explained that the organization staff wanted to show you and the Department's officers their appreciation and support for law enforcement.

Additionally, you stated that the staffers were aware that the Department employed two female police officers, and, as part of their visit, they wanted an opportunity to express their appreciation for women in law enforcement by individually recognizing both of these officers.

You told Investigator Lannon that you were immediately receptive to the organization's requests, once it was explained that their purpose would be to highlight the organization's appreciation for law enforcement. You stated that you did not interpret their request as a campaign event, but as a gesture of thanks for the Department's police officers, and you believed such an event would be a morale boost for them. You added that part of your duties as Chief of Police is building community relations, and you believed that you had an obligation to welcome groups of people who express an interest in visiting and touring the Police Department.

You granted the organization staffers' requests to visit the Department and recognize the two female officers. An additional request was made by the organization for the "BIO" information of the two female officers. You identified the officers as Officer Valentina Gigli and Officer Samantha Savini. You told Investigator Lannon that you sent the organization background information on both Officer Gigli and Officer Savini.

As part of the event's security measures, you described how the U.S. Secret Service conducted a routine "forward inspection" of the Police Department prior to the organization's visit. You told Investigator Lannon that you notified the Barnstead Select Board that the organization would be conducting a bus tour visit.

When the event date was finalized, you indicated that you did not publicize it because you were being cautious in an effort to limit the possibility of protestors, rioters, or other potential security issues. You decided to close the event to the public.

Prior to the event, you said that you emailed the Department's officers to be prepared and to "look sharp," by ensuring their uniforms and appearance were in order. You admitted that you made a decision to move some of the officers' work schedules to limit a large overtime cost. You reported that by doing so, the total cost of overtime incurred for the event was approximately $153.00.

On the day of the event, you stated that the organization arrived in a bus with large lettering on both sides displaying the message "Women for Trump 2020." The organization toured the Police Department, thanked the officers for their service, and gave a special recognition to Officer Gigli and Officer Savini. You said that some of the organization's members had spoken from behind the Department's podium during the event. These members expressed gratitude toward the officers present as well as thanking the law enforcement profession nationwide for its service and dedication. You described how some of the speakers spoke of the topic of defunding the police, and the negative consequences that would result if these policies occurred. Finally, you indicated that some of the speakers spoke of President Trump's "Operation Legend" initiative, which was aimed at reducing violent crime in the country. You stated that during the event, neither you nor the Department's officers engaged in any political or partisan activity.

You indicated that at some point during the event, you and the organization had stepped outside to take a group photo. Upon exiting, you stated you observed an individual place a campaign sign into the grounds of the Police Department. You stated that you approached and instructed this individual to remove the sign, and you explained that political campaign signs were not allowed on town property. The sign was in support of a candidate running for a New Hampshire state office. You stated that this individual complied.

With respect to the Department's Facebook page, you admitted that you are its administrator and were responsible for posting the photos from the organization's visit. In reviewing the Department's Facebook page, this Office did not observe any posts by the Department, as described by the complainant, containing images of the event. However, on July 23, 2020, the Women for Trump Facebook group posted a message to the Department's page, with the following message: "Thank you Barnstead Police Department for standing UP for Law & Order! #KAG #MAGA." The organization's post also included two photos: one taken from inside the Police Department, depicting you and members of the organization, including Lara Trump; and a second photo taken outside the Department's front entrance, where you and members of the organization are depicted standing behind a podium. These photos do not depict any electioneering materials or political advertisements.

On June 1, 2021, Investigator Lannon spoke with Officer Gigli. She stated that three or four days prior to the event, you had approached her and Officer Savini to notify them that the organization was planning a bus tour visit to the Department as part of a law enforcement appreciation effort. She stated that you wanted both her and Officer Savini present during the event because the organization wanted to individually recognize them both for being women in law enforcement. She also confirmed that you sent an email to all officers prior to the event, requiring them to be present on July 23. Officer Gigli stated that your email informed the Department that overtime would be paid to officers not on regular work time hours.

Officer Gigli told Investigator Lannon that the event started around 11:00 a.m. and lasted two to three hours. One officer was tasked with directing traffic during the event. She also confirmed that one of the speakers did, in fact, recognize her and Officer Savini. During each

speech, Officer Gigli reported the focus was on law enforcement appreciation and recognizing women in law enforcement.

On June 2, 2021, Barnstead Selectwoman Diane Beijer contacted Investigator Lannon, after she became aware that this Office was investigating allegations that the Department engaged in impermissible electioneering. Selectwoman Beijer stated, on or around the time of the event, she was the Vice Chair of the Barnstead Select Board. She stated she was present at the Police Department on the day of the event.

During the event, Selectwoman Beijer reported that, when the organization's bus arrived, it parked at the end of the Police Department's driveway. She believes the organization arrived at the Department between 1:15 p.m. and 1:30 p.m. She greeted the organization's members as they exited the bus. She said that another Select Board member, Ed Tasker, was also present at the event. Selectwoman Beijer said that the visit by the organization was not planned as a political event. She added the goal of the visit by the organization was to honor law enforcement in general as well as to honor women in law enforcement by recognizing Barnstead's two female police officers.

Selectwoman Beijer reported that the organization's members toured the Police Department and highlighted the Trump Administration's support for law enforcement. She stressed that there was no campaigning or electioneering during the event. Selectwoman Beijer stated you spoke briefly during the event and never once said who people should vote for nor did you endorse a candidate. She estimated, based on a time stamped photo of hers, that the organization left the Department just after 2:08 p.m.

On June 10, 2021, Investigator Lannon again spoke with Selectwoman Beijer, who clarified that once the members of the organization were dropped off at the Department, the bus was directed to leave the parking lot and park out of view of the Police Department on Shackford Corner Road. Selectwoman Beijer also stated that the organization did bring "Women for Trump 2020" and "Trump/Pence 2020" signs, which they placed on a table for anyone who wanted them. She said that the organization was not handing out these signs. She said that none of the members of the Department took or held these signs. She observed some private citizens, who showed up at the event, take and hold onto these signs.

On June 11, 2021, this Office again spoke with Selectwoman Beijer. She shared that she did not become aware of the event until the night before it occurred. She estimated that there were no more than thirty people at the event, ten of whom were private citizens. She added that of these ten citizens, she believed she invited seven of them. Selectwoman Beijer assumed the other citizens were family members of Officer Gigli and Officer Savini. She also remembers New Hampshire Department of Public Safety Deputy Commissioner Eddie Edwards, former Merrimack Police Chief Mike Mulligan, and the owner of the White Buffalo restaurant being present. There were one or two town employees who were no longer on duty, who also attended. Otherwise, Selectwoman Beijer confirmed that this event was not open to the public.

With respect to the signs brought by the organization, Selectwoman Beijer recalled that one of the signs displayed the message "Defend Police 2020." She stated shortly after the arrival

of the bus, some of the organization's "advance staff workers," took the box containing the signs and left the Department, what she assumed was the next stop on their bus tour. Ms. Beijer said she saw no one "sign holding" during any of the speeches. She stated some of the private citizens held up the signs during photo opportunities and some private citizens asked members of the organization to autograph their signs. Ms. Beijer emphasized that the majority of the signs displayed messages in support of law enforcement.

II. APPLICABLE LAW

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

(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. For the purposes of this chapter, however, no employee shall be determined to be in a probationary status who shall have been employed for more than 12 months or who has an individual contract with his employer, nor shall any employee be determined to be in a temporary status solely by reason of the source of funding of the position in which he is employed.

III. ANALYSIS

Given its broad construction, and the potential First Amendment implications associated with this statute's regulation of speech, this Office has exercised its powers under RSA 7:6-c, authorizing the Attorney General to enforce election laws, to interpret RSA 659:44-a narrowly. Specifically, to construe the term "electioneer" under RSA 659:44-a in conjunction with the definition of "electioneering" under RSA 652:16-h.

Although the language of RSA 659:44-a appears to have been written with broad language, interpreting it in a way that conflicts with RSA 652:16-h would be in error.[1] The language of RSA 659:44-a was last updated on January 1, 2017. RSA 652:16-h was enacted on January 1, 2020. RSA 652:16-h defines "electioneering" as "visibly displaying or audibly disseminating information that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure being voted." (emphasis added). "When interpreting two statutes which deal with similar subject matter, we will construe them so that

[1] See also Stenson v. McLaughlin, 2001 WL 1033614 (D.N.H. Aug. 24, 2001) (Holding that statutes can regulate political communications without violating the First Amendment "only if the communications used explicit words of advocacy of election or defeat of a candidate.").

they do not contradict each other, and so that they will lead to reasonable results and effectuate the legislative purpose of the statute. To the extent two statutes conflict, the more specific statute controls over the general." EnergyNorth Nat. Gas, Inc. v. City of Concord, 164 N.H. 14, 16 (2012).

Therefore, we conclude that in order to qualify as "electioneering," under RSA 659:44-a, the conduct in question must explicitly advocate for a question or office being voted upon consistent with RSA 652:16-h.

In this case, we conclude that this event was not a rally as alleged by the complainant, but rather a gesture of law enforcement appreciation by the organization. There is no evidence to suggest that, during the event, you or the Department's officers engaged in explicit advocacy as contemplated by RSA 652:16-h. You, Officer Gigli, and Selectwoman Beijer all confirmed that the speakers focused on thanking the Department's officers for their service and specifically recognizing Officers Gigli and Savini. Additionally, as both you and the complainant described, the event was closed to the public, with Select Board members such as Selectwoman Beijer not becoming aware of it until the night before. This information further confirms that the objective of the event was law enforcement appreciation and establishes that neither you nor the Department engaged in electioneering.

However, while the event does not qualify as "explicit advocacy" and therefore does not trigger the prohibitions under RSA 659:44-a, there are several aspects of this event that raise concerns. These include that:

- The attendance of the Department's officers was mandatory;
- As a result of this mandatory attendance, the Department had to pay overtime to officers not regularly scheduled to work; and
- The organization made electioneering signs available to attendees.

The fact that Department resources were reallocated in preparation for a visit by a group with clear motivations to promote the success of the Trump campaign gives the appearance of impropriety and partisanship.

Similarly, in any other context, if a sign bearing the message "Women for Trump 2020" or "Trump/Pence 2020," which appeared on the signs provided by the organization, had been posted on town property, it would have been removed, as required by RSA 664:17. ("No political advertising shall be placed on or affixed to any public property"). While the evidence does not suggest Department personnel took or otherwise displayed these signs, several private citizens were reportedly observed with these signs during the event on Department property. To an uninformed observer, what happened at the event could give the appearance that the Department was engaging in electioneering by hosting a rally in support of a presidential candidate.

The Barnstead Police Department is a law enforcement agency, responsible for protecting and serving the Barnstead community without bias or partisan leanings. When a police department actively seeks the endorsement of a presidential campaign, as in this case, it is troubling because it creates questions about the agency's ability to enforce laws dispassionately.

The Department must exercise a higher degree of care and diligence to ensure its conduct does not give rise to these questions of propriety.

This matter is closed.

Sincerely,

Anne M. Edwards
Associate Attorney General

cc: Claire Jendrin
Barnstead Select Board

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

November 8, 2021

Christine Callaghan
Supervisor of the Checklist
City of Laconia, Ward 5
169 Winter Street
Laconia, NH 03246

Re: City of Laconia, Voter Checklist Clerical Error (3279431)

Dear Supervisor Callaghan:

On November 10, 2020, you spoke with Election Law Unit Paralegal Jill Tekin about voter [redacted] who appeared to have voted in both Gilford and Laconia in the November 3, 2020, general election. You stated that you were not able to enter [redacted] information into ElectioNet because it had already been entered by the Town of Gilford. You contacted the Help America Vote Act Help Desk, where you spoke with an individual who informed you that it is possible that [redacted] voted in both Laconia and Gilford on November 3, 2020.

Our investigation into this allegation led to the discovery that [redacted] had been mistakenly checked-off as having voted in Laconia when it was instead a family member, his father [redacted] that voted. We determined that [redacted] did not double vote during the November 3, 2020, general election.

As part of our investigation, Investigator Richard Tracy noted that the name [redacted] of [redacted] was not checked-off as voting on the Laconia checklist. [redacted] and [redacted] both with an address of [redacted] were checked off as voting. Investigator Tracy conducted research in ElectioNet where he discovered that [redacted] both of [redacted] are regular voters in Laconia.

On August 11, 2021, Investigator Tracy contacted [redacted] He informed [redacted] that his name was crossed off as voting in Laconia. [redacted] emphatically denied voting in Laconia. He stated that [redacted] is his father. [redacted] stated that his father would have voted in the November 3, 2020, election. Investigator Tracy explained to [redacted] that his father's name was not crossed off on the checklist and that it was possible the ballot clerk made a mistake and crossed [redacted] 's name off when they should have crossed off [redacted]

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Also on August 11, 2021, Investigator Tracy spoke with [redacted], who stated that he voted in the November 3, 2020, election and that he has been voting regularly in Laconia for 20 years. [redacted] stated that he recalled seeing his last name being checked-off by the ballot clerk on the day of the election, but did not pay attention to what first name was crossed off. [redacted] mentioned that his name was on the first page of the checklist.

It likely appears that the Ward 5 ballot clerk mistakenly checked off [redacted] on the day of the November 3, 2020, election when the clerk should have checked off [redacted] instead.

We appreciate what all election officials do for the voters in their respective communities, the amount of time they put in, and the stress they deal with especially on election day. We ask that you share the information from this investigation with the Ward 5 moderator and to use it as an opportunity for the moderator to ask the ballot clerks to be more careful.

This matter is closed. Please do not hesitate to contact us should you have any question or concerns. Thank you for all that you and your team of election officials do for the citizens of Laconia.

Sincerely,

Myles Matteson
Assistant Attorney General
Election Law Unit
(603) 271-0445
myles.b.matteson@doj.nh.gov

cc: City of Laconia Clerk
Gilford Town Clerk
[redacted]

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

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JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

November 8, 2021

Cheryl Critchet
[redacted]
Northwood, NH

Re: [redacted] Alleged Wrongful Voting (3277613)

Dear Ms. Critchet:

During the November 3, 2020, general election, you contacted this Office to report that a [redacted] was registered to vote at your current domicile, but did not live at that address. After investigation and careful consideration, we conclude that [redacted] has not violated New Hampshire's election laws. In short, [redacted] registered to vote in Northwood when he lived at [redacted]—your current address—but then moved to a different address in town and neglected to update his address after moving.

In reaching this determination, we reviewed Northwood assessments and property information, searched law enforcement databases, reviewed the State's centralized voter database, and also spoke with Northwood Town Clerk Marissa Russo.

According to the records we reviewed, [redacted] lived at [redacted] in 2009 and 2010. Election records show that [redacted] first registered to vote, and voted, using the [redacted] address in Northwood on November 2, 2010. Our investigation indicates that [redacted] moved in August, 2011, to his new address at [redacted] also in Northwood. Property records indicate that he purchased the home located at this new address in Northwood in 2016.

This Office spoke with Clerk Russo, who confirmed that during the November 3, 2020, general election, [redacted] updated his voter registration to reflect his new domicile address at [redacted] in Northwood.

RSA 654:1, I[1] states in relevant part –

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

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> An inhabitant's domicile for voting purposes is that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government.

Based on our investigation, this matter appears to be an issue of a voter failing to update his domicile address in the same town, and is not a matter of wrongful voting. Therefore, we conclude [redacted] has remained domiciled in Northwood, New Hampshire, since 2009 and has properly voted during that time as a Northwood resident.

This matter is closed. Please feel free to contact me if you have any questions.

Sincerely,

Myles Matteson
Deputy General Counsel
New Hampshire Attorney General's Office
(603) 271-3650
Myles.b.matteson@doj.nh.gov

cc: Marissa Russo, Northwood Town Clerk

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DEPARTMENT OF JUSTICE

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JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

November 12, 2021

Mark Greenstein
[redacted]
Manchester, NH 03103

Re: **CEASE AND DESIST ORDER**
Warning for Violation of RSA 659:34-a

Dear Mr. Greenstein:

Factual Background

On February 11, 2020, this Office was notified by the Secretary of State's Office of a potential matter that required additional review following the February 11, 2020, Presidential Primary. Specifically, on your declaration of candidacy, received by the Secretary of State on October 30, 2019, you listed that you were domiciled not in New Hampshire, but at [redacted] in West Hartford, Connecticut.

On March 31, 2020, the Secretary of State's Office reported that the City of Manchester had not yet completed its data entry of its 2020 Presidential Primary voter checklist into the State's centralized voter database. After the City had updated the voter database, on April 8, 2020, Chief Investigator Richard Tracy contacted Deputy City Clerk JoAnn Ferruolo to request a copy of Manchester's 2020 Presidential Primary voter checklist. Deputy City Clerk Ferruolo provided a copy of the checklist, which confirmed that you voted in-person during the 2020 Presidential Primary.

According to your voter records, you registered to vote in Manchester on December 15, 2015. You represented that your domicile for voting purposes was [redacted] in Manchester, New Hampshire. The only other election you had voted in in New Hampshire was the February 11, 2016, Presidential Primary.

On April 14, 2020, Investigator Tracy used Connecticut's public portal for voter information, and discovered that you were also a registered vote in West Hartford, Connecticut. This was also confirmed by the State of Connecticut's Elections Enforcement Commission. A record of your voting history from Connecticut shows that between the February 2016 and February 2020 Presidential Primary elections, you voted nine times in West Hartford,

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Connecticut, including Connecticut's 2016 Presidential Primary election in April 2016. However, the records did not show that you voted in the Hartford, Connecticut in 2020.

On December 7, 2020, Investigator Tracy spoke with Madelaine Gilmartin, the owner of [redacted] in Manchester. Ms. Gilmartin indicated that she had known you since approximately 1999, when you first rented a room from her. She explained that since 1999, you have visited New Hampshire and rented a room from her every four years, usually at the time of a Presidential Primary election. Ms. Gilmartin estimated that you typically stay three to six months during each of these visits, before returning to Connecticut after the Presidential Primary. While Ms. Gilmartin did not have a signed lease with you from your 2020 visit, she indicated that she had executed leases from your past visits.

Ms. Gilmartin stated that during your visits to New Hampshire, you would stay at either [redacted] or [redacted] in Manchester – both owned by Ms. Gilmartin – depending on which building was available.

In searching for your driver's license, Investigator Tracy learned that you had a valid Connecticut driver's license issued on March 10, 2016. The license information indicated that you had a mailing address in Newington, Connecticut and a physical address in Farmington, Connecticut.

On December 8, 2020, you spoke with Investigator Tracy. You told Investigator Tracy that since 1999, you have stayed in New Hampshire three times: 1999/2000, 2015/2016, and 2019/2020. During each of these three periods, you were a candidate for the Office of President.

You admitted to voting in New Hampshire during both the 2016 and 2020 Presidential Primary elections. You denied voting in the 2020 Presidential Primary in Connecticut, but admitted to voting in Hartford, Connecticut during the 2020 General Election.

You described that during the 2016 Presidential Primary, you had also visited Colorado in March to prepare for "Super Tuesday," after which you travelled to Utah to campaign during its Presidential Primary. You claimed not to have established domicile in either Colorado or Utah during your visits.

You explained to Investigator Tracy that following unsatisfactory election results in Utah, you ceased your campaign for President and moved back to Connecticut. You admitted to voting in Connecticut's 2016 Presidential Primary on April 26, 2016.

With respect to your ties to Connecticut, you said you own a business in that state – "Ivy Bound Test prep and Academic Tutoring" – in Newington. You shared that you own four homes in Connecticut. You referenced that in the future, you have narrowed the areas you wish to retire to Tennessee, Utah, and New Hampshire.

When Investigator Tracy asked you about voting in two different states during the 2016 Presidential Primary, you answered that you did not see it as a problem because it was not the same election. You argued that you were in fact properly domiciled in New Hampshire during

the 2016 Presidential Primary since you had leased and rented a room at the address you provided on your voter registration paperwork.

Applicable Law

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

RSA 654:11 creates a presumption that the applicant is qualified to vote and authorizes the supervisors of the checklist to reject the application only if they conclude that it is more likely than not that the applicant is not qualified.[2] See New Hampshire Election Procedure Manual: 2020-2021, Pg. 170.

The supervisors must consider the applicant's manifestations of intent to maintain a single, continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government. There are many types of documents that satisfy this requirement. Among those documents, election officials have recognized that a rental agreement, lease, or similar document that shows the applicant's name and the address of the applicant's domicile is satisfactory proof of domicile.[3]

Analysis

In this case, Ms. Gilmartin confirmed that, at the time you registered to vote in New Hampshire in 2015, you had executed a lease agreement with her for [redacted] in Manchester, New Hampshire.

As stated above, election officials have routinely recognized a rental or lease agreement to be satisfactory proof of domicile. There is no durational requirement under New Hampshire election law for how long an individual must stay before registering to vote, nor a requirement that an individual must remain in New Hampshire for a certain period of time following registration. Regardless, here, you established your domicile in New Hampshire at least by December 15, 2015, and did not leave the State until on or around March 1, 2016 ("Super

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

[2] See also New Hampshire Election Procedure Manual: 2020-2021, Pg. 176, "A homeless person's domicile may be the street or parking lot where a person living in a car parks/sleeps, more than any other place. The domicile may be the home of another where, more often than any other, the homeless person sleeps on a couch. The domicile can even be the park or area under a bridge where, more than any other place, the homeless person sleeps."

[3] Notably, before it was struck down by the Court, the Legislature, through SB3, similarly recognized evidence of renting or leasing an abode for a period of more than 30 days to be satisfactory proof of domicile.

Tuesday"). Moreover, you explained that you did not establish domicile in another state – Connecticut – until after March 22, 2016, the date of Utah's Presidential Primary election.

Based on the forgoing, we conclude that at the time of your registration in 2015, you were in fact domiciled for voting purposes in Manchester, New Hampshire. We further conclude that you properly voted in New Hampshire during the 2016 Presidential Primary election.

With respect to voting in the Presidential Primary elections of both New Hampshire and Connecticut, there is a significant question as to the applicability of RSA 659:34-a.

> "A person is guilty of a class B felony if, at any election, such person knowingly checks in at the checklist and casts a New Hampshire ballot on which one or more federal or statewide offices or statewide questions are listed if the person also casts a ballot in the same election year in any election held in any other state or territory of the United States where one or more federal or statewide offices or statewide questions are listed. For federal or statewide offices and statewide questions, neither the candidates nor the questions need be the same in both jurisdictions for a violation to occur. The titles for offices need not be identical, but must serve an equivalent role in government, for a violation to occur."

RSA 659:34-a, I. (emphases added).[4]

Notably, RSA 652:6 defines a Presidential Primary election as "an election to choose delegates to a national party convention." RSA 652:1 goes onto distinguish between the choosing of a "public officer" and choosing of a "delegate to a party convention." As a result, while you may have voted in both states during the same election year, the statute does not appear to apply to Presidential Primary elections, where the voters are nominating a party representative, and not voting upon a federal or statewide "office."

Nonetheless, there are significant facts uncovered by this investigation which are concerning in light of New Hampshire's laws regarding domicile. These facts bring into question the legitimacy of your claim that Manchester is "that one place where [you], more than any other place, [have] 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.

In the last twenty-one years, you admitted to staying in New Hampshire only three times and only for the purpose of campaigning for your election. Each time you only stay for three to six months. Furthermore, unlike lawfully domiciled voters of New Hampshire who may travel to and from an out-of-state property during certain periods of the year, at least three to five years passed between any one of your three visits before you returned to New Hampshire.

[4] RSA 659:34 that prohibits wrongful voting of an unqualified voter also uses the term "office."

While it is true that "a domicile for voting purposes acquired by any person in any town shall not be interrupted or lost by a temporary absence," in your case, the timing issues outlined above combined with evidence of your ties to Connecticut establish more than merely a "temporary absence." See RSA 654:2. Your Connecticut driver's license was issued on March 10, 2016, less than three months after you registered to vote in New Hampshire, which you claimed was your domicile, and prior to your claimed return to Connecticut following your loss in Utah. Your business is established in and based out of Newington, Connecticut. All of the properties you claim to own are in Connecticut. Even in your own declaration of candidacy, filed as recently as October of 2019, you declare [redacted]n West Hartford, Connecticut, not Manchester, as your domicile.

This pattern of infrequent visits to this State combined with significant evidence of your ties to Connecticut lead us to conclude that you are not now domiciled in New Hampshire, but in Connecticut. At the same time, this Office is accepting your claim of domicile for the purposes of the 2020 New Hampshire Presidential Primary.

Based upon the investigation conducted by our Office, **you are hereby ordered to cease and desist from voting in New Hampshire unless and until you establish domicile in this State within the meaning of RSA 654:1, I.** A copy of this cease and desist order will be sent to Manchester officials, directing them, based on our determination, to remove you from the City's voter checklist. Failure to comply with this order could result in further enforcement action.

Cease and Desist Order Issued

By Authority of:

John M. Formella
Attorney General

Myles Matteson
Deputy General Counsel
Attorney General's Office
(603) 271-3650

cc: Matthew Normand, Manchester City Clerk
Orville Fitch, Assistant Secretary of State
Patricia Piecuch, Direction of Elections Division
Kevin Ahern, Esquire, State of Connecticut Law Enforcement Unit

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

December 10, 2021

Edward and Kathleen Tarlowski
[redacted]
Manchester, NH 03103

Re: Alleged Illegal Campaign Activity

Dear Mr. and Mrs. Tarlowski:

On November 5, 2020, our Office received information from the Manchester Police Department regarding the theft of campaign signs from your residence on October 18, 2020. After pursuing this matter, we are closing our investigation for lack of actionable information.

Our Office received a police report from the Manchester Police Department, which included interviews and materials you gave investigators. Additionally, on September 29, 2021, Attorney General's Office Investigator Stephen Johnson spoke with Ms. Tarlowski at your residence. She showed Investigator Johnson where the stolen signs had been, and also the former location of Ring solar lights that was also stolen. Investigator Johnson reviewed the surveillance footage with Ms. Tarlowski. She agreed that the video did not contain identifiable information and that the perpetrators appeared to be teenagers, with what sounds to be the voices of younger females. While the video may show an individual recording the sign theft with a phone, you and the police have not yet been able to identify any social media showing the thefts.

Investigator Johnson discussed the case with you and the difficulty in proceeding given the limitations in the available evidence. Ms. Tarlowski indicated that it may be appropriate to close the case due to the lack of actionable information to identify the thieves.

Our Office has not developed any additional information to advance this investigation. As such we are unable to proceed with the investigation or an enforcement action.

This matter is closed. Please contact us should you have any question or concerns.

Sincerely,

Myles Matteson
Assistant Attorney General
Election Law Unit
(603) 271-0445
myles.b.matteson@doj.nh.gov

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JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

December 10, 2021

Sara Persechino, Moderator
Town of Hopkinton
330 Main Street
Hopkinton, NH 03229

Re: Arthur Gongas, Alleged Assault of an Election Officer

Dear Moderator Persechino:

During the November 3, 2020, general election, you called this Office to report a voter who refused to comply with the mask requirement to enter the polling place. You also reported that this voter, who you identified as Arthur Gongas, refused the alternative voting option and allegedly "put his hands on the greeter." After carefully reviewing the matter, we conclude that no election law violation occurred.

In reviewing this matter, we reviewed a police report produced by the Hopkinton Police Department for this matter. In addition, this Office also spoke with you, election volunteer Katherine Kaynak, and Arthur Gongas.

From the Hopkinton Police Department's report, we understand that you contacted Chief Stephen Pecora to come to the polling place in response to an individual who was not wearing a mask. The polling place is located at the Hopkinton Middle-High School with the voting area inside its gymnasium.

When Chief Pecora arrived at the polling place, he observed that the individual in question – Mr. Gongas, was sitting with an assistant to the supervisors of the checklist, completing his voter registration. Chief Pecora described Mr. Gongas as "calm and cooperative" as Mr. Gongas spoke with the assistant and completed his registration paperwork.

Chief Pecora spoke with election officials and learned that Mr. Gongas had initially refused to put on a mask. Election officials shared that Mr. Gongas did however enter the polling place wearing a face shield. According to the election officials who observed the incident, Mr. Gongas was involved in an incident with an election volunteer when you (Moderator Persechino) got involved.

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When you spoke with Chief Pecora, you described how after some debate with Mr. Gongas about wearing a mask, you escorted him to the alternative, outdoor voting area. As the two of you exited the building, you discovered Mr. Gongas had to register to vote, and in order to do so, would be required to re-enter the polling place building. You stated that Selectboard member Jeffrey Donohoe, also spoke with Mr. Gongas, successfully encouraged him to put on a mask beneath his face shield before re-entering the polling place building.

Chief Pecora also spoke with the election volunteer, Ms. Kaynak who alleged she was contacted when trying to get Mr. Gongas to wear a mask. Ms. Kaynak said that Mr. Gongas touched her forearm with his hand. She further illustrated the physical contact, showing Chief Pecora that both of her arms were in front of her, she was in front of Mr. Gongas as he tried to enter the gymnasium where the voting area was located, and how he wrapped his hand around her forearm. Ms. Kaynak confirmed that she was not injured, and there were no marks on her arm.

In addition to speaking with election officials, Chief Pecora reviewed the available security footage. The footage confirmed that when Mr. Gongas approached the gymnasium entryway, he was wearing a face shield. Mr. Gongas appeared to exchange a comment with Ms. Kaynak, before walking past her and pointing at his face shield as he entered through the entryway. The footage shows that Ms. Kaynak was standing next to a table several feet away from the entryway. After Mr. Gongas entered into the gymnasium, Ms. Kaynak is shown leaving her spot by the table, and following Mr. Gongas inside. The available footage did not capture the alleged contact between Mr. Gongas and Ms. Kaynak.

Chief Peccora's report indicates that the cameras were not working in the location where Mr. Gongas and Ms. Kayak continued their interaction.

In a written statement provided by Ms. Kaynak to Chief Peccora, after Mr. Gongas refused to put on a mask, Ms. Kaynak described how she "moved to get ahead of him," with Ms. Kaynak walking backwards. As the two of them reached the entrance of the gymnasium, Ms. Kaynak wrote that Mr. Gongas put his hands on her raised forearm, and she was pushed backward, but did not fall over. Following this contact, Ms. Kaynak wrote that she was inside the gymnasium.

On August 2, 2021, this Office reached out to Ms. Kaynak for clarification of the circumstances surrounding the altercation. During this conversation, Ms. Kaynak reiterated much of what was in her written statement. When asked specifically about the altercation, she explained that after Mr. Gongas walked by her and refused to take a mask, she got ahead of him in the corridor and confronted him at the doorway to the polling area/gymnasium. It was there where she described how she held a mask up in her left hand, approximately 12 to 14 inches away from her face, at which point Mr. Gongas took at least one open palmed hand and pushed her backward, which caused her to stumble backwards into the polling area. Ms. Kaynak asserted that she was not impeding his ability to get into the polling area, but after reviewing the way the gymnasium entryway was setup, and how she detailed that she was pushed into the polling area and not a wall, it would be reasonable to assume that she was in fact standing in front of the entryway door.

On August 16, 2021, this Office again spoke with you about this matter. You confirmed that you had not witnessed the alleged contact between Ms. Kaynak and Mr. Gongas. Additionally, you explained your understanding of the situation, that Ms. Kaynak stepped in front of Mr. Gongas, at which point he grabbed her arm.

You recalled how you specifically told poll workers and election volunteers not to confront someone who refused to wear a mask and to notify you instead. You also shared that you were not aware of any other witnesses who may have observed the alleged assault. You reiterated that once a selectboard member asked Mr. Gongas to put on a mask, he complied.

On November 1, 2021, Chief Investigator Richard Tracy spoke with Mr. Gongas. Mr. Gongas stated that he went to vote in Hopkinton, that he was wearing a face shield to protect himself, and noted that others were wearing a facemask to protect themselves. Mr. Gongas stated he walked past a woman who offered him a facemask. He then stated as he was about to enter the polling room a woman jumped in front of him making contact with him in the area of his chest. Mr. Gongas did not see anything in her hands and did not understand why she jumped in front of him. He stated that he walked around the woman after the contact and continued into the polling place.

RSA 659:41 states in relevant part that "[a]ny person who shall assault a town, city, or ward officer as provided in RSA 631 in the discharge of any duty of his office at any election shall be guilty of a class A felony or a class B felony."

RSA 631:2 identifies simple assault as:

(a) Purposely or knowingly causes bodily injury or unprivileged physical contact to another; or
(b) Recklessly causes bodily injury to another; or
(c) Negligently causes bodily injury to another by means of a deadly weapon.

This Office understands that election officials and election volunteers faced unprecedented challenges during the 2020 election cycle. Facilitating an election to the high degree of integrity New Hampshire elections are known for, while also observing protective health measures, required significant diligence and ingenuity.

This Office published guidance on August 20, 2020, in which we stated –

> We understand that in some instances, it may be difficult for individuals to wear face coverings/masks. As stated above, no otherwise eligible voter should be denied the right to vote if he or she is unwilling or unable to wear a face covering/mask. For that reason, we have indicated that moderators provide appropriate, alternative means to vote.

> If a voter declines to avail himself or herself themselves of an appropriate, alternative means to vote, we strongly encourage moderators to do all they can to engage constructively with these voters to encourage them to either wear a face covering/mask while in the polling place or vote by the alternative means.

In this case, based on our investigation, this appears to be an unfortunate, accidental contact between a voter and election volunteer. The evidence would not support a conclusion beyond a reasonable doubt that Mr. Gongas committed an election crime.

The evidence instead suggests that while Mr. Gongas continued to move forward, Ms. Kaynak was between him and the entryway to the gymnasium with an arm outstretched toward him, holding a mask. However, the evidence does not support a finding that Mr. Gongas knowingly made unprivileged physical contact with Ms. Kaynak. As noted above, Ms. Kaynak said she did not suffer any bodily injury or harm. This Office concludes that no election law violation has occurred.

Ultimately, the election officials and election volunteers were able to work with Mr. Gongas to ensure protective health measures were followed, and he successfully voted. We commend the election officials and volunteers for their tremendous efforts during this 2020 election cycle.

This matter is closed. Please feel free to contact me if you have any questions.

Sincerely,

Myles Matteson
Deputy General Counsel
Attorney General's Office
myles.b.matteson@doj.nh.gov

cc: Arthur Gongas

STATE OF NEW HAMPSHIRE
DEPARTMENT OF JUSTICE
December 10, 2021

In re City of Nashua Absentee Ballots

FINAL REPORT

On August 24, 2020, this Office began receiving complaints from City of Nashua voters who reported that they were unable to contact the Nashua City Clerk's Office to request the status of their absentee ballot requests for the 2020 September State Primary election to be held on September 8, 2020. Both the Secretary of State's and Attorney General's Offices followed up on these complaints. On September 8, 2020, the Nashua City Clerk's Office requested assistance from the State in responding to requests for absentee ballots. This report sets forth the factual findings, the actions undertaken by this Office and the Secretary of State's Office, and the results.

I. FACTURAL BACKGROUND

On August 24, 2020, this Office was contacted by a Nashua voter who indicated that the voter was unable to contact the Clerk's office. The voter reported that the Clerk's voicemail box was full and could not accept more messages. This Office was informed by the Help America Vote Act ("HAVA") Help Desk that they had spoken to Nashua City Clerk, Susan Lovering, regarding similar complaints received by the Help Desk. HAVA reported that they had been contacted by Nashua voters, and that HAVA had sent out several absentee voter registration packages and absentee ballot request forms to Nashua voters. RSA 654:16 and 657:6 authorizes the Secretary of State to send both absentee voter registration packages and absentee ballot request forms. Since voters were apparently frustrated with waiting for responses from the Nashua City Clerk's Office, the Secretary of State, through HAVA, answered those requests. HAVA was informed by the City Clerk's Office that to address the increased volume of voter registration and absentee ballot requests, two additional staff members were hired to help with the increased demand.

On August 24, Chief Investigator Richard Tracy attempted to call the City Clerk's Office, but received a notice that the voicemail box was full. Investigator Tracy also reached out to Mayor Donchess' office about this matter. On August 25, Mayor Donchess' assistant contacted Investigator Tracy and informed him that they were aware of the issue and were addressing it. This assistant described how Clerk Lovering would address all pending voicemail messages, only to have the voicemail box reach capacity again.

Investigator Tracy also spoke with Corporation Counsel Steven Bolton on August 25. Attorney Bolton stated that the Clerk's Office had hired extra help. He reiterated that the Clerk would answer the voicemail messages, only to have the voicemail box fill up overnight. Investigator Tracy informed Attorney Bolton that he (Tracy) tried calling the Clerk's Office and was notified the voicemail box was full. He also notified Attorney Bolton that he spoke with a

Nashua voter who tried calling three times during business hours, and was notified each time that the voter could not leave a message.

Investigator Tracy attempted working with Attorney Bolton on identifying any outstanding voter registration and absentee ballot requests. Attorney Bolton pointed out that the City was already working full-time and hired additional help. Investigator Tracy suggested that additional help may be required or existing staff may need to be temporarily reassigned. Attorney Bolton stated he would speak with Clerk Lovering.

Attorney Bolton called back, on August 25, to report that the Clerk's Office had hired 7 new employees and interviewed another 5 who would start by the end the week (the week of August 24) and also reassigned two employees. Attorney Bolton stated that 700 absentee ballots went out on August 24, but they received another 100 requests quickly thereafter. Attorney Bolton indicated that the oldest absentee ballot request the Clerk's Office presently had was from August 21, 2020.

Investigator Tracy also spoke with Elections Director Patricia Piecuch. Director Piecuch had spoken with Clerk Lovering on August 22, 2020, and was informed the Clerk's Office had absentee ballot applications not yet processed dating back to June.

On August 27, 2020, Investigator Richard Tracy followed-up with the Nashua voter who initially contacted this Office. The voter notified Investigator Tracy that the voter successfully contacted the Clerk's Office. Investigator Tracy confirmed later this day that the Clerk's voicemail box was accepting voicemail messages. He left a message for Clerk Lovering to return his call.

On August 28, Clerk Lovering returned Investigator Tracy's call and indicated the Clerk's Office had only 30 more absentee voter registration packages to process that day. The Clerk also explained that her office would be increasing the capacity of the voicemail box, and had obtained additional, temporary help. Clerk Lovering expressed her belief that her office was sufficiently caught-up.

On September 8, 2020 – the State Primary Election Day – this Office was notified that Clerk Lovering would not be available for Election Day due to a health issue. We also had been informed that the City of Nashua did not have a Deputy City Clerk. A customer service representative from the Clerk's Office was appointed by Clerk Lovering as an Assistant Clerk to oversee Election Day clerk duties. The Secretary of State, being very concerned about this proposed plan on what was expected to be an historically attended election, sent Director Piecuch to Nashua in order to help train the newly-appointed Assistant Clerk in carrying out a clerk's Election Day duties. Director Piecuch is a former Nashua City Clerk and was familiar with Nashua's election process.

On Election Day, the Attorney General's Office received two calls through its Elections Hotline related to Nashua: (1) A caller was upset with the effort it took to get an absentee ballot; and (2) another caller did not receive an absentee ballot before Election Day.

On September 15, a voter complained to this Office that the voter had issues obtaining an absentee ballot from the Nashua City Clerk's Office for the State Primary. On September 21, another voter emailed this Office regarding issues the voter faced registering to vote in Nashua. The voter reportedly attempted to email and call the Nashua City Clerk for the status of the processing of the voter's voter registration. The voter described how the City Clerk's voicemail box had been full for weeks at the beginning of August. While this voter had received confirmation that the voter's registration paperwork had been received, ElectioNet still does not show the voter as being registered. The voter was frustrated that nearly three weeks after submitting the voter registration paperwork, the voter was still not registered to vote. Additionally, due to the registration issue, this voter did not receive a State Primary Absentee Election ballot.

On September 21, the Nashua City Clerk's website stated that it would be closed from September 21, 2020, to October 2, 2020, and would also be suspending all in-person appointments to register to vote.[1] While the website indicated that the Clerk's Office would continue to accept online and mail-in requests, it indicated there would be delays with processing. Id. This closing of the Clerk's Office was due to a COVID-19 outbreak among staff at the City Hall. City Hall was closed until October 5, 2020, allowing for a quarantine of City officials.

II. APPLICABLE LAW

RSA 654:8 states that –

> The provisions of this section shall apply in all cities and in all towns. Any person who has his domicile in any town or city in this state and whose name does not appear on the checklist of said town or city may apply to the town or city clerk, or to the supervisors of the checklist as provided in RSA 654:11, for the purpose of having his name added thereto by filling out the form provided for in RSA 654:7. The office of the town or city clerk shall be required to accept applications from such persons under the following conditions:
>
> I. The supervisors of the checklist may issue guidelines to the town clerk for the taking of evidence of qualifications presented by applicants.
>
> II. No application hereunder shall be accepted after the last meeting of the supervisors of the checklist before an election.
>
> III. Such application shall be made during the regular office hours of the town or city clerk.

RSA 654:19 requires the absentee voter registration applicant to "forward the absentee registration affidavit and the applicant's voter registration form to the clerk of the town or city named for submission to the supervisors of the checklist."

[1] As of the date of this final report, the website formerly used to access this notice has been updated, and no longer contains this information: https://www.nashuanh.gov/193/City-Clerks-Office

RSA 657:6 states that once a voter fills out an absentee ballot request application, the voter must send it to the clerk of the town or city in which he or she desires to vote.

III. REMEDIATION

On Monday, September 28, 2020, in response to a request for assistance by the Nashua City Clerk's Office, this Office and the Secretary of State's Office were designated by the Nashua City Clerk's Office to take custody of absentee ballot mailing materials, including absentee ballots, in order to respond to more than 7,700 absentee ballot requests made to the City of Nashua by Nashua voters as the City could not respond in a timely manner.

The receipt of these materials and the scope of the Secretary of State's and Attorney General's Offices' requested assistance is governed by an agreement signed on September 28.[2] The Offices took physical possession of the materials on the morning of September 28 and immediately began processing the absentee ballots requests.

According to Exhibit A of the September 28 agreement, Clerk Lovering provided a total of 13,000 absentee ballots, broken down for each Ward as follows:

- Ward 1: 2,000 absentee ballots;
- Ward 2: 1,000 absentee ballots;
- Ward 3: 1,000 absentee ballots;
- Ward 4: 1,000 absentee ballots;
- Ward 5: 2,000 absentee ballots;
- Ward 6: 1,000 absentee ballots;
- Ward 7: 1,000 absentee ballots;
- Ward 8: 2,000 absentee ballots; and
- Ward 9: 2,000 absentee ballots.

On September 28 and September 29, a team of approximately 50 State employees, from the Attorney General's Office, the Secretary of State's Office, New Hampshire Employment Security, and the Department of Safety's Homeland Security and Emergency Management, with permission from Governor Sununu, were pulled from their jobs to process and mail approximately 7,763 absentee ballot packets to Nashua voters. Many State employees stayed well into the evening of September 28 in order to complete as many packets as possible for mailing early in the day on September 29. Many returned early in the morning on September 29 to repeat the process.

Upon receipt of the materials from the City Clerk's Office, while the outside mailing envelopes had been prepared, the inner affidavit envelopes were not prepared. As a result, the State employees were required to spend significant time: folding the instruction sheets, applying the yellow sticky notes to each affidavit envelope, attaching the City Clerk's mailing address label to every return envelope, and attaching the City Clerk's return address label to every

[2] See Attachment A.

outside mailing envelope. Usually, the City would have completed all of this work early in the summer to be prepared for the mailing of ballots in the fall. However, this work was not done and added significant preparation time to the State employees' tasks.

The State employees expected to label every outgoing envelope with the appropriate recipient's address label, return label, and barcode (if applicable), fold the ballots, assemble and package all the materials, and finally, seal the envelopes. This work was done, in addition to completing the preparation work the City had not done. The expectation was that all of the ballots would be able to be mailed in one day. However, given the additional preparation work that needed to be done, the work required part of a second day.

As a result of the efforts of the State employees, the approximately 7,763 absentee ballot requests obtained from the City Clerk's Office were processed and mailed out by mid-afternoon on September 29.[3] There were some duplicate labels printed, but those duplicates were pulled from the processing.

On October 2, 2020, the Secretary of State's and Attorney General's Offices returned all unused absentee ballot mailing materials, including unused envelopes, instruction sheets, and 5,433 unused absentee ballots to the Nashua City Clerk's Office. The returned absentee ballots were reviewed and each box was labeled with the number of ballots returned.

IV. CONCLUSION

The Secretary of State's and Attorney General's Offices, through the cooperative efforts of many State employees, successfully processed and responded to approximately 7,763 absentee ballot requests from Nashua voters. During the course of both Offices' review of this matter, Nashua City officials presented a variety of improvements to infrastructure and staffing to quickly address the high demand for absentee ballots in the midst of unprecedented challenges caused by the public health crisis. Following the State employees' efforts and the improvements made by the City Clerk's Office, this Office did not receive any additional complaints from Nashua voters related to delays in obtaining absentee ballots for the 2020 November General Election. This matter is closed.

Sincerely,

Anne M. Edwards
Associate Attorney General

[3] See Attachment B, Pgs. 4-6.

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, 2020

Steven A. Bolton, Esquire
Corporation Counsel
Nashua, City of
PO Box 2019
Nashua, NH 03060

Re: Agreement Letter – Request for Assistance

Dear Attorney Bolton:

On September 22, 2020, after a discussion with the Attorney General's Office, assistance was requested for the City of Nashua Clerk's Office (the "NCCO") with responding to requests for absentee ballots for the 2020 November General Election.

On September 24, 2020, you again spoke with Associate Attorney General Anne Edwards and Assistant Attorney General Nicholas Chong Yen, and together, constructed a process through which the NCCO would be provided assistance. That process was included in an email of that date.

This letter confirms the process to be used to transfer the absentee ballots, applicable mailing envelopes, and address labels and provides for a delegation of authority from Susan Lovering, the Nashua City Clerk, to the Secretary of State and Department of Justice to transfer custody and control of the absentee ballots to them for processing and mailing.

a. Delegation of Authority

Pursuant to this agreement, Nashua City Clerk Susan Lovering delegates to employees of the Secretary of State and Attorney General's Offices (collectively "the State") to take possession of a supply of Nashua's absentee ballots for the 2020 November General Election, absentee ballot mailing and return envelopes with appropriate postage added to the mailing envelopes, voter instructions, and mailing labels ("absentee ballot materials").

These employees will take possession of these absentee ballot materials, on September 28, 2020, to process and mail to Nashua voters, subject to the process outlined below.

Telephone 603-271-3658 • FAX 603-271-2110 • TDD Access: Relay NH 1-800-735-2964

b. Receipt of Absentee Ballot Materials

The absentee ballots are sent to clerks in batches of 1000 ballots per box by the Secretary of State. If possible, the NCCO will provide State employees with unopened boxes containing a complete count of 1000 ballots. If a box is opened because the NCCO staff has counted those ballots, the NCCO shall write on the box the total number of counted ballots contained in the box before providing them to State employees.

The Clerk's Office shall provide State employees with sufficient quantities of absentee ballots for each of the City's Wards based on the absentee ballot mailing list and labels being provided to the State. The absentee ballot mailing labels will be organized and segregated by Ward.

The return mail ballots sent to voters shall have the NCCO's mailing address on them. If this is not possible, then labels must be provided to the State.

The NCCO must provide the "2020 Absentee Ballot Instructions – Mailed Primary or General" documents to the State. If NCCO has any other inserts that it wants mailed to absentee voters, those shall be provided to the State on September 28, 2020.

Before taking possession of the absentee ballots, Clerk Lovering and one of the State employees must complete and sign the "Receipt of Absentee Ballots Reconciliation Form" enclosed as Exhibit A. Clerk Lovering shall complete this form for each of the City's wards she is providing absentee ballots for. Clerk Lovering shall identify the ward number and the total count of absentee ballots provided to State employees.

In addition to the provision of absentee ballots, Clerk Lovering shall prepare in advance and provide State employees the absentee ballot materials, including the following:

- Mailing labels printed from ElectioNet organized and segregated by Ward;
- All mailing and inside envelopes, with the appropriate postage added to each mailing envelope. Return mail envelopes should be marked with the NCCO address or applicable labels must be provided;
- 2020 Absentee Ballot Instructions must be provided. Any other voter information insert that the NCCO wants voters to receive must be provided upon receipt of the absentee ballot materials.

c. Fulfilling Absentee Ballot Requests

Once State employees are in receipt of the absentee ballot materials, the materials will be transported to the State Archive Building located at 9 Ratification Way, Concord, NH 03301.

State employees and officials will process the individual absentee ballot materials and deliver them to the United States Post Office to be mailed to requesting Nashua voters.

d. Return of Unused Absentee Ballots

If, in the course of fulfilling absentee ballot requests, State employees do not completely use a batch of 1000 ballots, they will make a notation on the Receipt of Absentee Ballots Reconciliation Form of how many ballots will be returned to the NCCO. For example, if only 500 of the 1000 ballots are used to fulfill requests for a specific ward, the State employee will note on the form that 500 ballots are being returned to the NCCO. The box containing an amount of ballots of less than 1,000 will also be similarly marked by State employees.

This agreement may be subject to modification as needed to expeditiously process and respond to absentee ballot requests.

Sincerely,

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

Enclosure

cc: William M. Gardner, Secretary of State
Gordon J. MacDonald, Attorney General

NASHUA CITY CLERK'S OFFICE

I, Susan Lovering, City Clerk of Nashua, hereby provide a limited designation of my authority over the absentee ballots, as noted on Exhibit A to this agreement, for Wards 1 – 9, to the Secretary of State's Office and the Attorney General's Office for them to assist my Office with processing and mailing the absentee ballot requests received prior to September 28, 2020, for the 2020 General Election.

I understand that the absentee ballots and accompanying absentee ballot materials will remain in the custody of staff from the two State agencies and that any unused ballots and absentee ballot materials will be returned to my Office.

I agree to the terms of this agreement.

September 28, 2020

Susan Lovering, Nashua City Clerk

ATTORNEY GENERAL'S OFFICE

I, Stephen P. Johnson, Investigator with the Attorney General's Office, take custody of the ballots, as noted on Exhibit A to this agreement, and will accompany the ballots and absentee ballot materials for delivery to the New Hampshire Archive Building at 9 Ratification Way, Concord, New Hampshire.

September 28, 2020

Stephen P. Johnson, Investigator

EXHIBIT A

Receipt of Absentee Ballot Reconciliation Form

I. Received Ballots

Ward Number 1

Number of Absentee Ballots Provided:

- Boxes: ___
- Total Number of Ballots: ___

*If box has been opened and counted, write the number of ballots on that box.

Ward Number 2

Number of Absentee Ballots Provided:

- Boxes: ___
- Total Number of Ballots: ___

*If box has been opened and counted, write the number of ballots on that box.

Ward Number 3

Number of Absentee Ballots Provided:

- Boxes: ___
- Total Number of Ballots: ___

*If box has been opened and counted, write the number of ballots on that box.

Ward Number 4

Number of Absentee Ballots Provided:

- Boxes: ___
- Total Number of Ballots: ___

*If box has been opened and counted, write the number of ballots on that box.

Ward Number 5

Number of Absentee Ballots Provided:

- Boxes: ___
- Total Number of Ballots: ___

*If box has been opened and counted, write the number of ballots on that box.

Ward Number 6

Number of Absentee Ballots Provided:

- Boxes: ___
- Total Number of Ballots: ___

*If box has been opened and counted, write the number of ballots on that box.

Ward Number 7

Number of Absentee Ballots Provided:

- Boxes: ___
- Total Number of Ballots: ___

*If box has been opened and counted, write the number of ballots on that box.

Ward Number 8

Number of Absentee Ballots Provided:

- Boxes: ___
- Total Number of Ballots: ___

*If box has been opened and counted, write the number of ballots on that box.

Ward Number 9

Number of Absentee Ballots Provided:

- Boxes: ___
- Total Number of Ballots: ___

*If box has been opened and counted, write the number of ballots on that box.

NASHUA CITY CLERK'S OFFICE

I certify that the above listed number of Nashua absentee ballots, by Ward, were delivered into the custody of the Attorney General's Office and the Secretary of State's Office.

September 28, 2020

Susan Lovering, Nashua City Clerk

ATTORNEY GENERAL'S OFFICE

I certify that the above listed number of Nashua absentee ballots, by Ward, were delivered into the custody of the Attorney General's Office and the Secretary of State's Office.

September 28, 2020

Stephen P. Johnson, Investigator

II. Returned Ballots

Name of Returning State Employee: _____

Date of Return: _____

Number of Returned Absentee Ballots:

*[Total Returned Absentee Ballots] + [Total Used Absentee Ballots] = [Total Number of Ballots from Section I]

Ward 1: _____

Ward 2: _____

Ward 3: _____

Ward 4: _____

Ward 5: _____

Ward 6: _____

Ward 7: _____

Ward 8: _____

Ward 9: _____

NEW HAMPSHIRE ATTORNEY GENERAL'S OFFICE

I certify that the above listed number of Nashua absentee ballots, by Ward, were delivered into the custody of Susan Lovering, Nashua City Clerk.

Dated: _____ _____

NASHUA CITY CLERK'S OFFICE

I certify that I received the return of the above listed number of Nashua absentee ballots, by Ward, from the State on the date written below.

Dated: _____

_____
Susan Lovering, Nashua City Clerk

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 2, 2020

Susan Lovering, City Clerk
City of Nashua
P.O. Box 2019
Nashua, NH 03061

Re: City of Nashua, Request for Assistance, Final Report (2020144988)

Dear Clerk Lovering:

On Monday, September 8, 2020, in response to a request for assistance by the Nashua City Clerk's Office, this Office and the Secretary of State's Office were designated by your Office to take custody of absentee ballot mailing materials, including absentee ballots, in order to respond to more than 7,700 absentee ballot requests made to the City of Nashua by Nashua voters.

The receipt of these materials and the scope of the State agencies' requested assistance is governed by an agreement signed on September 28. The State agencies took physical possession of the materials on the morning of September 28 and immediately began processing the absentee ballots requests.

According to Exhibit A of the September 28 agreement, you provided a total of 13,000 absentee ballots, broken down for each Ward as follows:

- Ward 1: 2,000 absentee ballots;
- Ward 2: 1,000 absentee ballots;
- Ward 3: 1,000 absentee ballots;
- Ward 4: 1,000 absentee ballots;
- Ward 5: 2,000 absentee ballots;
- Ward 6: 1,000 absentee ballots;
- Ward 7: 1,000 absentee ballots;
- Ward 8: 2,000 absentee ballots; and
- Ward 9: 2,000 absentee ballots.

On September 28 and September 29, a team of approximately 50 State employees, from the Attorney General's Office, the Secretary of State's Office, New Hampshire Employment

Security, and the Department of Safety's Homeland Security and Emergency Management, processed and mailed approximately 7,763 absentee ballot packets to requesting Nashua voters. Many State employees stayed well into the evening of September 28 in order to complete as many packets as possible for mailing early in the day on September 29.

Upon receipt of the materials from the City Clerk's Office, while the mailing labels were printed and the postage was added to all of the outside mailing envelopes, the other materials were not prepared for mailing. As a result, the State employees were required to spend significant time: folding the instruction sheets, applying the yellow sticky notes to each affidavit envelope, attaching the City Clerk's mailing address label to every return envelope, and attaching the City Clerk's return address label to every outside mailing envelope.

Prior to beginning the process, the State employees expected to label every outgoing envelope with the appropriate recipient's address label, return label, and barcode (if applicable), fold the ballots, assemble and package all the materials, and finally, seal the envelopes. And, the expectation was for the work to be completed in one day.

As a result of the efforts of the State employees, the approximately 7,763 absentee ballot requests obtained from the City Clerk's Office were processed and mailed out by mid-afternoon on September 29. There were some duplicate labels printed, but those duplicates were pulled from the processing.

This cover letter, with its attached Exhibit A, memorializes the return of all unused absentee ballot mailing materials, including unused envelopes and instruction sheets, as well as the return of custody of the unused absentee ballots to the Nashua City Clerk's office.

The Attorney General and Secretary of State's Offices are returning into the custody of the Nashua City Clerk's Office 5,433 absentee ballots. The returned absentee ballots have been reviewed and each box is labeled with the number of ballots returned. *See* Exhibit A for a breakdown by Ward of the returned ballots.

If you have any questions or concerns, please let us know.

Sincerely,

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

Enclosure

cc: William M. Gardner, Secretary of State

Gordon J. MacDonald, Attorney General
Steven Bolton, Corporation Counsel for City of Nashua

EXHIBIT A TO ATTORNEY GENERAL'S FINAL REPORT ON NASHUA ABSENTEE BALLOT RESPONSE

Returned Ballots

Name of Returning State Employee: Chief Investigator Richard Tracy

Date of Return: October 2, 2020

Total Number of Returned Absentee Ballots: 5,433

Ward 1:	**Total Ballots Returned**	**838**
	7 Stacks of 100 Ballots	700
	102 Loose Ballots	102
	36 Absentee Ballot Packets	36
Ward 2:	**Total Ballots Returned**	**164**
	1 Stacks of 100 Ballots	100
	36 Loose Ballots	36
	28 Absentee Ballot Packets	28
Ward 3:	**Total Ballots Returned**	**210**
	1 Stacks of 100 Ballots	100
	93 Loose Ballots	93
	17 Absentee Ballot Packets	17

Ward 4:	**Total Ballots Returned**	**678**
	6 Stacks of 100 Ballots	600
	60 Loose Ballots	60
	18 Absentee Ballot Packets	18
Ward 5:	**Total Ballots Returned**	**863**
	7 Stacks of 100 Ballots	700
	142 Loose Ballots	142
	21 Absentee Ballot Packets	21
Ward 6:	**Total Ballots Returned**	**503**
	4 Stacks of 100 Ballots	400
	91 Loose Ballots	91
	12 Absentee Ballot Packets	12
Ward 7:	**Total Ballots Returned**	**432**
	3 Stacks of 100 Ballots	300
	102 Loose Ballots	102
	30 Absentee Ballot Packets	30
Ward 8:	**Total Ballots Returned**	**948**
	8 Stacks of 100 Ballots	800
	102 Loose Ballots	102

	46 Absentee Ballot Packets	46
Ward 9:	**Total Ballots Returned**	**797**
	7 Stacks of 100 Ballots	700
	62 Loose Ballots	62
	35 Absentee Ballot Packets	35

NEW HAMPSHIRE ATTORNEY GENERAL'S OFFICE

I certify that the above listed number of Nashua absentee ballots, by Ward, were delivered into the custody of Susan Lovering, Nashua City Clerk.

Dated: 10-2-2020

Richard Tracy, Chief Investigator

NASHUA CITY CLERK'S OFFICE

I certify that I received the return of the above listed number of Nashua absentee ballots, by Ward, from the State on the date written below.

Dated: 10/2/2020

Susan Lovering, Nashua City Clerk

STATE OF NEW HAMPSHIRE
DEPARTMENT OF JUSTICE
December 10, 2021

In re Town of Swanzey

FINAL REPORT

On or around October 19, 2020, the Attorney General's Office received a report from the Secretary of State's Office that the Swanzey Town Clerk was utilizing an unsupervised dropbox to receive absentee ballots for the 2020 November General Election. Following an investigation, the Swanzey Town Clerk's Office was ordered to undertake remediation. This report sets forth the factual findings, the actions ordered by this Office, and the results.

I. FACTUAL BACKGROUND

On or around October 19, 2020, this Office was notified by the Secretary of State's Office that the Swanzey Town Clerk was utilizing an unsupervised dropbox to receive absentee ballots for the 2020 November General Election.

The Secretary of State's Office was contacted by the Swanzey Town Clerk – Ron Fontaine – who became aware that the dropbox must be staffed at all times during its use, after a report in a *Keene Sentinel* news article. Clerk Fontaine stated that he received in excess of 500 absentee ballots, and estimated 100-200 of those absentee ballots were from the dropbox.

On October 19, 2020, Chief Investigator Richard Tracy and Assistant Attorney General Nicholas Chong Yen spoke with Clerk Fontaine. He described that the dropbox was locked, and located immediately outside the front doors of the Swanzey Town Hall. The dropbox was cemented to the ground and was also used to deposit tax payments and motor vehicle paperwork. Clerk Fontaine explained that he or another staff member would check the dropbox every hour and could view the dropbox from their office windows. Following this phone call, Clerk Fontaine posted a sign on this dropbox notifying voters it could not be used to deposit absentee ballots.

II. APPLICABLE LAW

RSA 657:17 states in relevant part that upon completing his/her absentee ballot, the voter shall execute the affidavit on the inner/affidavit envelope. Next, the inner/affidavit envelope shall be sealed inside the outer envelope. The law then requires that the voter deliver his/her absentee ballot to the town or city clerk. Under RSA 657:17, this can be done in two ways:

1. The voter or the voter's delivery agent may personally deliver the envelope; or
2. The voter or the person assisting the blind voter or voter with a disability may mail the envelope to the city or town clerk, with postage affixed.

Both the Secretary of State's and Attorney General's Office's reviewed this statute to determine how to safely apply it during the public health crisis caused by COVID-19. Specifically, the State was trying to provide local officials with options to limit in-person interactions within an enclosed space to reduce the likelihood of transmission of the virus. To that end, the State published guidance stating that a dropbox supervised and deployed outdoors, could be used to receive absentee ballots.[1] The dropbox would largely mirror the routine receipt of absentee ballots process that regularly took place inside the town clerk's office, while providing better ventilation and reducing the number of direct contacts between voters and officials.

The Swanzey Town Clerk's office's dropbox was not supervised or staffed by a trained election official while it was in use.

The Attorney General's Office was concerned that if a voter deposited his/her completed absentee ballot into the dropbox during the time period when the Swanzey Town Clerk's office was closed, those absentee ballots might be challenged for not being delivered in accordance with the two methods prescribed by law and the guidance.

III. REMEDIATION

On Thursday, October 22, 2020, the Attorney General's Office sent Paralegal Jill Tekin and Investigator Stephen Johnson to the Swanzey Town Clerk's office to review absentee ballots envelopes that arrived on or before October 19, 2020.

After working with Clerk Fontaine and his staff to segregate any absentee ballot envelopes with postmarks and ones that Clerk Fontaine or his staff remembered receiving in hand, there were 103 of the original 517 absentee ballots remaining. The names of the voters on the remaining absentee ballot envelopes were marked on a document from the Secretary of State's Office that showed all Swanzey voters who had requested absentee ballots for the 2020 General Election. That list of 103 voters was brought back to the Attorney General's Office so the Office staff could contact the voters to determine how and when their absentee ballots were delivered to the Swanzey Town Clerk.

Additionally, due to the possibility that the Attorney General's Office might need to send ballots to voters who put their absentee ballots in the drop box during time periods when it was not supervised, the Attorney General's Office took custody of 64 Swanzey General Election absentee ballots and accompanying instruction sheets and envelopes.

The Attorney General's Office contacted all 103 voters, via phone calls, emails, and a visit by the Swanzey Police Department to one set of voters who did not receive the Attorney General's Office's voicemails. Based on this outreach, the Office determined that six voters should vote on new ballots to ensure that their ballots could not be challenged. During these

[1] In joint guidance released by the Secretary of State's and Attorney General's offices, if election officials chose to use a dropbox prior to Election Day for receiving absentee ballots, "it must be staffed by a properly trained election official throughout the course of its use." https://www.doj.nh.gov/documents/20200819-faq-guidance-election-operations.pdf

conversations, the Attorney General's Office was notified of 20 additional voters who used the dropbox, and confirmed they did so during normal business hours.

Of the six voters this Office identified as needing to vote on new ballots, five had contacted Clerk Fontaine's office for new ballots. The sixth voter asked the Attorney General's Office to send a new ballot, which this Office did.

On October 30, 2020, the Attorney General's Office, through Assistant Attorney General Amanda Palmeira, returned 63 Swanzey General Election ballots and accompanying instruction sheets and envelopes, to Clerk Fontaine. As noted above, one ballot was mailed by the Attorney General's Office to a voter.

IV. CONCLUSION

As discussed above, this Office successfully worked with Clerk Fontaine and his staff to swiftly address a reported issue. As a result, it was determined that 117 absentee ballots were appropriately deposited into the dropbox while it was being supervised by Clerk Fontaine. For those six voters who deposited absentee ballots into the dropbox outside of the Swanzey Town Clerk's office hours, all six voters were contacted and successfully completed and re-submitted new absentee ballots directly to Clerk Fontaine. The matter is closed.

Sincerely,

Anne M. Edwards
Associate Attorney General

STATE OF NEW HAMPSHIRE
DEPARTMENT OF JUSTICE
December 10, 2021

In re Town of Salem Absentee Ballots

FINAL REPORT

In the week of October 26, 2020, this Office began receiving reports from Salem voters, concerned about the status of their absentee ballot envelopes. Salem officials experienced challenges in completing the required data entry for these returned absentee ballots due to a cyberattack, which rendered their computers inoperative. There is no evidence to suggest voter information was compromised. Salem officials reached out to the State for assistance with completing the data entry of the returned absentee ballots. This report sets forth the factual findings, the actions undertaken by this Office and the Secretary of State's Office, and the results.

I. FACTUAL BACKGROUND

During the week of October 26, 2020, this Office received reports from Salem voters, concerned about the status of their absentee ballot envelopes. The Secretary of State's website was not showing their absentee ballots as "Received" by the Salem Town Clerk's Office.

Following these reports, this Office reached out to the Help America Vote Act ("HAVA") Help Desk to determine what assistance could be provided to Salem officials. HAVA suggested that this Office could take possession of approximately 500 submitted absentee ballots and bring those to the HAVA office located in Concord to allow HAVA staff to begin input of the absentee ballots into the ElectioNet system.

On October 29, 2020, Chief Investigator Richard Tracy contacted Salem Town Clerk Susan Wall. Clerk Wall informed Investigator Tracy that her office had more than 500 completed absentee ballots to process through the ElectioNet system. Investigator Tracy offered Clerk Wall assistance with the processing of those absentee ballots. Clerk Wall declined the offer and told Investigator Tracy she was confident she and her staff would be able to complete the task before their preprocessing session on October 31, 2020.

On October 29, 2020, following his conversation with Clerk Wall, Investigator Tracy was contacted by Salem Town Moderator Christopher Goodnow. Moderator Goodnow informed Investigator Tracy that the Town of Salem's computer system was subject to a cyberattack, rendering the Town's computers inoperative. There is no evidence to suggest voter information was compromised. As a result, Moderator Goodnow requested assistance from the State to complete the required data entry of Salem's returned absentee ballots.

II. REMEDIATION

On October 30, 2020 Moderator Goodnow arrived at the Attorney General's Office in Concord with 645 absentee ballots. Investigator Tracy and Moderator Goodnow went to the HAVA office with 645 absentee ballots. Elections Director Patricia Piecuch, HAVA staff members, as well as a member of the Attorney General's Election Law Unit entered the data for all 645 absentee ballots into ElectioNet.

This process was finished on the afternoon of October 30, 2020. Once this data was successfully entered, Investigator Tracy took possession of the 645 absentee ballots and delivered them to the Salem Town Clerk's Office this same day. Clerk Wall accepted the 645 absentee ballots and signed a letter confirming receipt of the same.[1]

III. CONCLUSION

Despite the challenges presented by the cyberattack on the Town of Salem's computer systems, Salem officials in cooperation with the State, successfully entered the data of 645 absentee ballots into the ElectioNet system. There is no evidence to suggest voter information was compromised. This matter is closed.

Sincerely,

Anne M. Edwards
Associate Attorney General

[1] See Attachment A.

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 30, 2020

IN HAND
Susan Wall
Town Clerk
Town of Salem

Re: Town of Salem, Absentee Ballots

Dear Clerk Wall:

On Friday, October 30, 2020, Salem Moderator, Chris Goodnow, delivered 645 returned absentee ballot envelopes to the Attorney General's Office. These absentee ballot envelopes were subsequently escorted by Chief Investigator Richard Tracy to the State Archives Building located at 9 Ratification Way Concord, New Hampshire.

The Attorney General's Office took possession of these returned absentee ballot envelopes because the Town of Salem's computer system was the victim of a cyberattack, rendering the computers inoperative. There is no evidence to suggest voter information was compromised. To complete the required data entry of Salem's returned absentee ballot envelopes into ElectioNet, the State's assistance was requested.

Director Patricia Piecuch from the Secretary of State's Election Division and Paralegal Jill Tekin from the Attorney General's Office volunteered to lead the State's efforts to complete this data entry for the 645 returned absentee ballot envelopes from Salem.

They successfully completed entering the information for 595 returned absentee ballot envelopes from Salem. The remaining 50 absentee ballot envelopes were not able to be completed as they lacked necessary documentation required for processing. These have been noted with their respective issues, and marked for completion by Salem officials.

At this time, the Attorney General's Office is returning 645 returned absentee ballot envelopes for the Salem General Election to you. Please sign below to acknowledge receipt of the 645 Salem General Election returned absentee ballot envelopes.

Sincerely,

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

Enclosure

On October 30, 2020, 645 Salem General Election absentee ballot envelopes were returned by Chief Investigator Richard Tracy to Susan M Wall.

Delivery Acknowledged

Richard Tracy

Receipt Acknowledged

Susan M Wall Susan M Wall

Print Name:
Position:

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

January 24, 2022

John Yarmo
[redacted]
Candia, NH 03034

Re: Alleged Bribery in Official and Political Matters

Dear Mr. Yarmo:

The Attorney General's Office received a complaint dated September 11, 2020, regarding a potential bribery violation alleging that you offered to give $200 to Representative Kevin Verville's campaign should he publish a letter calling for the resignation of another representative. This Office conducted an investigation, and warns you against further conduct that may constitute the felony offense of bribery.

On September 23, 2021, Investigator Scott Gilbert spoke with you. You stated that you remembered posting a comment on his Facebook page. The post read:

> Kevin: I will donate $200 to your campaign if you: publish a letter to: Gov Sununu, cc: House Leadership (D & R) and John Distaso (WMUR); Demanding the resignation of Rep James Spillane (R) denounce his racist comments and problematic past , (e.g. DUI arrests and spousal abuse). Deal expires 09/13/2020 11:00 AM (48 hours).

In your conversation with Investigator Gilbert you stated that your posting was flippant, spontaneous, and an attempt to get a reaction from Representative Verville. You denied any intent to give $200 to Representative Verville's campaign.

On September 23, 2021, Investigator Gilbert also spoke with Representative Verville. He stated that he has never met you or had any contact with you other than your Facebook post and his follow-up comment. That comment read:

> The decision is in the hands of the voters and will be decided on 3 November 2020. While I find his comments repugnant, it is not up to me to decide. As stated above I do fund raise. And I certainly would not agree to a quid pro quo for any reason! In fact, I find your offer repugnant, with all due respect, and it almost certainly runs afoul of the

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law. Rest assured, any contribution you try to make to my campaign, now or in the future, shall not be accepted.

Representative Verville also indicated that while he did not believe that your comment was a serious offer of a bribe, he nevertheless felt he had to respond as he did, indicating that your comment was improper, could be illegal, and that he would not agree or accept anything from you.

New Hampshire RSA 640:2 Bribery in Official and Political Matters states that a person is guilty of a felony offense if he "promises, offers, or gives any pecuniary benefit to another with the purpose of influencing the other's action, decision, opinion, recommendation, vote, nomination, or other exercise of discretion as a public servant, party official, or voter…." The statute definitions make clear that Representative Verville, as an elected legislator, is a public servant.

Based on the plain language of your post, you offered a pecuniary benefit to Representative Verville in the form of a $200 contribution. At the same time, despite the clear statements in your Facebook post, you claim that you did not intend to *actually* influence his official action in any way. Although he indicated that he did not take your post as an actual bribe attempt, Representative Verville was concerned enough about the apparent intent of your post that he responded forcefully, indicating a rejection of any action or engagement related to your post.

RSA 640:2 and related laws codify the principle that corrupting the practices of public servants, party officials, or voters is prohibited. Bribing or attempting to bribe a public servant is feloniously criminal. Making public statements that appear to be an offer of a bribe also constitutes serious conduct and at the very least is inappropriate.

This Office in this circumstance accepts your claim that your post was made in jest—it was executed in a public forum in a manner not inconsistent of a flippant statement. Although we accept that your "offer" was not serious, under slightly different circumstances, similar conduct could constitute a bribe and would be subject to prosecution. As such, you are warned against making future communications that are, or risk being interpreted as, attempts to corrupt elected officials' performance of their public duties.

This matter is closed.

Sincerely,

Myles Matteson
Deputy General Counsel
Attorney General's Office
myles.b.matteson@doj.nh.gov

CC: Kevin Verville

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

March 30, 2022

Tammy Brooks
[redacted]
Manchester, NH 03103

Re: Alleged Election Official Misconduct

Dear Ms. Brooks:

On November 4, 2020, you emailed this Office with a complaint alleging election official misconduct in Manchester Ward 7. Specifically, you alleged the following:

1. You witnessed a poll worker going through a box of trash and pulling out at least 20 uncounted Question #1 ballots;
2. You witnessed these discovered Question #1 ballots being put into the counting machine;
3. You indicated that the moderator only provided half of the totals to those public observers watching the count; and
4. You witnessed the moderator pack up the machines and load them onto a truck without giving the public observers the final count.

This Office conducted an investigation into these allegations, including reviewing records and interviewing election officials. After careful consideration, we have concluded that no election law violations have occurred.

On April 27, 2021, this Office spoke with Moderator William Cote. Moderator Cote recalled that at one point that day Ward 7 officials were running low on ballots and they had to call for additional ballots. Ward 7 elections officials received additional ballots from the City Clerk, but they were given Ward 1 general election ballots in error instead of Ward 7 general election ballots. An election officials became aware of the mistake after an unknown number of voters marked the Ward 1 ballots, which the ballot counting machine repeatedly rejected. Once this mistake was discovered, Ward 7 officials began collecting all unmarked and cancelled Ward 1 ballots, which were not accepted by the balloting counting machine. Moderator Cote explained that any ballot not being accepted by the ballot counting machine would typically be marked as "cancelled" and the voter would receive another ballot to vote. He further explained that this is the same process that would have been used if a voter mistakenly voted for someone they did not intend to vote for, and notified an election official to request a new ballot.

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Moderator Cote called the City Clerk's office, which then delivered the correct Ward 7 ballots. He stated that they collected all of the unmarked and marked Ward 1 ballots that they could find and gave them to the representative of the City Clerk's office who had delivered the correct Ward 7 ballots. Moderator Cote could not recall how many people voted on a Ward 1 ballot nor could he recall if everyone had the opportunity to vote on a Ward 7 ballot that had mistakenly marked a Ward 1 ballot. Moderator Cote believed that there were some voters who could not wait for the correct ballots to arrive and left without voting.

Moderator Cote had no recollection or explanation for your concern that an election official was seen pulling yellow Question #1 ballots out of a trash box, nor did he observe those ballots being cast into one of the ballot counting machines.

Moderator Cote described occasions throughout the day where Ward 7 election officials would remove counted ballots from the black box underneath the tabulator/counting machine, which they put in stacks of 100 to be counted at the end of the night.

Moderator Cote recalled that there were a half dozen people that stayed inside the polling place after the close of voting. He indicated that he announced the final numbers at the completion of work at the end of the night.

Moderator Cote indicated that he and Ward 7 election officials were inside the St. Anthony's gymnasium until approximately 5:30 AM. After giving the final count, they collected all of the ballots—those cast as well as unused ballots—which they secured and sealed in boxes. The outside of each box was marked indicating the contents. Once everything was secured in boxes, they delivered the boxes to the City Clerk's office.

On September 14, 2021, this Office spoke with Ward 7 Clerk Michael Reuschel. Clerk Reuschel said that he pulled Question #1 ballots out of a cardboard box that was located on the floor just past the ballot counting machines. Clerk Reuschel noted that some voters chose not to fill out the Question #1 (or the "municipal") ballot and tossed it into a box that contained trash. Clerk Reuschel stated that he didn't notice the yellow municipal ballots in the box of trash until later on election day. He described how he removed these discarded municipal ballots from this box and either put them through the ballot counting machine or secured them with other ballots to be hand counted at the end of the night. His recollection is that after his discovery of this box with the discarded yellow municipal ballots, he removed that box from the area.

At the end of the night, Clerk Reuschel said that all of the remaining election officials in Ward 7 worked on the hand count and running the tally for the machine count so they could secure the ballot counting machines to be returned to the City Clerk's office.

Clerk Reuschel stated that Ward 7 election officials closed the doors to the polling place at 7:00 PM, but it took a couple of hours to get everyone present at the polls at closing time through to vote. About fifteen minutes after the last person voted, Ward 7 election officials ran the numbers from the two individual ballot counting machines, and then announced those partial results to everyone present. He stated that they read each ballot counting machine's result independently and did not add them together prior to the announcement. Once they secured the

two tabulators, someone from City Hall arrived to pick up the two tabulators and transport them back to City Hall.

With respect to your complaint that Moderator Cote became frustrated, packed up the election items and left, Clerk Reuschel provided clarifying information. He explained that Moderator Cote did pick up everything from the work area (on one side of the gym), and made an announcement that the election items would be moved to the stage area where the hand count and paperwork completion would be conducted. Clerk Reuschel stated that when election officials moved to the stage area, they were still in plain view of the public and anyone who remained in the polling place.

This Office reviewed a floor plan of the polling place with Clerk Reuschel, who illustrated the locations of activities and indicated that the counting process at all times was in full view of the public. See Attachment A.

Professionalism and communication are hallmarks of New Hampshire's election officials, who have an extensive history of administering well-run elections. However, this Office's investigation has indicated that a Ward 7 election official was visibly frustrated, and in response took action in ways that also frustrated public observers. This is inappropriate and has been addressed with Ward 7 election officials.

It is important to keep in mind that the November 2020 general election, and the 2020 election cycle as a whole, was an unprecedented and challenging experience for election officials, who were having to address public health concerns in addition to historic voter turnout. In the case of Ward 7, these challenges were magnified by the delivery of the incorrect Ward's ballots when Ward 7's supply ran low. Election officials in New Hampshire worked hard in good faith to ensure the 2020 general election took place with the same level of consistency and integrity for which this State is known.

Based on the experience you related, it does appear that these frustrating circumstances could be attributed to a miscommunication between election officials and public observers. This Office concludes that the counting did not take place outside public observation. Furthermore, it appears that the results from each ballot counting machine were announced, albeit independently. We also learned that the hand count results were also announced subsequent to the ballot counting machine totals announcement.

Based on the forgoing, we have no basis to conclude that Ward 7 election officials engaged in misconduct. This matter is closed. Please feel free to contact us if you have any questions.

Sincerely,

Myles Matteson
Deputy General Counsel
Attorney General's Office

Enclosure

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Belknap Superior Court
64 Court St.
Laconia NH 03246

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
http://www.courts.state.nh.us

RETURN FROM SUPERIOR COURT – HOUSE OF CORRECTIONS

Case Name: **State v. Edward D Amirault**
Case Number: **211-2021-CR-00652**
Name: **Edward D Amirault** [redacted] Sanbornton NH 03269
DOB: [redacted]

Charging document: Indictment

Offense:	GOC:	Charge ID:	RSA:	Date of Offense:
Vote in More than 1 State		1933811C	659:34-a	November 06, 2018

Disposition: Guilty/Chargeable By: Plea

A finding of GUILTY/CHARGEABLE is entered.
Conviction: Felony

Sentence: see attached

April 06, 2022 — Date
Hon. Steven M. Houran — Presiding Justice
Abigail Albee — Clerk of Court

MITTIMUS

In accordance with this sentence, the Sheriff is ordered to deliver the defendant to the **Belknap County House of Corrections**. Said institution is required to receive the Defendant and detain him/her until the Term of Confinement has expired or s/he is otherwise discharged by due course of law.

Attest: _____
Clerk of Court

SHERIFF'S RETURN

I DELIVERED THE DEFENDANT TO THE **Belknap County House of Corrections** and gave a copy of this order to the Superintendent.

_____ Date
_____ Sheriff

J-ONE: ☒ State Police ☐ DMV

C: ☒ Dept. of Corrections ☐ Offender Records ☐ Sheriff ☐ Office of Cost Containment
☒ Prosecutor Myles Brand Matteson, ESQ ☐ Defendant ☒ Defense Attorney Ray Raimo, ESQ
☐ Sex Offender Registry ☐ Other _____ ☐ _____ Dist Div. _____

NHJB-2337-Se (08/06/2019)

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
http://www.courts.state.nh.us

Court Name: Belknap Superior Court

Case Name: State v. Edward D. Amirault

Case Number: 211-2021-CR-00652 Charge ID Number: 1933811C
(if known)

HOUSE OF CORRECTIONS SENTENCE

Plea/Verdict: **Guilty**	
Crime: **Voting More than One State Prohibited**	Date of Crime: **11/06/2018**

A finding of GUILTY/TRUE is entered.

CONVICTION

This conviction is for a **Felony**

☐ A. The defendant has been convicted of Domestic Violence contrary to RSA 631:2-b or of an offense recorded as Domestic Violence. See attached Domestic Violence Sentencing Addendum.

☐ B. The defendant has been convicted of a misdemeanor, other than RSA 631:2-b or an offense recorded as Domestic Violence, which includes as an element of the offense, the use or attempted use of physical force or threatened use of a deadly weapon, and the defendant's relationship to the victim is:

_____

OR The defendant is cohabiting or cohabited with victim as a _____

OR A person similarly situated to _____

CONFINEMENT

☑ A. The defendant is sentenced to the House of Corrections for a period of **180 days**.
Pretrial confinement credit is ____ days.

☑ B. This sentence is to be served as follows:

☐ Stand committed ☐ Commencing _____

☐ Consecutive weekends from _____ PM Friday to _____ PM Sunday beginning _____

☑ **All** of the sentence is suspended during good behavior and compliance with all terms and conditions of this order. Any suspended sentence may be imposed after hearing at the request of the State. The suspended sentence begins today and ends **2** years from ☑ today **or** ☐ release on charge ID number _____.

☐ _____ of the sentence is deferred for a period of _____.
The Court retains jurisdiction up to and after the deferred period to impose or terminate the sentence or to suspend or further defer the sentence for an additional period of _____.
Thirty (30) days prior to the expiration of the deferred period, the defendant may petition the Court to show cause why the deferred commitment should not be imposed. Failure to petition within the prescribed time will result in the immediate issuance of a warrant for the defendant's arrest.

☐ Other: _____

☐ C. The sentence is ☐ consecutive to case number and charge ID _____
☐ concurrent with case number and charge ID _____

☐ D. The court recommends to the county correctional authority:

☐ Work release consistent with administrative regulations.
☐ Drug and alcohol treatment and counseling.
☐ Sexual offender program.
☐ _____

If required by statute or Department of Corrections policies and procedures, the defendant shall provide a sample for DNA analysis.

PROBATION

☐ A. The defendant is placed on probation for a period of _____ year(s), upon the usual terms of probation and any special terms of probation determined by the probation/parole officer.
Effective: ☐ Forthwith ☐ Upon release from _____
The defendant is ordered to report immediately, or immediately upon release, to the nearest Probation/Parole Field Office.

☐ B. Subject to the provisions of RSA 504-A:4, III, the probation/parole officer is granted the authority to impose a jail sentence of 1 to 7 days in response to a violation of a condition of probation, not to exceed a total of 30 days during the probationary period.

Violation of probation or any of the terms of this sentence may result in revocation of probation and imposition of any sentence within the legal limits for the underlying offense.

FINANCIAL OBLIGATIONS

☑ A. **Fines and Fees:**
Fine of $ 4,000.00, plus a statutory penalty assessment of $ 960.00 to be paid:
☑ Today
☐ By _____
☐ Through the Department of Corrections as directed by the Probation/Parole Officer. A 10 % service charge is assessed by DOC for the collection of fines and fees, other than supervision fees.
☐ $ _____ of the fine and $ _____ of the penalty assessment is suspended for _____ year(s).
A $25.00 fee is assessed in each case file when a fine is paid on a date later than sentencing.

☐ B. **Restitution:**
The defendant shall pay restitution of $ _____ to _____
☐ Restitution shall be paid through the Department of Corrections as directed by the Probation/Parole Officer. A 17% administrative fee is assessed for the collection of restitution.
☐ At the request of the defendant or the Department of Corrections, a hearing may be scheduled on the amount or method of payment of restitution.
☐ Restitution is not ordered because: _____

☐ C. **Appointed Counsel: NOTE:** Financial Obligations, Section C is NOT a term and condition of the sentence.
☐ The Court finds that the defendant has the ability to pay:
counsel fees and expenses in the amount of $ _____
payable through _____ in the amount of $ _____ per month.
☐ The Court finds that the defendant has no ability to pay counsel fees and expenses.

_____

_____

Case Name: State v. Edward D. Amirault
Case Number: 211-2021-CR-00652
HOUSE OF CORRECTIONS SENTENCE

OTHER CONDITIONS

☑ A. The defendant is to participate meaningfully and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer.

☐ B. The defendant's _____ in New Hampshire is revoked for a period of _____ effective _____

☐ C. Under the direction of the Probation/Parole Officer, the defendant shall tour the _____

☑ D. The defendant shall perform 100 hours of community service and provide proof to State within 12 months of today's date.

☐ E. The defendant is ordered to have no contact with _____ either directly or indirectly, including but not limited to contact in-person, by mail, phone, e-mail, text message, social networking sites and/or third parties.

☑ F. Law enforcement agencies may ☑ destroy the evidence ☑ return evidence to its rightful owner.

☑ G. The defendant is ordered to be of good behavior and comply with all the terms of this sentence.

☑ I. Other:

Loss of the right to vote in New Hampshire pursuant to Part I, Article 11 of the New Hampshire Constitution

For Court Use Only

So ordered.

Steven M. Houran

Honorable Steven M. Houran
April 6, 2022

211-2021-CR-652
Charge ID: 1933811C

THE STATE OF NEW HAMPSHIRE
INDICTMENT

BELKNAP, SS. DECEMBER TERM, 2021

At the Superior Court, holden at Laconia, within and for the County of BELKNAP, upon the 16th day of December, in the year of our Lord two thousand and twenty-one

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon oath, present that

EDWARD D. AMIRAULT, SR.
[redacted]

of Sanbornton, New Hampshire, on or about November 6, 2018, New Hampshire in the County of Belknap, did commit the crime of

VOTING IN MORE THAN ONE STATE, PROHIBITED
RSA 659:34-a

in that, Edward D. Amirault, Sr., knowingly submitted an absentee ballot application, returned an absentee ballot to Sanbornton, New Hampshire election officials, was checked-off as having voted absentee on the checklist, and cast a New Hampshire ballot on which one or more federal or statewide offices or statewide questions were listed and also cast a ballot in the same election year in 2018 in Massachusetts where one or more federal or statewide offices or statewide questions were listed.

Said acts being contrary to the form of the Statute, in which case made and provided, and against the peace and dignity of the State.

Myles B. Matteson, NH Bar #268059
Assistant Attorney General

This is a true bill.

Foreperson

Plea of Guilty
Entered April 6, 2022
Honorable Steven M. Houran

Name: Edward D. Amirault, Sr.
DOB: [redacted]
Address: [redacted] Sanbornton, NH 03269
RSA: RSA 659:34-a
Offense level: Class B Felony
Dist/Mun Ct: N/A

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Belknap Superior Court
64 Court St.
Laconia NH 03246

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
http://www.courts.state.nh.us

RETURN FROM SUPERIOR COURT

Case Name: **State v. Edward D Amirault**
Case Number: **211-2021-CR-00652**

Name: **Edward D Amirault,** [redacted] Dr Sanbornton NH 03269
DOB: [redacted]
Charging document: Indictment

Offense:	GOC:	Charge ID:	RSA:	Date of Offense:
Vote in More than 1 State		1933810C	659:34-a	September 08, 2020

Disposition: Nolle Pros
Date: April 06, 2022
Action taken: By Prosecutor
Pursuant to plea agreement
Matthew G. Conley, ESQ.

J-ONE: ☒ State Police ☐ DMV

C: ☒ Dept. of Corrections ☐ Offender Records ☐ Sheriff ☐ Office of Cost Containment
☒ Prosecutor Myles Brand Matteson, ESQ ☐ Defendant ☒ Defense Attorney Ray Raimo, ESQ
☐ Other _____ ☐ _____ Dist Div. _____

NHJB-2574-Se (08/06/2019)

Filed
File Date: 4/6/2022 8:42 AM
Belknap Superior Court
E-Filed Document

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
http://www.courts.state.nh.us

Court Name: **Belknap Superior Court**

Case Name: **State v. Edward D. Amirault**

Case Number: **211-2021-CR-00652**

Charge ID Number(s): **1933810C**

NOTICE OF NOLLE PROSEQUI

Reason for Nolle Prosequi: **Pursuant to plea agreement**

Other:

/s/ Matthew G. Conley
Prosecuting Attorney

04/06/2022
Date

Matthew G. Conley **268032**
Name of Prosecuting Attorney Bar ID #

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Belknap Superior Court
64 Court St.
Laconia NH 03246

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
http://www.courts.state.nh.us

RETURN FROM SUPERIOR COURT – HOUSE OF CORRECTIONS

Case Name: **State v. Todd Krysiak**
Case Number: **211-2019-CR-00350**

Name: **Todd Krysiak** [redacted] Alton NH 03809
DOB: [redacted]

Charging document: Indictment

Offense:	GOC:	Charge ID:	RSA:	Date of Offense:
Vote in More than 1 State		1630698C	659:34-a	November 08, 2016

Disposition: Guilty/Chargeable By: Plea

A finding of GUILTY/CHARGEABLE is entered.
Conviction: Felony

Sentence: see attached

April 22, 2022 — Date
Hon. Amy L. Ignatius — Presiding Justice
Abigail Albee — Clerk of Court

MITTIMUS

In accordance with this sentence, the Sheriff is ordered to deliver the defendant to the **Belknap County House of Corrections**. Said institution is required to receive the Defendant and detain him/her until the Term of Confinement has expired or s/he is otherwise discharged by due course of law.

Attest: _____
Clerk of Court

SHERIFF'S RETURN

I DELIVERED THE DEFENDANT TO THE **Belknap County House of Corrections** and gave a copy of this order to the Superintendent.

_____ Date
_____ Sheriff

J-ONE: ☒ State Police ☐ DMV

C: ☒ Dept. of Corrections ☐ Offender Records ☐ Sheriff ☐ Office of Cost Containment
☒ Prosecutor Jessica A. King, ESQ; Myles Brand Matteson, ESQ ☐ Defendant ☒
Defense Attorney David P. Bodanza, ESQ
☐ Sex Offender Registry ☐ Other _____ ☐ ____ Dist Div. _____

NHJB-2337-Se (08/06/2019)

Filed
File Date: 4/18/2022 9:09 PM
Belknap Superior Court
E-Filed Document

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
http://www.courts.state.nh.us

Court Name: Belknap Superior Court

Case Name: State v. Todd Krysiak

Case Number: 211-2019-CR-00350 Charge ID Number: 1630698C
(if known)

HOUSE OF CORRECTIONS SENTENCE

Plea/Verdict: Guilty	
Crime: Voting in More than One State	Date of Crime: 11/08/2016

A finding of GUILTY/TRUE is entered.

CONVICTION

This conviction is for a Felony

☐ A. The defendant has been convicted of Domestic Violence contrary to RSA 631:2-b or of an offense recorded as Domestic Violence. See attached Domestic Violence Sentencing Addendum.

☐ B. The defendant has been convicted of a misdemeanor, other than RSA 631:2-b or an offense recorded as Domestic Violence, which includes as an element of the offense, the use or attempted use of physical force or threatened use of a deadly weapon, and the defendant's relationship to the victim is:

_____

OR The defendant is cohabiting or cohabited with victim as a _____

OR A person similarly situated to _____

CONFINEMENT

☑ A. The defendant is sentenced to the House of Corrections for a period of 90 days.
Pretrial confinement credit is ____ days.

☑ B. This sentence is to be served as follows:

☐ Stand committed ☐ Commencing _____

☐ Consecutive weekends from _____ PM Friday to _____ PM Sunday beginning _____

☑ All of the sentence is suspended during good behavior and compliance with all terms and conditions of this order. Any suspended sentence may be imposed after hearing at the request of the State. The suspended sentence begins today and ends 2 years from ☑ today or ☐ release on charge ID number _____.

☐ _____ of the sentence is deferred for a period of _____.
The Court retains jurisdiction up to and after the deferred period to impose or terminate the sentence or to suspend or further defer the sentence for an additional period of _____.
Thirty (30) days prior to the expiration of the deferred period, the defendant may petition the Court to show cause why the deferred commitment should not be imposed. Failure to petition within the prescribed time will result in the immediate issuance of a warrant for the defendant's arrest.

☐ Other: _____

☐ C. The sentence is ☐ consecutive to case number and charge ID _____
☐ concurrent with case number and charge ID _____

☐ D. The court recommends to the county correctional authority:

☐ Work release consistent with administrative regulations.
☐ Drug and alcohol treatment and counseling.
☐ Sexual offender program.
☐ _____

If required by statute or Department of Corrections policies and procedures, the defendant shall provide a sample for DNA analysis.

PROBATION

☐ A. The defendant is placed on probation for a period of _____ year(s), upon the usual terms of probation and any special terms of probation determined by the probation/parole officer.
Effective: ☐ Forthwith ☐ Upon release from _____
The defendant is ordered to report immediately, or immediately upon release, to the nearest Probation/Parole Field Office.

☐ B. Subject to the provisions of RSA 504-A:4, III, the probation/parole officer is granted the authority to impose a jail sentence of 1 to 7 days in response to a violation of a condition of probation, not to exceed a total of 30 days during the probationary period.

Violation of probation or any of the terms of this sentence may result in revocation of probation and imposition of any sentence within the legal limits for the underlying offense.

FINANCIAL OBLIGATIONS

☑ A. **Fines and Fees:**
Fine of $ 4,000.00, plus a statutory penalty assessment of $ 960.00 to be paid:
☐ Today
☒ By October 21, 2022
☐ Through the Department of Corrections as directed by the Probation/Parole Officer. A 10 % service charge is assessed by DOC for the collection of fines and fees, other than supervision fees.
☐ $ _____ of the fine and $ _____ of the penalty assessment is suspended for _____ year(s).
A $25.00 fee is assessed in each case file when a fine is paid on a date later than sentencing.

☐ B. **Restitution:**
The defendant shall pay restitution of $ _____ to _____
☐ Restitution shall be paid through the Department of Corrections as directed by the Probation/Parole Officer. A 17% administrative fee is assessed for the collection of restitution.
☐ At the request of the defendant or the Department of Corrections, a hearing may be scheduled on the amount or method of payment of restitution.
☐ Restitution is not ordered because: _____

☐ C. **Appointed Counsel: NOTE:** Financial Obligations, Section C is NOT a term and condition of the sentence.
☐ The Court finds that the defendant has the ability to pay:
counsel fees and expenses in the amount of $ _____
payable through _____ in the amount of $ _____ per month.
☐ The Court finds that the defendant has no ability to pay counsel fees and expenses.

_____

_____

Case Name: State v. Todd Krysiak
Case Number: 211-2019-CR-00350
HOUSE OF CORRECTIONS SENTENCE

OTHER CONDITIONS

☐ A. The defendant is to participate meaningfully and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer.

☐ B. The defendant's _____ in New Hampshire is revoked for a period of _____ effective _____

☐ C. Under the direction of the Probation/Parole Officer, the defendant shall tour the _____

☐ D. The defendant shall perform _____ hours of community service and provide proof to _____ within ____ _____ of today's date.

☐ E. The defendant is ordered to have no contact with _____ either directly or indirectly, including but not limited to contact in-person, by mail, phone, e-mail, text message, social networking sites and/or third parties.

☑ F. Law enforcement agencies may ☑ destroy the evidence ☑ return evidence to its rightful owner.

☑ G. The defendant is ordered to be of good behavior and comply with all the terms of this sentence.

☑ I. Other:

Pursuant to Part I, Article 11 of the NH Constitution, the defendant shall not have the right to vote in New Hampshire. The NH Supreme Court may, on notice to the AG, restore the privilege to vote

For Court Use Only

This sentence does not presently include a prohibition on possession of a firearm, but the State is entitled within 30 days to request such a term, if there is a statutory basis to do so. The defense is entitled to request a hearing if it believes such a prohibition is not warranted. The defendant has stated he will abide by any such prohibition and amendment to the sentence that may be ordered.

Amy Ignatius

Honorable Amy L. Ignatius
April 22, 2022

211-2019-CR-350 Charge ID# 1630698C

THE STATE OF NEW HAMPSHIRE
INDICTMENT

BELKNAP, SS. AUGUST TERM, 2019

At the Superior Court, holden at Laconia, within and for the County of Belknap aforesaid, on the 8th day of August in the year of our Lord two thousand and nineteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon oath, present that

TODD KRYSIAK
[redacted]

of Alton, New Hampshire, in the State of New Hampshire, on or about November 8, 2016, did commit the crime of

VOTING IN MORE THAN ONE STATE PROHIBITED
(RSA 659:34-a)

in that, Todd Krysiak, knowingly checked in at the checklist in Alton, New Hampshire and cast a New Hampshire ballot on which one or more federal or statewide offices or statewide questions were listed and also cast a ballot in the same election year in 2016 in Massachusetts where one or more federal or statewide offices or statewide questions were listed.

Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.

Nicholas A. Chong Yen, NH Bar #268425
Assistant Attorney General

This is a true bill.

Foreperson

Name: Todd Krysiak
DOB: [redacted]
Address: [redacted] Alton, NH 03809
RSA: RSA 659:34-a
Offense level: Class B Felony
Dist/Mun Ct: N/A

Plea of Guilty
Entered April 22, 2022
Honorable Amy L. Ignatius
April 22, 2022

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Belknap Superior Court
64 Court St.
Laconia NH 03246

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
http://www.courts.state.nh.us

RETURN FROM SUPERIOR COURT – HOUSE OF CORRECTIONS

Case Name: **State v. Todd Krysiak**
Case Number: **211-2019-CR-00350**
Name: **Todd Krysiak**, [redacted] Alton NH 03809
DOB: [redacted]
Charging document: Indictment

Offense:	GOC:	Charge ID:	RSA:	Date of Offense:
Vote in More than 1 State		1630698C	659:34-a	November 08, 2016

Disposition: Guilty/Chargeable By: Plea

A finding of GUILTY/CHARGEABLE is entered.
Conviction: Felony

Sentence: see attached

April 22, 2022 — Date
Hon. Amy L. Ignatius — Presiding Justice
Abigail Albee — Clerk of Court

MITTIMUS

In accordance with this sentence, the Sheriff is ordered to deliver the defendant to the **Belknap County House of Corrections**. Said institution is required to receive the Defendant and detain him/her until the Term of Confinement has expired or s/he is otherwise discharged by due course of law.

Attest: _____
Clerk of Court

SHERIFF'S RETURN

I DELIVERED THE DEFENDANT TO THE **Belknap County House of Corrections** and gave a copy of this order to the Superintendent.

_____ Date
_____ Sheriff

J-ONE: ☒ State Police ☐ DMV

C: ☒ Dept. of Corrections ☐ Offender Records ☐ Sheriff ☐ Office of Cost Containment
☒ Prosecutor Jessica A. King, ESQ; Myles Brand Matteson, ESQ ☐ Defendant ☒
Defense Attorney David P. Bodanza, ESQ
☐ Sex Offender Registry ☐ Other _____ ☐ ____ Dist Div. _____

NHJB-2337-Se (08/06/2019)

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Belknap Superior Court
64 Court St.
Laconia NH 03246

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
http://www.courts.state.nh.us

RETURN FROM SUPERIOR COURT – HOUSE OF CORRECTIONS

Case Name: **State v. Sigmund J Boganski**
Case Number: **211-2020-CR-00509**

Name: **Sigmund J Boganski**, [redacted] New Hampton NH 03256
DOB: [redacted]

Charging document: Indictment

Offense:	GOC:	Charge ID:	RSA:	Date of Offense:
Vote in More than 1 State		1805799C	659:34-a	November 08, 2016

Disposition: Guilty/Chargeable By: Plea

A finding of GUILTY/CHARGEABLE is entered.
Conviction: Felony

Sentence: see attached

May 04, 2022 — Date
Hon. Elizabeth M. Leonard — Presiding Justice
Abigail Albee — Clerk of Court

MITTIMUS

In accordance with this sentence, the Sheriff is ordered to deliver the defendant to the **Belknap County House of Corrections**. Said institution is required to receive the Defendant and detain him/her until the Term of Confinement has expired or s/he is otherwise discharged by due course of law.

Attest: _____
Clerk of Court

SHERIFF'S RETURN

I DELIVERED THE DEFENDANT TO THE **Belknap County House of Corrections** and gave a copy of this order to the Superintendent.

_____ Date
_____ Sheriff

J-ONE: ☒ State Police ☐ DMV

C: ☒ Dept. of Corrections ☐ Offender Records ☐ Sheriff ☐ Office of Cost Containment
☒ Prosecutor Myles Brand Matteson, ESQ ☐ Defendant ☒ Defense Attorney Timothy E. Bush, ESQ
☐ Sex Offender Registry ☐ Other _____ ☐ _____ Dist Div. _____

Filed
File Date: 5/2/2022 2:50 PM
Belknap Superior Court
E-Filed Document

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
http://www.courts.state.nh.us

Court Name: Belknap Superior Court

Case Name: State of New Hampshire v. Sigmund Boganski

Case Number: 211-2020-CR-00509 (if known) Charge ID Number: _____

HOUSE OF CORRECTIONS SENTENCE

Plea/Verdict:	
Crime: VOTE IN MORE THAN ONE STATE	Date of Crime:

A finding of GUILTY/TRUE is entered.

CONVICTION

This conviction is for a Felony.

☐ A. The defendant has been convicted of Domestic Violence contrary to RSA 631:2-b or of an offense recorded as Domestic Violence. See attached Domestic Violence Sentencing Addendum.

☐ B. The defendant has been convicted of a misdemeanor, other than RSA 631:2-b or an offense recorded as Domestic Violence, which includes as an element of the offense, the use or attempted use of physical force or threatened use of a deadly weapon, and the defendant's relationship to the victim is:

_____

OR The defendant is cohabiting or cohabited with victim as a _____

OR A person similarly situated to _____

CONFINEMENT

☒ A. The defendant is sentenced to the House of Corrections for a period of 90.

Pretrial confinement credit is _____ days.

☒ B. This sentence is to be served as follows:

☐ Stand committed ☐ Commencing _____

☐ Consecutive weekends from _____ PM Friday to _____ PM Sunday beginning _____

☑ ALL of the sentence is suspended during good behavior and compliance with all terms and conditions of this order. Any suspended sentence may be imposed after hearing at the request of the State. The suspended sentence begins today and ends 2 years from ☐ today or ☐ release on charge ID number MAY 4, 2024

☐ _____ of the sentence is deferred for a period of _____.

The Court retains jurisdiction up to and after the deferred period to impose or terminate the sentence or to suspend or further defer the sentence for an additional period of _____.

Thirty (30) days prior to the expiration of the deferred period, the defendant may petition the Court to show cause why the deferred commitment should not be imposed. Failure to petition within the prescribed time will result in the immediate issuance of a warrant for the defendant's arrest.

☐ Other: _____

☐ C. The sentence is ☐ consecutive to case number and charge ID _____

☐ concurrent with case number and charge ID _____

☐ D. The court recommends to the county correctional authority:

☐ Work release consistent with administrative regulations.

☐ Drug and alcohol treatment and counseling.

☐ Sexual offender program.

☐ _____

If required by statute or Department of Corrections policies and procedures, the defendant shall provide a sample for DNA analysis.

PROBATION

☐ A. The defendant is placed on probation for a period of _____ year(s), upon the usual terms of probation and any special terms of probation determined by the probation/parole officer.
Effective: ☐ Forthwith ☐ Upon release from _____
The defendant is ordered to report immediately, or immediately upon release, to the nearest Probation/Parole Field Office.

☐ B. Subject to the provisions of RSA 504-A:4, III, the probation/parole officer is granted the authority to impose a jail sentence of 1 to 7 days in response to a violation of a condition of probation, not to exceed a total of 30 days during the probationary period.

Violation of probation or any of the terms of this sentence may result in revocation of probation and imposition of any sentence within the legal limits for the underlying offense.

FINANCIAL OBLIGATIONS

☑ A. **Fines and Fees:**
Fine of $ 1000, plus a statutory penalty assessment of $ 240 to be paid:
☒ Today
☐ By _____
☐ Through the Department of Corrections as directed by the Probation/Parole Officer. A 10 % service charge is assessed by DOC for the collection of fines and fees, other than supervision fees.
☐ $ _____ of the fine and $ _____ of the penalty assessment is suspended for _____ year(s).
A $25.00 fee is assessed in each case file when a fine is paid on a date later than sentencing.

☐ B. **Restitution:**
The defendant shall pay restitution of $ _____ to _____
☐ Restitution shall be paid through the Department of Corrections as directed by the Probation/Parole Officer. A 17% administrative fee is assessed for the collection of restitution.
☐ At the request of the defendant or the Department of Corrections, a hearing may be scheduled on the amount or method of payment of restitution.
☐ Restitution is not ordered because: _____

☐ C. **Appointed Counsel: NOTE:** Financial Obligations, Section C is NOT a term and condition of the sentence.
☐ The Court finds that the defendant has the ability to pay:
counsel fees and expenses in the amount of $ _____
payable through _____ in the amount of $ _____ per month.
☐ The Court finds that the defendant has no ability to pay counsel fees and expenses.

_____

_____

Case Name: State of New Hampshire v. Sigmund Boganski
Case Number: 21-2020-CR-00509
HOUSE OF CORRECTIONS SENTENCE

OTHER CONDITIONS

☐ A. The defendant is to participate meaningfully and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer.

☐ B. The defendant's _____ in New Hampshire is revoked for a period of _____ effective _____

☐ C. Under the direction of the Probation/Parole Officer, the defendant shall tour the _____

☐ D. The defendant shall perform _____ hours of community service and provide proof to _____ within ____ _____ of today's date.

☐ E. The defendant is ordered to have no contact with _____ either directly or indirectly, including but not limited to contact in-person, by mail, phone, e-mail, text message, social networking sites and/or third parties.

☒ F. Law enforcement agencies may ☒ destroy the evidence ☒ return evidence to its rightful owner.

☐ G. The defendant is ordered to be of good behavior and comply with all the terms of this sentence.

☐ I. Other:
Pursuant to Part I, Article 11 of the New Hampshire Constitution the defendant shall no longer have the right to vote in New Hampshire under the Constitution of this State.

For Court Use Only

Honorable Elizabeth M. Leonard

May 4, 2022

211-2020-CR-00509
Charge ID #1805799C

THE STATE OF NEW HAMPSHIRE
INDICTMENT

BELKNAP, SS. OCTOBER TERM, 2020
STATEWIDE GRAND JURY
HOLDEN AT CONCORD

At the Superior Court, holden at Concord, convened a statewide grand jury, upon the 4th day of November, in the year of our Lord two thousand and twenty

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon oath, present that

SIGMUND J. BOGANSKI
[redacted]

of New Hampton, New Hampshire, on or about November 8, 2016, at New Hampton, New Hampshire in the County of Belknap, did commit the crime of

VOTING IN MORE THAN ONE STATE, PROHIBITED
RSA 659:34-a

in that, Sigmund J. Boganski, knowingly checked in at the checklist in New Hampton, New Hampshire and cast a New Hampshire ballot on which one or more federal or statewide offices or statewide questions were listed and also cast a ballot in the same election year in 2016 in Arizona where one or more federal or statewide offices or statewide questions were listed.

Said acts being contrary to the form of the Statute, in which case made and provided, and against the peace and dignity of the State.

Nicholas A. Chong Yen, NH Bar #268425
Assistant Attorney General

This is a true bill.

Michael J. Kelleher

Foreperson

Plea of Guilty
Entered May 4, 2022

Honorable Elizabeth M. Leonard

Name: Sigmund J. Boganski
DOB: [redacted]
Address: [redacted] New Hampton, NH 03256
RSA: RSA 659:34-a
Offense level: Class B Felony
Dist/Mun Ct: N/A

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Merrimack Superior Court
5 Court Street
Concord NH 03301

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
http://www.courts.state.nh.us

RETURN FROM SUPERIOR COURT

Case Name: **State v. Michael Lewis**
Case Number: **217-2018-CR-01164**

Name: **Michael Lewis,** [redacted]

DOB: [redacted]

Charging document: Indictment

Offense:	GOC:	Charge ID:	RSA:	Date of Offense:
Voter Fraud - RSA 659:34, I(b)		1572142C	659:34,II	November 08, 2018

Disposition: Dismissed/Quashed

Date: August 12, 2022

Action taken: By Judge

Andrew R. Schulman

J-ONE: ☒ State Police ☐ DMV

C: ☒ Dept. of Corrections ☐ Offender Records ☐ Sheriff ☒ Office of Cost Containment
☒ Prosecutor Myles Brand Matteson, ESQ ☐ Defendant ☒ Defense Attorney Aileen M. O'Connell, ESQ
☐ Other _____ ☐ _____ Dist Div. _____

THE STATE OF NEW HAMPSHIRE
INDICTMENT

MERRIMACK, SS. DECEMBER TERM, 2018

At the Superior Court, holden at Concord, within and for the County of MERRIMACK aforesaid, on the 13th day of December in the year of our Lord two thousand and eighteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon oath, present that

MICHAEL L. LEWIS
[redacted]

of Miami, Florida, in the State of New Hampshire, on or about November 8, 2016, did commit the crime of

WRONGFUL VOTING – NOT QUALIFIED TO VOTE
(RSA 659:34, I (c) & RSA 659:34, II)

in that, Michael L. Lewis, knowingly voted for an office or measure during the November 8, 2016, General Election in the Town of Hooksett, New Hampshire and that he was not qualified to vote in said town as provided in RSA 654 because he was not domiciled for voting purposes in the Town of Hooksett, New Hampshire,

Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.

Matthew T. Broadhead, NH Bar #19808
Assistant Attorney General

8-12-2022
DISMISSED WITHOUT PREJUDICE,
following finding that defendant has
not been resored to competency.

Honorable Andrew R. Schulman
August 12, 2022

This is a true bill.

Jamie Griswold Dated - 12/13/18

Foreperson

MCSC #217 2018 CR 1164
CHG ID# 1572142C

2018 DEC 13 PM 2 12 SUPERIOR COURT

029189

Plea of Not Guilty
Entered November 3, 2020

Clerk of Court

Name:	Michael L. Lewis
DOB:	[redacted]
Address:	[redacted] Miami, Fl, 33142
RSA:	RSA 659:34, I (b) & RSA 659:34, II
Offense level:	Class B Felony
Dist/Mun Ct:	N/A

HCSC #217 2018 CR 1164
CHG ID# 1572142C