

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF JUSTICE**

SENATE PUBLIC AND MUNICIPAL AFFAIRS COMMITTEE

HOUSE ELECTION LAW COMMITTEE

**Election Law Complaint Status Report
Submitted Pursuant to RSA 7:6-c**

Reporting Period January 1, 2013 – June 30, 2013

Prepared by:

Joseph A. Foster
Attorney General
Anne M. Edwards
Associate Attorney General
Stephen G. LaBonte
Assistant Attorney General
Civil Bureau
Attorney General's Office
33 Capitol Street
Concord, NH 03301
(603) 271-3650

INTRODUCTION

Part I, Article 11 of the New Hampshire Constitution provides, in part, that “[a]ll elections are to be free, and every inhabitant of the State of 18 years of age and upwards shall have an equal right to vote in any election.” To safeguard this constitutional provision, and pursuant to RSA 7:6-c, the Legislature designates the Attorney General to enforce all election laws in New Hampshire. In accordance with RSA 7:6-c, II, (a), the Attorney General is pleased to submit to the New Hampshire House of Representatives and the Senate the biannual rolling report on the status of all complaints of alleged violations of election laws received. This report includes a summary of complaints received during the six-month period beginning on January 1, 2013, through June 30, 2013. Likewise, included for each complaint are the results of the investigation and actions taken based on the investigation.

SECTION I – SUMMARY OF COMPLAINTS RECEIVED

RSA 7:6-C, II(a) requires that the Attorney General, at least once every 6 month period, provide a rolling report to the General Court on the status of all complaints of alleged violations of election law received. The Attorney General is to submit the report to the Standing Committees of Senate and House Representatives with jurisdiction over election laws.

Complaints Received	Statute	January 2013	February 2013	March 2013	April 2013	May 2013	June 2013	Total Complaints Jan. - June
Meeting Rules of Order	RSA 40:4	1		2				3
Wrongful Voting	RSA 658:34		2	3	1	1		7
No Disclosure	RSA 664:14, 16		1	1	1	1		4
Placement and Removal of Political Advertising	RSA 664:17		1		1			2
Electioneer Public Employee	RSA 659:44-a		1				1	2
No Electioneering Zone	RSA 659:43			2		1		3
PAC Registration	RSA 664:3			1				1
Tabulation of Votes	RSA 659:58, 63, 95			1				1
Declaration of Candidacy	RSA 669:19			1				1
Inspection of Elections	RSA 658:2			1				1
Bribery	RSA 659:40			1				1
Electioneering by Election Official	RSA 659:44				1			1
Push Poll	RSA 664:16-a					1		1
Qualification of Officers	RSA 669:6				1			1
No Violation of Election Law *		1	1	3	3	2	1	11
MONTHLY TOTALS		2	6	16	8	6	2	40

*Complaints in this category contain allegations that if true would not constitute a violation of election law.

**SECTION II – RESULTS OF COMPLAINTS INVESTIGATED
AND DESCRIPTIONS OF ACTIONS TAKEN**

A) RESULTS OF EACH COMPLAINT INVESTIGATED

Complaints Received	Statute	# Complaints Received	Complaints Closed Due to Legal Analysis	Complaints Investigated	Open Matters	Matters Closed
Meeting Rules of Order	RSA 40:4	3		3	3	
Wrongful Voting	RSA 658:34	7		7	7	
No Disclosure	RSA 664:14, 16	4	1	3	2	2
Placement and Removal of Political Advertising	RSA 664:17	2		2	1	
Electioneer Public Employee	RSA 659:44-a	2		2	2	
No Electioneering Zone	RSA 659:43	3		3	3	
PAC Registration	RSA 664:3	1		1	1	
Tabulation of Votes	RSA 659:58, 63, 95	1		1	1	
Declaration of Candidacy	RSA 669:19	1		1		1
Inspection of Elections	RSA 658:2	1		1		1
Bribery	RSA 659:40	1		1	1	
Electioneering by Election Official	RSA 659:44	1		1	1	
Push Poll	RSA 664:16-a	1		1	1	
Qualification of Officers	RSA 669:6	1		1	1	
No Violation		11	11		1	10
TOTALS		40	12	28	25	15

In addition to the complaints appearing in the tables in Sections I and II, the Attorney General's Office is investigating 1,270 individuals who obtained ballots by signing a challenged voter affidavit pursuant to RSA 659:13, IV, (b), 1,698 individuals who registered by signing a qualified voter affidavit pursuant to RSA 654:12, V, (c) and 1,193 individuals who registered by signing a domicile voter affidavit pursuant to RSA 654:12, V, (e).

B.) RESULTS OF INVESTIGATIONS OPENED PRIOR TO THE REPORTING PERIOD BUT CLOSED DURING THE REPORTING PERIOD:

Alleged Violation	Date Opened	Date Closed
Destruction of Ballots RSA 33-A:3-a	10/3/2012	2/28/2012
Incompatible Offices RSA 664:18	10/17/2012	4/10/2013
Wrongful Voting RSA 659:34	10/29/2012	1/28/2013
Registration of Political Committees RSA 664:3	10/30/2012	2/26/2013

C.) DESCRIPTION OF ACTIONS TAKEN ON COMPLAINTS CLOSED DURING THE REPORTING PERIOD

For matters closed during the reporting period, attached please find either a closure letter, settlement agreement, cease and desist order or complaint filed with a court or other official communication pursuant to RSA 7:6-c, II(c).

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

MICHAEL A. DELANEY
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

January 28, 2013

Rep. Warren Groen
[REDACTED]

Re: Election Law Complaint (Domicile of Rep. Anne Grassie)

Dear Rep. Groen:

On October 29, 2012, the Attorney General's Office received your complaint regarding the domicile of Rep. Anne Grassie in Rochester Ward 4 (Strafford District 11). Your complaint makes the following allegations:

1. In 2012, Rep. Anne Grassie registered to vote in the City of Rochester ward where she was not domiciled and falsely stated her domicile address when she did register, in violation of RSA 659:34.
2. On June 7, 2012, Rep. Anne Grassie falsely declared under RSA 655:17 that she was domiciled in Rochester Ward 4 (Strafford County District 11) when in fact on that date she was a domiciliary of Rochester Ward 6 and could only declare her candidacy in Rochester Ward 6.
3. On September 11, 2012, in violation of RSA 659:34, Rep. Anne Grassie voted in Ward 4, Rochester claiming herself then to be a domiciliary of Rochester Ward 4 even though she was in fact and under RSA 659:34 domiciled in Rochester Ward 6.

As a result of your claim, the Attorney General's Office conducted an investigation, in which the following facts were revealed:

- Rep. Grassie, along with her husband Charles Grassie, owns a mobile home located at 146 Brock Street, Rochester, New Hampshire.
- The property on Brock Street was conveyed to Rep. Grassie and her husband by her mother-in-law in 1994.
- On May 31, 2012, Rep. Grassie registered to vote in Rochester Ward 4 using the 146 Brock Street address.

- On June 7, 2012, Rep. Grassie filed a "Declaration of Candidacy" for State Representative declaring her domicile in Ward 4, using the 146 Brock Street address.
- During an interview with Investigator Mark Myrdek from the Attorney General's Office, Rep. Grassie indicated that, at the time she registered to vote and when she declared her candidacy, she was staying at her other residence located at 9 Central Ave, Rochester, NH but intended to move to the 146 Brock Street address once renovations to the mobile home were complete.
- Renovations continued throughout the summer and into the fall, during which time the family would hold cookouts at the 146 Brock Street residence.
- Rep. Grassie moved into the 146 Brock Street residence the first week of November 2012.
- Rep. Grassie voted in Ward 4 during the State Primary on September 11, 2012 and General Election on November 6, 2012.

The question of whether Rep. Grassie violated New Hampshire law as alleged above pivots on when her domicile was established in Ward 4 (146 Brock Street), thereby terminating her domicile in Ward 6 (9 Central Ave). RSA 654:1, I, states, in pertinent part, that "[a]n 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. 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."

"Whether or not a new domicile has been acquired is primarily a question of fact under all the circumstances of the particular case. *Mcgee v. Bragg*, 94 N.H. 349, 351(1947). The determination of a domicile of choice involves the determination of questions of fact and particularly the fact of intention, always a difficult fact to determine." *Id.* An assertion by a party that he regards a certain town as his home is entitled to great weight on the issue of his intention but it must be weighed against his actions." *Id.* at 352.

In the current case, Rep. Grassie owned the residence in Ward 4 since 1994, which establishes her physical presence in the ward. Although Rep. Grassie was staying at her residence in Ward 6 at the time she registered to vote and declared her candidacy, she and her husband had undertaken the task of renovating the Ward 4 residence with the intent of moving in once the renovations were complete. When Rep. Grassie registered to vote and declared her candidacy in Ward 4, she made the assertion that her domicile was at 146 Brock Street. Weighing this assertion against her actions of renovating the residence on Brock Street clearly manifested her intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government within Ward 4. It is therefore our belief that Rep. Grassie established her domicile in Ward 4 in a timely manner and did not violate New Hampshire law as alleged above.

Essentially the same issue regarding Rep. Grassie's domicile was heard by the Ballot Law Commission on September 20, 2012. In an order dated September 21, 2012, the Commission determined that based on Rep. Grassie's "intent as to her domicile, when considered with the

facts presented, [was] determinative and [established] her residence” for the 2012 State Primary and General Election was in fact Ward 4.

Our investigation on this matter is now closed without further action. Thank you for your cooperation. Should you have any questions please do not hesitate to contact Assistant Attorney General Stephen LaBonte at 603-271-3650.

Sincerely,



Anne M. Edwards
Associate Attorney General
Civil Bureau

Cc: Rep. Anne C. Grassie



Fred Leonard



Diane Wood



Julien Savoie



Mona Perreault
Richard Perreault



Randall Bowen
Shona Bowen



Thomas O' Connor



Steven Beaudoin



Bartlett, Linda J

From: LaBonte, Stephen G
Sent: Friday, February 22, 2013 9:33 AM
To: Duquette, Stephanie
Subject: FW: Reply from Senator Ayotte

From: LaBonte, Stephen G
Sent: Thursday, February 21, 2013 5:55 PM
To: 'Doreen .'
Cc: rcoutu@hudsonnh.gov
Subject: RE: Reply from Senator Ayotte

Dear Ms. Buccieri,

In response to your email below HB 1170 amended RSA 32:5 by adding paragraph V-b, which states that “[A]ny town may vote to require that the annual budget and all special warrant articles having a tax impact, as determined by the governing body, shall contain a notation stating the estimated tax impact of the article. The determination of the estimated tax impact shall be subject to approval by the governing body.” Based on the language of the statute, the discretion as to whether a tax impact notation is necessary is granted to the local governing body. Any concerns you have in that regard should be addressed to the respective governing body (School Board or Board of Selectman) in the appropriate manner.

Stephen G. LaBonte
Assistant Attorney General
NH Department of Justice
Civil Law Bureau
33 Capitol Street
Concord, NH 03301
(603) 271-3650
(603) 271-2110 Fax

Statement of Confidentiality

The information contained in this electronic message and any attachments to this message may contain confidential or privileged information and are intended for the exclusive use of the intended recipient(s). Please notify the Attorney General's Office immediately at (603) 271-3650 or reply to justice@doj.nh.gov if you are not the intended recipient and destroy all copies of this electronic message and any attachments.

From: Doreen . [REDACTED]
Sent: Tuesday, February 19, 2013 7:12 AM
To: electionlaw; rcoutu@hudsonnh.gov
Subject: Fw: Reply from Senator Ayotte

To Whom it may concern,

After reading some of the legislative laws, this year. It has come to my attention, that Legislative Law HB 1170 was not included in the Town of Hudson's Warrant articles and there is no mention of this Law in the School Districts warrant articles or Budget. This is a concern due to this Legislative law requiring votes from taxpayers to get this to pass. Is this something that was supposed to be apart of our town or school's warrant articles? What Should I do to get this incorporated into the town or school ballot this March? I feel it is imperative to give the taxpayer a change to Vote for or against this.

I have enclosed a link of the Legislative Law HB 1170
<http://legiscan.com/NH/text/HB1170/2012>

Thanks,

Doreen Buccieri

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



February 28, 2013

Maria Chamberlain
Jaffrey Town Clerk
10 Goodnow Street
Jaffrey, New Hampshire 03452

Re: Cease & Desist

Dear Ms. Chamberlain:

On October 3, 2012 this office received a complaint from Deborah Sumner. The complaint alleges that the Town Clerk illegally destroyed the November 2010 Election ballots. As a result of Ms. Sumner's complaint, this office conducted an investigation.

As a preliminary matter, RSA 652:13, in pertinent part, defines a "federal election" as "any state general, special, or primary election held solely or in part for the purpose of choosing or nominating any candidates for the offices of president, vice-president, *United States senator, or United States representative* (emphasis added)." November 2010 election ballots contained a choice of candidates for the office of United States senator and the office of United States representative, as such the November 2010 election ballots were ballots for a federal election. *See* RSA 652:13. Ballots for a federal elections are required to be retained "by the town clerk until the contest is settled and all appeals have expired or at least 22 months after the election, whichever is longer, pursuant to RSA 33-A:3-a, XXXVI.

On December 4, 2012, you were interviewed by Mark Myrdek, who is an investigator with this office, regarding Ms. Sumner's complaint. You informed Investigator Myrdek that in the spring of 2012 you were required to purge boxes of documents from the vault at the town offices to make room. You further stated that you read the statute regarding retention of records and in particular election materials because you were aware that the boxes containing the November 2010 election ballots were in the vault. You further stated that you believed the November 2010 election was a state election, which would require the ballots to be retained for 60 days, pursuant to RSA 33-A:3-a, XXXVII. It was only after the ballots were disposed of between April and June of 2012 that you learned from the Secretary of State's Office that the November 2010 election was a federal election because there were United States congressional seats up for contention.

Maria Chamberlain
Re: Cease & Desist
February 28, 2013
Page 2

After analyzing the facts as provided by you through your interview and the applicable statutes, it is our conclusion that you violated RSA 33-A:3-a, XXXVI, by disposing of the November 2010 election ballots prior to September 2, 2012. It is further our belief that the premature disposal of these ballots was done in error and not an act of official misconduct as defined by RSA 666:3. Nonetheless, pursuant to RSA 7:6-c and RSA 666:8 **you are hereby ordered to Cease and Desist disposal of any election related records short of the time frame prescribed by RSA 33-A:3-a.** Failure to comply with this Cease and Desist Order may result in an enforcement action and/or prosecution in New Hampshire Superior Court.

This investigation into this complaint is now closed. If you have any questions, please do not hesitate to contact me.

Sincerely,



Stephen G. LaBonte
Assistant Attorney General
Civil Bureau
(603) 271-3650

cc: Deborah Sumner

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY
ATTORNEY GENERAL

ANN M. BICE,
DEPUTY ATTORNEY GENERAL

March 1, 2013

Erik Shifflett

Re: **Cease & Desist**

Dear Mr. Shifflett:

On February 25, 2013, this office received a complaint from Amanda Soares, who is currently a selectman and running for reelection. The complaint alleges that political signs had been posted around town that did not contain the disclosures required under New Hampshire law. As a result of the complaint, this office conducted an investigation.

Ms. Soares provided this office with a picture of one of the signs. The sign stated, "Amanda Says... "You are throwing money away by giving employees raises."" On February 26, 2013, you spoke with Investigator Mark Myrdek with this office, about the allegations made by Ms. Soares. You informed Investigator Myrdek that you had printed up 30 signs that expressed three different quotes made by Amanda Soares at a Board of Selectman meeting in November of 2012. The signs all began with the phrase "Amanda says," followed by one of the quotes appearing below:

- "Everyone is replaceable"
- "You are throwing money away by giving employees raises"
- "There are people waiting in line that will work harder for less money"

No other words, phrases or statements are legibly depicted on the signs.

"Political advertising" is defined as "any communication . . . which expressly or implicitly advocates the success or defeat of any party, measure or person at any election." RSA 664:2, VI (emphasis added). The words "or implicitly" were struck from this statute by the U.S. District Court for the District of New Hampshire because they were "impermissibly vague." See Stenson v. McLaughlin, 2001 WL 1033614, 5, 7 (D.N.H. Aug. 24, 2001) (permanently enjoining the New Hampshire Attorney General "from enforcing RSA 664:14 and RSA 664:16 against any individual or organization engaging in political advertising that implicitly advocates the success

Erik Shifflett
Re: Political Advertising Complaint
March 1, 2013
Page 2

or defeat of any party, measure or person at any election"). The United States Supreme Court has held that express advocacy communications are those which contain "express words of advocacy of election or defeat, such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for Congress,' 'vote against,' 'defeat,' 'reject.'" Buckley v. Valeo, 424 U.S. 1, at 44 n. 52, 80 n. 108.

It is our conclusion that the subject signs do not expressly advocate the success or defeat of Amanda Soares and as such do not meet the definition of political advertising. RSA 664:2, VI. The disclosure requirements of RSA 664:14, however, reach beyond the previously mentioned communications. *See* RSA 664:14, VII.

RSA 664:14, VII, provides:

Any advertising which is not political advertising because it does not advocate the success or defeat of a party, measure, or person, but *which mentions or depicts a candidate*, shall include the statement: "This advertisement has been paid for by (name of sponsor) and has not been authorized by any candidate."

Id. (emphasis added).

As previously discussed, Amanda Soares is a candidate for selectman. The signs identify Amanda as the speaker of the respective quote and direct the reader to the November 2012 meeting minutes.¹ We therefore conclude that the signs violate RSA 664:14, VII, because they do not include the statement: "This advertisement has been paid for by (name of sponsor) and has not been authorized by any candidate."

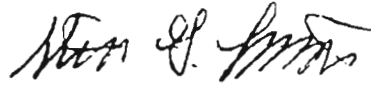
Pursuant to RSA 664:18, II (a), **you are hereby ordered to Cease and Desist from engaging in any future advertising, political or not political, as defined above, without first complying with the disclosure requirements contained in RSA 664:14.** Failure to comply with this Cease and Desist Order may result in an enforcement action and/or prosecution in New Hampshire Superior Court.

This investigation into this complaint is now closed. If you have any questions, please do not hesitate to contact me.

¹ Although her last name does not appear on the signs, Ms. Soares can easily be identified by the citation to the meeting minutes.

Erik Shillett
Re: Political Advertising Complaint
March 1, 2013
Page 3

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen G. LaBonte". The signature is fluid and cursive, with the first name being the most prominent.

Stephen G. LaBonte
Assistant Attorney General
Civil Bureau
(603) 271-3650

cc: Amanda Soares
Chief Michael McGillen
Sgt. Scott Gallagher

2013102373

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

35 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6907

MICHAEL A. DELANEY
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



March 8, 2013

Chief Michael D. McGillen
Candia Police Department
74 High Street
Candia, NH 03034

Re: Political Sign Dispute

Dear Chief McGillen:

On February 22, 2013, you notified this Office that you had observed Selectman Amanda Soares in front of the Candia House of Pizza carrying an "Amanda Says..." sign. You made contact with Ms. Soares and asked her if she owned the sign, to which she said "no, it's illegal and the Attorney General's Office wanted it." As I mentioned to you later that afternoon Ms. Soares did file a complaint that morning, however, nobody from this office instructed her to take the sign and bring it to the Attorney General's Office. As a result of your notification, this office conducted an investigation.

On February 26, 2013, Mark Myrdek, an investigator at this office, went to the Candia Town Hall and interviewed the following parties:

- | | |
|------------------------|--------------------------|
| Chief Michael McGillen | Sergeant Scott Gallagher |
| Erik Shifflett | Andria Hansen |
| Fred Kelley | Carlton Robie |
| Joseph Duarte | Amanda Soares |

After the interviews were completed it was clear that Fred Kelley, Carlton Robie and Amanda Soares removed an uncertain number of the "Amanda Says..." signs from their original location believing they were authorized to do so because the signs did not appear to comply with the identification requirements of RSA 664:14.

Pursuant to RSA 664:18 any candidate or voter can file a complaint with the Attorney General of any violation of RSA Chapter 664. Upon receipt of the complaint is reviewed by an attorney (Attorney General's designee) to determine if there is sufficient evidence to warrant an investigation. RSA 664:18, I. After the investigation

Chief Michael D. McGillen
Re: Political Sign Dispute
March 8, 2013
Page 2

has been completed, a determination will be made as to whether a violation has occurred. RSA 664:18, II. If a violation has occurred the Attorney General is then empowered to issue an order requiring the violator to cease and desist the offending activity. RSA 664:18, II (a). If the violation continues the Attorney General can bring an enforcement action in the superior court for the county in which the violation occurring. *Id.* This is the process which should be followed when someone observes a signature, identification or lack of authorization violation contrary to RSA 664:14, there is no self help remedy provided by the statute.

Regarding the removal of the signs, RSA 664:17 provides:

No political advertising shall be placed on or affixed to any public property including highway rights-of-way or private property without the owner's consent. All political advertising shall be removed by the candidate no later than the second Friday following the election unless the election is a primary and the advertising concerns a candidate who is a winner in the primary. Signs shall not be placed on or affixed to utility poles or highway signs. Political advertising may be placed within state-owned rights-of-way as long as the advertising does not obstruct the safe flow of traffic and the advertising is placed with the consent of the owner of the land over which the right-of-way passes. 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 the owner of the property, persons authorized by the owner of the property, or a law enforcement officer removing improper advertising. Political advertising placed on or affixed to any public property may be removed by state, city, or town maintenance or law enforcement personnel. Political advertising removed prior to election day by state, city, or town maintenance or law enforcement personnel shall be kept for one week at a place designated by the state, city, or town so that the candidate may retrieve the items.

Pursuant to RSA 664:17 the only persons authorized to remove political advertising other than the parties responsible for it, are the owners of the property on which the signs were placed without consent and state, city, or town maintenance or law enforcement personnel removing political advertising placed on or affixed to any public property.

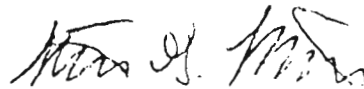
In the current matter it has subsequently been determined by this office that the subject signs do not meet the definition of political advertising because they do not "expressly ... advocate the success or defeat of any party, measure or person at any election." RSA 664:2, VI. Although the removal of the signs may have violated other

Chief Michael D. McGillen
Re: Political Sign Dispute
March 8, 2013
Page 3

state statutes, the Attorney General is not empowered by RSA 664:18 to pursue this matter as a violation of RSA 664:17, because the statute expressly refers to the removal of political advertising.

We are therefore closing our file and returning this matter to your agency for what further action you deem appropriate.

Very truly yours,



Stephen G. LaBonte
Assistant Attorney General
Civil Bureau
(603) 271-3650

cc: Erik Shifflett
Fred Kelley
Carlton Robie
Amanda Soares

873748

LaBonte, Stephen G

From: LaBonte, Stephen G
Sent: Monday, March 11, 2013 6:57 PM
To: 'Jeffrey Clay'
Cc: Duquette, Stephanie
Subject: RE: Newmarket voters deceived

Dear Sir,

In the context of a town meeting a warrant article is town business posed to the voters in the form of a question, typically in the following format: "To see if the Town will vote to raise and appropriate a sum not to exceed **Seventy five thousand dollars (\$75,000)** for the purpose of designing, constructing a playground." The voters of the town must determine whether or not a new playground is a good use of town resources. In doing so voters are allowed to weigh the information provided to them based on the credibility of its source. Voters are likewise free to openly support or oppose such measures, provided they are not campaigning in the polling place. Whether or not the information provided by school officials is credible or not is a matter to be determined by the voters.

Steve LaBonte

From: Jeffrey Clay [REDACTED]
Sent: Saturday, March 09, 2013 11:49 AM
To: LaBonte, Stephen G
Subject: Re: Newmarket voters deceived

Jeffrey T. Clay
[REDACTED]

March 5, 2013

Attorney General

Dear Attorney General:

Thank you for your attention into the matter I raised regarding Newmarket school officials actions regarding their pursuit of new school construction.

I very much respect your expert opinion on this matter however, I feel compelled to ask two questions for clarification.

Question: It appears to me that the actions of school officials in this matter constitute the falsification of public documents (the warrant articles). Could you please explain why my thinking is false?

Question: since it is apparent to me that the school board, superintendent, and fire chief acted in concert to purposely deceive the public, how would it be possible for this issue to be resolved locally, as you suggested?

Again, thank you very much for your time and assistance in this matter.

Sincerely,

Jeffrey T. Clay M.Ed.
[REDACTED]

On Fri, Mar 8, 2013 at 3:49 PM, LaBonte, Stephen G <Stephen.LaBonte@doj.nh.gov> wrote:

Dear Mr. Clay

I have reviewed your complaint and the attachments, I don't believe the allegations contained therein would warrant an investigation by this Office. The Attorney General is empowered enforce the state's election laws, however, there are no election statutes that specifically deal with truth in advertising type complaints. An issue such as this should be dealt with at the local level through the election process.

Stephen G. LaBonte

Assistant Attorney General

NH Department of Justice

Civil Law Bureau

33 Capitol Street

Concord, NH 03301

(603) 271-3650

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Statement of Confidentiality

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From: Jeffrey T. Clay [REDACTED]
Sent: Thursday, March 07, 2013 10:19 AM
To: electionlaw
Subject: Newmarket voters deceived

Jeffrey T. Clay
[REDACTED]

March 5, 2013

Attorney General

Dear Attorney General:

I believe an investigation by your office is warranted into the circumstances surrounding the pursuit of new school construction by Newmarket's local officials and the engineering and architectural firms involved.

It is my belief the letter on file at the State Fire Marshal's Office was withheld from the voters in order for warrant articles to be approved for land purchases and engineering and architectural plans costing the taxpayer's more than two million dollars, among other things.

Attached please find my letters which were published in Foster's Daily Democrat which articulates some of my concerns.

Sincerely,

Jeffrey T. Clay M.Ed.

--

Jeffrey T. Clay

Bartlett, Linda J

From: LaBonte, Stephen G
Sent: Wednesday, March 13, 2013 10:08 AM
To: Duquette, Stephanie
Cc: 'David Scanlan'
Subject: FW: voting faqs...???

Stephanie

Don't open a file, I'll contact her and explain the issue of domicile.

Steve

From: David Scanlan [<mailto:David.Scanlan@SOS.NH.GOV>]
Sent: Wednesday, March 13, 2013 10:00 AM
To: LaBonte, Stephen G
Subject: FW: voting faqs...???

Steve:

FYI

Dave

From: [REDACTED]
Sent: Wednesday, March 13, 2013 9:52 AM
To: David Scanlan
Subject: RE: voting faqs...???

Thank you in defense of Pittsfield I did not push the fact because my license did say barnstead and as I told the moderator in Barnstead I would not even know who to vote for not being familiar with the politics or candidates. I just dont want anyone else going thru this and was very upset that Barnstead took away my right it's not like I was trying to vote in 2 towns...
Sorry for going on again and thank you for your help!!

Sent from my Motorola Smartphone on the Now Network from Sprint!

-----Original message-----

From: David Scanlan <David.Scanlan@SOS.NH.GOV>
To: "taskerbarn@aol.com" [REDACTED]
Cc: "LaBonte, Stephen G" <Stephen.LaBonte@doj.nh.gov>, David Scanlan <David.Scanlan@SOS.NH.GOV>
Sent: Wed, Mar 13, 2013 09:01:05 EDT
Subject: RE: voting faqs...???

Dear Ms. Tasker:

Depending on the specific facts in your situation it sounds like you should have been able to vote in one of those two towns. I am forwarding your complaint to the Attorney General's Office for their review.

David Scanlan
Deputy Secretary of State

From: Karen Ladd **On Behalf Of** Elections
Sent: Wednesday, March 13, 2013 8:32 AM
To: David Scanlan
Subject: FW: voting faqs...???

From: Nancy [REDACTED]
Sent: Tuesday, March 12, 2013 5:09 PM
To: Elections
Subject: voting faqs...???

Hi,
I am trying to find out the laws, I have been a resident of Barnstead NH for over 30 yrs and the last 4 I have been fighting foreclosure last spring they gave me an auction date of December, I had moved during the summer to Pittsfield, but never changed my license or voter registration in hopes of moving back to Barnstead. I went to vote in Barnstead today and at first the moderator was ok with it but I did need my license to verify, so why'll I was out getting that something changed and when i came back in he said I couldn't and that he was challenging me. I would then have to go fill out an affidavit stating I still lived in town. I still technically own my home in Barnstead, my sons live in the house, I have all my utilities there and my license still says Barnstead. But I couldn't vote, he told me to go to Pittsfield and vote, but they wouldn't accept me because my drivers license still said Barnstead. So for the first time in my 40 years of voting I was denied.... I really need some clarification on this, I know I was denied because of my choice of voting, due to someone on the checklist and I think that is unfair and unethical...
Please give me some guidance.
Thank you
Nancy Tasker
[REDACTED]

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

March 15, 2013

Kathleen Russo, Chair
Chair SAU 18 School Board
119 Central Street
Franklin, NH 03235

Re: Tamara Feener – Ward 2 Moderator/School Board Member

Dear Ms. Russo:

This correspondence is in response to your claim filed on October 18, 2012, alleging that Tamara Feener, having been elected to the offices of city moderator and school board member violates RSA 671:18. It is this office's determination that the above-cited statute is not applicable to the current circumstances.

Under the current circumstances, Ms. Feener was elected as the Franklin City Ward 2 moderator and to hold one of the two Ward 2 School Board seats. RSA 671:18 is not applicable under these circumstances because Ms. Feener was elected as moderator in the context of RSA 44:12 (ward officers) and not RSA 671:6 (other officers). Likewise, Ms. Feener was not elected to the school board in the context of RSA 671:2, but in the context of the Franklin City Charter § C-13.

The City Charter sets out the qualifications for school board in section C-13. Chapter 61 of the Franklin city ordinances provides an adequate remedy at law for an aggrieved citizen questioning the qualifications of a school board member. Therefore, the City Council is the proper forum to determine whether Ms. Feener may simultaneously hold the office of ward moderator and school board member. *See Brennan v. Herman*, 109 N.H. 541, 543 (1969).

Any concern you may have regarding a conflict of interest arising out of any of the council members presiding over this matter is not warranted. When a city council is asked to determine whether an individual is entitled to hold office, such a proceeding is judicial in character and any member having a conflict of interest would have to recuse his or herself. *See Rollins v. Conner*, 74 N.H. 456, 457-58 (1908).

Kathleen Russo
Re: Tamara Feener -- Ward 2 Moderator/School Board Member
March 15, 2013
Page 2

The file on this matter is now closed without any further action and I thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen G. LaBonte". The signature is fluid and cursive, with a prominent initial "S" and "L".

Stephen G. LaBonte
Assistant Attorney General
Civil Bureau

Cc: Ms. Tamara Feener
Mr. Ken Merrifield, Mayor
Mr. David Scanlan, Deputy Secretary of State

SG1./sd
861837

LaBonte, Stephen G

From: LaBonte, Stephen G
Sent: Monday, March 18, 2013 6:09 PM
To: 'Harriet E. Cady'
Subject: RE: Our laws requires a person sign an oath when they take office

Ms. Cady,

When Mr. Barnes declined to take office, he refused to take the oath of office, thereby creating a vacancy as defined by RSA 652:12, IV. A trustee vacancy is filled by the selectmen pursuant to RSA 31:22. Both these statutes may be found at <http://www.nh.gov/government/laws.html>. As I stated previously, I am unaware of any provision of law, statutory or common, that supports the proposition, that where Mr. Barnes declined to take office, you as the runner-up is automatically afforded the opportunity to serve without first being appointed by the selectmen.

Steve

From: Harriet E. Cady [REDACTED]
Sent: Sunday, March 17, 2013 11:42 AM
To: LaBonte, Stephen G; Knowles, Terry; William Gardner
Subject: Our laws requires a person sign an oath when they take office

Mr LaBonte,

You state that Mr. Barnes received the majority of write-ins this when he declined the office then an absence.

But the man never took office per laws of state and thus He did not resign and so simply declined a writ-in. This the next write-in would be eligible to take the office in my opinion since there never was a person who took the seat per state law.

Is there a law regarding this? Or is it a caselaw decision of the courts?

Harriet E. Cady

The documents accompanying this (facsimile) (email) contain confidential information that may be legally privileged and protected by federal and state law. This information is intended for use only by the entity or individual to whom it is addressed. The authorized recipient is obligated to maintain the information in a safe, secure, and confidential manner. The authorized recipient is prohibited from using this information for purposes other than intended, prohibited from disclosing this information to any other party unless required to do so by law or regulation, and is required to destroy the information after its stated need has been fulfilled.

LaBonte, Stephen G

From: LaBonte, Stephen G
Sent: Friday, March 15, 2013 6:02 PM
To: 'Harriet E. Cady'
Cc: Knowles, Terry
Subject: RE: Trustee of Trust Funds

Dear Ms. Cady,

A "vacancy" occurs in a public office if, subsequent to his or her election and prior to the completion of his or her term, the person elected to that office, fails or refuses to take the oath of office. See RSA 652:12, IV. Vacancies on the Board of Trustees shall be filled by the selectmen for the remainder of the term. See RSA 31:22. In the current case Mr. Barnes was elected but does not want to serve, thereby refusing to take the oath of office. As such, the vacancy that has been created is to be filled by the selectman. To my knowledge there is no statutory provision that would allow you to take the position as the runner up, you would have to be appointed by the selectman.

Steve LaBonte

From: Harriet E. Cady [REDACTED]
Sent: Friday, March 15, 2013 11:20 AM
To: LaBonte, Stephen G; Knowles, Terry
Subject: Trustee of Trust Funds

The ballots in Deerfield had no one running for Trustee of Trust funds.
Former Trustee, Dwight Barnes got 13 write in votes
I got 10 write in votes and then scattered other votes
Dwight quit two years ago and said he didn't want the position.
Yesterday the Town Clerk called and asked me if I would take the seat. Later I received telephone messagae where Kevin, town clerk said he was mistaken and that the selectmen were the ones who appointed the person to fill the position.
I would like to read the law regarding this.
Thanks
Harriet Cady

2013103301

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

March 25, 2013

Robert Cummings, Chair
Board of Selectmen
Town of Troy
16 Central Square
Troy, New Hampshire 03465

Re: Declaration of Candidacy of Robert J. Kemp

Dear Mr. Cummings:

This office has received a number of complaints regarding the Troy town elections held on March 12, 2012. In substance, the complaints alleged that the successful candidate for selectman was not qualified to take office because, at the time he declared his candidacy, he was not a registered voter as required by RSA 669:19. As a result of these complaints, this office conducted an investigation.

The investigation revealed that Robert J. Kemp was the successful candidate for selectman, obtaining 198 votes. The second place candidate received 92 votes. Mr. Kemp signed his declaration of candidacy on January 31, 2013, and registered to vote and did vote on March 12, 2013. Mr. Kemp's Declaration of Candidacy ("the declaration") states as follows:

I, Robert J. Kemp, declare that I reside in the town of Troy, County of Cheshire, State of New Hampshire, and that I am a qualified voter therein: that I am a candidate for the office of Selectman At the annual town meeting to be held on the 12th day of March 2013 and hereby request that my name be printed on the official ballot as a candidate for said office. I further declare that if elected I will qualify and assume the duties of said office.

The language in the declaration appears to come from an outdated version of the statute.

Robert Cummings, Chair
Town of Troy Board of Selectmen
March 25, 2013
Page 2

The declaration's current form is found in RSA 669:19 which reads as follows:

I, _____, declare that I am domiciled in the town of _____, and that I am a registered voter therein; that I am a candidate for the office of _____ and hereby request that my name be printed on the official nonpartisan ballot of the town of _____.

The declaration signed by Mr. Kemp is the standard form provided by the Town Clerk for the Town of Troy and signed by all candidates. There is a conflict between the Town of Troy's form and the statutory language. The conflict between the two declarations at issue here is the term "qualified voter" as it appears in the Town's declaration verses "registered voter," which is consistent with the statute.¹ When he signed his declaration, Mr. Kemp declared that he was a qualified voter in the Town of Troy. Upon review of Mr. Kemp's voter registration form, the Supervisors of the Checklist found that he met the qualifications, as set forth in RSA 654:1 and the New Hampshire Constitution Part I, Article II, to vote in the Town of Troy. As a result, Mr. Kemp was qualified to be a voter in Troy at the time he executed his declaration of candidacy and did accurately complete his declaration. Mr. Kemp registered to vote during the Town's election prior to being elected, had his name added to the Town's checklist by the Supervisors, and is therefore qualified to serve as a selectman.

The declaration of candidacy form used by the Town is outdated and should be revised immediately to be consistent with RSA 669:19. To deny Mr. Kemp access to the office for which he was elected based on the incorrect form provided by the Town would be ignoring the expressed will of the electorate, resulting in an outcome that would violate the most basic principles of democracy and fairness. Our investigation is concluded with a finding that Mr. Kemp, being elected by a plurality, should be sworn into office pursuant to RSA 42:1.

This investigation into this complaint is now closed. If you have any questions, please do not hesitate to contact me.

Sincerely,



Stephen G. LaBonte
Assistant Attorney General
Civil Bureau
(603) 271-3650

¹ There is also an issue with the Town's form which states that the individual "reside[s]" in Troy rather than using the statutory term "domiciled." Additional differences include the references to the form of ballot as well as other grammatical changes.

Robert Cummings, Chair
Town of Troy Board of Selectmen
March 25, 2013
Page 3

cc: William M. Gardner, Secretary of State
Robert J. Kemp
Francis Fournier
George R. Maattala
Thomas R. Carroll
Gary Sheldon, Moderator
Marcy Johnson, Town Clerk
Thomas Walsh, Selectman
Gideon Nadeau, Selectman

880650

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



March 27, 2013

Alderman Patrick Arnold
[REDACTED]

Alderman Joyce Craig
[REDACTED]

Alderman Ron Ludwig
[REDACTED]

Re: No Prison In Manchester PAC

Dear Sirs/Madam:

We have been notified that on March 15, 2013, the No Prison In Manchester PAC, registered with the New Hampshire Secretary of State bringing it into compliance with RSA 664:3. Your cooperation with our investigation has been noted and appreciated. We now consider this matter closed.

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

Sincerely,

Handwritten signature of Stephen G. LaBonte in black ink.

Stephen G. LaBonte
Assistant Attorney General
Civil Bureau
(603) 271-3650

cc: Senator David Boutin
881874

...s, if we can save one per-
...s life." then it's worth it.

Regional Input

Continued from page 3b
... as individual towns seem
... have separate agendas for
... best to utilize the re-
... resources in the area. However,
... according to Bramford, "One of
... ways the meetings will help
... to plan for a future public
... infrastructure through an open
... and transparent process, to
... support locally identified needs,
... and to ensure that local land
... use decisions remain local."
... Several comments about the
... Northern Pass were part of the
... discussion, and the consensus
... is what this area sees as all
... its assets and its quality of
... life would be destroyed if the
... Northern Pass became a reality
... in the region.

Another issue which is a
... detriment to the area is the
... number of out of state land
... owners who close off land for-
... everly used for recreation.
... Other issues emerged such
... as the loss of wildlife in the
... area, especially last year be-
... cause of the type winter the
... North Country experienced.
... according to Brown, "We lost 50
... percent of the adult moose
... population and 100 percent of
... the calves born due to severe
... tick infestation." Others noted
... the drop in the bird and rabbit
... population.
... When asked how long the
... study being done will take in
... order to result in any change

4/13/13


This is a complaint on
Violations of RSA 664:14 and 664: 16
By The Colebrook Chronicle
Page 9 Nov. 30 2012

Ad is not subject to
RSA 664:14 or 16
- Not Political
Ad
- Doesn't depict
a candidate

884

PLEASANT BROOK - This 1.5hm/2ha home features a wonderful location at the 1400' contour line on the shores of Lake Umbagog. Private access path on front lawn to lake offering a nice place to escape to on the water! Field stone fireplace is wonderful for warming up after a day on the water or enjoying a cool night breeze in the screened porch. Snowmobile or ATV from property with land owner permission. \$150,000

PLEASANT BROOK - Great cabin sits on 5 acres w/ direct snowmobile & ATV trail access. This cabin has open concept kitchen and living room with a garage. Dog well, state approved septic system, & is located on a maintained road. Don't let this charming get-away pass you by! \$120,000



Offering REVERENDS' 121-15 for all weather luxury properties. Please see Sarah Brown for more information. Call 603-882-1111. Please see all of our listings.

WTS

!!!!!!ATTENTION!!!!!! TAXPAYERS OF STEWARTSTOWN

Did you get your tax bill yet? Happen to see the EXTREME INCREASE IN SCHOOL TAX?

It is time, as voters and taxpayers, to put an end to this **INSANITY**. All the voters and taxpayers **NEED** to go to school board meetings or start calling board members to get to the bottom of this!

Other surrounding towns have voted down high school budgets. **SO SHOULD WE!** Or else the school budget will keep rising higher and higher year after year

A concerned voter and taxpayer

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY
ATTORNEY GENERAL



ANN M. HIGGINS
DEPUTY ATTORNEY GENERAL

April 23, 2013

Dr. Charles P. Littlefield
Hooksett School District, SAU #15
90 Farmer Road
Hooksett, NH 03106

Dear Dr. Littlefield,

As we discussed this during our telephone conversation this morning, I am forwarding the attached letter to your attention. The letter contains allegations that a conflict of interest may have existed when School Board Member John Lyscars cast a vote in favor of renewing his wife's, Debra Lyscars, teaching contract at the April 2, 2013 school board meeting. As I mentioned during our conversation, based on the facts contained in the letter, I do not believe the substance of these allegations would fall under the jurisdiction of this office but may be something you would want to address with the School District's legal counsel.

If you have any questions, please call.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen G. LaBonte".

Stephen G. LaBonte
Assistant Attorney General
Civil Bureau

SGH, sd
892791

LaBonte, Stephen G

From: Line Comeau [townadministrator@dunbartonnh.org]
Sent: Monday, April 29, 2013 8:31 AM
To: LaBonte, Stephen G
Subject: Step Increase Pay Plan
Attachments: Town Clerk - Town Meeting pg 1-5 warrant art # VIII pdf

Importance: High

Good Morning Stephen,

One of my Dunbarton Selectman would like a legal opinion on the following matter.

The Dunbarton Board of Selectmen is in the process of instituting a step increase pay plan. This pay plan would automatically increase an employee's salary after three and after five years of service.

Can the Elected Town Clerk be included in this type of program?

Attached is the last warrant article passed at Town Meeting dealing with the Elected Town Clerk Position.

Line Comeau
Town Administrator
Town of Dunbarton
1011 School Street
Dunbarton NH 03046

603-774-3540 X 102

RSA 41:25, I.

"each town, at the annual town meeting, may determine the rate and amount of compensation, in lieu of statutory fees, in combination with ^{a portion of} statutory fees or just statutory fees ^{for his or her} service

5/1/13 1:35 p.m.

Returned call advised AG doesn't give legal opinions to the specifics of a political subdivision but directed to RSA 41:25, I and advised her to speak with town counsel.

RCJ

200424551.2

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



May 3, 2013

Mr. Albert St. Pierre

[REDACTED]

Rep. Cynthia Sweeny

[REDACTED]

Ms. Pat Kinney

[REDACTED]

Steven Neill, Chair
Charlestown Select Board

[REDACTED]

Re: Findings on Alleged Violation of RSA 658:2

On March 12, 2013, the Attorney General's Office received notice of a possible violation of RSA 658:2. It was specifically alleged that Charlestown Town Moderator, Albert St. Pierre refused to recognize individuals, who had been appointed by the Charlestown Democratic Committee (CDC), as inspectors of election, during the 2013 town election. After receiving this complaint, I spoke with Mr. St. Pierre over the phone.

Mr. St. Pierre stated that he understood the complaint, but didn't believe that party appointed inspectors were appropriate at a non-partisan town election. He indicated that he was working with his state representative to change the law. I advised him that I understood there was proposed legislation in the NH House of Representatives but under the current law he was required to recognize the CDC appointees. After his continued refusal, I expressly stated to him "just so I understand, what you're telling me is you are refusing to recognize the two individuals as inspectors of election," to which he replied "yes." As a result of these allegations and my conversation with Mr. St. Pierre, this office conducted an investigation.

Re: Findings on Alleged Violation of RSA 658:2
May 3, 2013
Page 2

Through our investigation, we learned that Kendra Yakovleff and Carl Mack were appointed inspectors of election by the CDC. Ms. Yakovleff, who chairs the CDC, sent notice to Mr. St. Pierre in his capacity as Moderator, sometime before November 1, 2012. Pat Kinney was appointed as an alternate inspector of election sometime after the first of the year, when it was determined that Ms. Yakovleff was not able to serve at the March 12, 2013, town election.

On the evening of March 11, 2013, Ms. Kinney received a call from Mr. St. Pierre informing her that he was not going to allow Mr. Mack or her to serve as inspectors of election, but they could be at the polling place at 9:30 AM to serve as volunteers. On the morning of March 12, 2013, Mr. St. Pierre announced to a group of poll workers that he did not agree with the state law and was proposing legislation to change it. He further stated that he would not allow the CDC inspectors to act in that capacity. On March 21, 2013, Mr. St. Pierre was interviewed by Investigator Mark Myrdek of this office. During the interview, Mr. St. Pierre was adamant that he disagreed with RSA 658:2 and did not believe that inspectors were necessary for town elections.

RSA 658:2 provides that:

Each town and ward political committee of the 2 political parties which cast the largest number of votes for governor in the state at the last previous general election is authorized to appoint between *September 15 and October 15 (emphasis added)* of each general election year 2 inspectors of election to act at each polling place. If the number of voters qualified to vote at a polling place shall exceed 2,000, said political committees may each appoint for such polling place one additional inspector for each 1,500 qualified voters or fraction thereof in excess of 2,000. The town and ward political committees may also appoint such additional inspectors, equally divided between said 2 political parties, as the moderator considers necessary for the efficient conduct of the election. On or before October 15, the chairmen of said political committees shall notify the appointees and the *town or ward clerk (emphasis added)* and city clerk concerned as to appointments made under this authority. *If any such appointments are not made by said political committees and proper notification thereof given on or before October 15, then the appointments shall be made by the selectmen of the town or ward in equal numbers from said 2 political parties (emphasis added).*

It is clear that Mr. St. Pierre intended to violate RSA 658:2, however, the results of our investigation indicate that no such violation occurred. The statute requires that the appointment of inspectors of election occur after September 15th and notice of such appointments be given to the town clerk on or before October 15th of each general election year. Notice of the appointments of Ms. Yakovleff and Mr. Mack were provided

Re: Findings on Alleged Violation of RSA 658:2

May 3, 2013

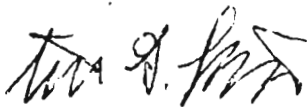
Page 3

to the moderator sometime before November 1, 2013 and the appointment of Ms. Kinney occurred after the first of the year, as such, notice of the appointed individuals was not perfected in a timely manner. Likewise, the untimely notice was given to the moderator, as opposed to the town clerk.

Where the town clerk did not receive notice of the appointments prior to October 15th, the selectmen should appoint inspectors of election in accordance with RSA 658:2, to serve until such appointments are made during the statutorily prescribed time period of the next general election year. For the reasons stated above this office is taking no further action on this complaint. I will, however, take this opportunity to point out that pursuant to RSA 666:3, "[a]ny public officer upon whom a duty relating to elections is imposed who shall knowingly fail to perform such duty or who shall knowingly perform it in such a way as to hinder the objects thereof shall be guilty of a misdemeanor if no other penalty is provided by law."

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

Sincerely,



Stephen G. LaBonte
Assistant Attorney General
Civil Bureau

cc: Carl Mack
Kendra Yakovleff, Chair, Charlestown Democratic Committee
Debra J. Clark, Town Clerk

897220

LaBonte, Stephen G

From: Duquette, Stephanie
Sent: Wednesday, May 01, 2013 3:38 PM
To: LaBonte, Stephen G; Myrdek, Mark
Subject: TC from Ron Ferrante of Concord, Mountain Road 731-0068

His neighbor, Steve Rattee (who is a bully) placed a 4x8 political sign on his own property but it is inches away from Mr. Ferrante's driveway. Mr. Ferrante has tried to ignore him but his other neighbors are also complaining. According to RSA 664:17 political signs should be taken down by the party by the 2nd Friday after the election. Can something be done about this sign?

Stephanie Duquette
Legal Secretary
Department of Justice
Phone: 603-271-1223
Fax: 603-271-2110
stephanie.duquette@doj.nh.gov

Statement of Confidentiality

The information contained in this electronic message and any attachments to this message may contain confidential or privileged information and is need for the exclusive use of the addressee(s). Please notify the Attorney General's Office immediately at (603) 271-3650 or reply to justice@doj.nh.gov if you are not the intended recipient and destroy all copies of this electronic message and any attachments.

Ron Ferrante called on 5/3
5/8/13 spoke w/ Mr. Ferrante informed
him that I did look into the matter
but where it dealt with personal and
private property there was nothing we
could do. He understood and thanked
me.

SDF

NH Department of Justice
33 Capitol Street
Concord, NH 03301
Attn: Chief Investigator

To whom it may concern.

I had a experience today at my town hall in Newton. I was trying to get a new dump sticker for my company truck at the town tax collector/town clerks office. I was told " we should not give them out for vehicles registered in Massachusetts" and I said " well don't you have to, as some people have company vehicles registered out of state" and the response was surprising and I quote " I don't have to do anything I don't want to". They also said that it was difficult to deal with the public when they "get a little snippy" I said "well sometimes you guys aren't so nice". I said you guys are suppose to be our liaison to the state and should be a little more helpful at times. I was told to "shut up and stop talking" I said "you cant talk to me that way" She said " I don't want to hear your voice". They tossed my sticker and that was that.

This is not the first time I have had a bad experience with this office. When I went to register my wife's car I asked how much would it be. I was told "I don't know" I said so I just bring a blank check, she said no bring two. I said there has to be a way to find out how much it cost. You cant just say bring a blank check. She said well I would have to put it into the system and because your are not registering it today I would have to cancel it. So in other words she would have to do her job.

I don't think anyone should be spoken to like that for any reason it was disrespectful and degrading. As a tax payer and a resident of the town I do believe that we deserve better service than to be told to shut up. As America is looking at our elected officials for leadership during this hard economic time I am not sure if this is the type of leadership we are looking for.

Sincerely,



Richard Dupre



Placed ^{3 5/3/13} call to Mr.
Dupre 5/7/13 @
10:40 AM and explained
there was nothing
we could do. He
thanked me for calling.
SJD

LaBonte, Stephen G

From: LaBonte, Stephen G
Sent: Wednesday, May 08, 2013 4:16 PM
To: [REDACTED]
Cc: Brodeur, Paul
Subject: Chichester Procedure Violation

Dear Ms. Plunkett,

I have reviewed the allegations contained in your email dated May 1, 2013. Based on the facts contained therein, I do not believe this office has jurisdiction. If you believe there is criminal conduct involved I suggest you report the matter to the Merrimack County Attorney's Office. Regarding your Right-to-Know request to the town dated February 14, 2003, RSA 91-A:7, describes what remedy is available to party aggrieved by a violation of the Right-to-Know statute. I am sorry I could not be of more help but by law I am unable to give legal advice to members of the general public.

Stephen G. LaBonte
Assistant Attorney General
NH Department of Justice
Civil Law Bureau
33 Capitol Street
Concord, NH 03301
(603) 271-3650
(603) 271-2110 Fax

Statement of Confidentiality

The information contained in this electronic message and any attachments to this message may contain confidential or privileged information and are intended for the exclusive use of the intended recipient(s). Please notify the Attorney General's Office immediately at (603) 271-3650 or reply to justice@doj.nh.gov if you are not the intended recipient and destroy all copies of this electronic message and any attachments.

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

June 25, 2013

Steven and Kristine Caster



Re: Hooksett School Board

Dear Mr. and Mrs. Caster:

I have received your series of correspondence regarding John Lyscars, David Pearl and most recently Mark Miville. Based on the allegations contained therein, I do not believe there has been a violation any state election laws that would fall under the jurisdiction of this office. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen G. LaBonte".

Stephen G. LaBonte
Assistant Attorney General
Civil Bureau
(603) 271-3650

917424

