

**NEW HAMPSHIRE
DEPARTMENT OF JUSTICE**

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

Reporting Period July 1, 2013 – December 31, 2013

Prepared by:

Joseph A. Foster
Attorney General

Anne M. Edwards
Associate Attorney General

Stephen G. LaBonte
Assistant Attorney General

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. Pursuant to 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 July 1, 2012 through December 31, 2012. It also includes, for each complaint, the results of the investigation and any actions taken as a result of the investigation, as required by RSA 7:6-c, II.

TITLE I
THE STATE AND ITS GOVERNMENT
CHAPTER 7
ATTORNEYS GENERAL, DIRECTOR OF CHARITABLE
TRUSTS, AND COUNTY ATTORNEYS

THE ATTORNEY GENERAL

SECTION 7:6-C

7:6-c Enforcement of the Election Laws. –

I. Upon receipt of a signed written complaint, or upon his or her own motion, the attorney general may in his or her discretion, conduct investigations to determine whether any violation of the election laws has occurred and may prosecute anyone responsible for such a violation. In conducting an investigation under this section the attorney general may enlist the aid of the county attorneys, the state police, and other public officers. In the exercise of his or her powers and duties under this section, the attorney general may hold hearings and require the attendance of individuals by the use of subpoena and may require the production of books, documents, records, and other tangible goods by use of subpoena duces tecum. Any testimony required by the attorney general at a hearing which he or she is empowered to hold under this section shall be given under oath. The attorney general shall maintain records of complaints and investigations of alleged violations of the election laws.

II. (a) Beginning January 31, 2013, the attorney general shall, at least once during every 6-month period, provide a rolling report to the general court on the status of all complaints of alleged violations of the election laws received. The attorney general shall submit the report to the standing committees of the senate and house of representatives with jurisdiction over election law.

(b) The report shall include, but not be limited to the following:

(1) A summary of complaints received during the preceding 6 months, or during the period since the previous report if such period is less than 6 months, including the number of complaints categorized by type of complaint and month received.

(2) For each complaint investigated, the results of the investigation and a description of actions taken following the investigation.

(3) For each complaint not investigated, an explanation of why the complaint was not investigated.

(c) The requirements of subparagraph (b)(2) or (b)(3) may be satisfied by including with the report, for the complaint described, a closure letter, settlement agreement, cease and desist order, or complaint filed with a court, or any other official communication.

Source. 1971, 314:1. 2012, 95:1, eff. May 29, 2012.

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	July 2013	August 2013	September 2013	October 2013	November 2013	December 2013	Total Complaints
Moderator	RSA 40:4		1					1
Warrant Articles	RSA 40:13		1					1
Domicile	RSA 654:1	1						1
Observation of Voter Reg.	RSA 654:7-c					1		1
Verification of Checklist	RSA 654:34					1		1
Ballot Counting Device	RSA 656:42			1				1
Certification Absentee Ballot	RSA 657:16	1						1
Obtaining a Ballot	RSA 659:13	1						1
Wrongful Voting	RSA 659:34	1	1	1		1		4
Marked Ballot	RSA 659:35					2		2
Interfering with a Voter	RSA 659:37					1		1
Voter Suppression	RSA 659:40			1				1
10 Foot Corridor	RSA 659:43					1		1
Electioneering by a public Employee	RSA 659:44-a		1					1
Identification	RSA 664:14					2		2
Robocall	RSA 14-a					1		1
Placement of Political Adv.	RSA 664:17					2		2
PAC Registration	RSA 664:3				1			1
Misc. Investigation				4				4
No Violation of Election Law ¹						2		2

¹ 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
Moderator	RSA 40:4	1		1	1	
Warrant Article	RSA 40:13	1		1	1	
Domicile	RSA 654:1	1		1		1
Observation of voter Reg.	RSA 654:7-c	1		1	1	
Verification of Checklist	RSA 654:39	1		1	1	
Ballot Counting Device	RSA 656:42	1		1	1	
Certification of Absentee Ballot	RSA 657:16	1		1	1	
Obtaining a Ballot	RSA659:13	1		1	1	
Wrongful Voting	RSA 659:34	4		4	1	3
Marked Ballot	RSA 659:35	2		2	2	
Interfering with a Voter	RSA 659:37	1		1		1
Voter Suppression	RSA659:40	1		1		1
10 Foot Corridor	RSA 659:43	1		1	1	
Electioneering by a Public Employee	RSA 659:44-a	1		1	1	
PAC Registration	RSA 664:3	1		1	1	
Identification	RSA 664:14	2		2	2	
Robocalls	RSA 664:14-a	1		1	1	
Placement of Political Adv.	RSA 664:17	2		2	1	1
Miscellaneous Investigations		4		4		4
No violation of Election Law		2	2			2
TOTALS		28	2	28	18	12

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

Alleged Violation	Date Opened	Date Closed
Push Poll RSA 664:16-a	1/18/12	8/6/13
Robo-call RSA 664:14-a	2/7/12	7/29/13
10 ft. Corridor RSA 659:43	2/27/12	9/13/13
Disqualification of Officials RSA 659:58	2/29/12	8/15/13
Robo-call RSA 664:14-a	3/7/12	8/15/13
Electioneer. by a Public Employee RSA 659:44-a	3/7/12	9/15/13
Absentee Ballot RSA 657:15	3/13/12	7/19/13
Absentee Ballot RSA 657:15	3/13/12	7/31/13
Identification RSA 664:14	3/12/12	7/17/13
10 ft. corridor RSA 659:43	3/21/12	8/6/13
Identification RSA 664:14	3/12/12	9/5/13
Bribery RSA 659:40 & Electioneer. by a Public Employee RSA 659:44-a	4/2/12	7/29/13
Robo-call RSA 664:14-a	5/9/12	8/1/13
Sign removal RSA 664:17	8/12/12	10/9/13
Push Poll RSA 664:16-a	8/30/12	10/22/13
Push Poll RSA 664:16-a	9/10/12	10/22/13
Change of Registration RSA 654:34	9/12/12	12/3/13

Alleged Violation	Date Opened	Date Closed
False Endorsement RSA 666:6	9/12/12	8/6/13
Placement of Political Advertisement RSA 664:17	4/13/12	11/27/13
Robo-call RSA 664:14-a	9/13/12	10/9/13
Identification RSA 664:14	9/24/12	9/24/13
Wrongful Voting RSA 659:34	9/26/12	7/12/13
UOCAVA Ballots RSA 657:19	9/11/12	11/26/13
Removal of Political Advertisement RSA 664:17	10/17/12	7/12/13
Identification RSA 664:14	10/10/12	12/20/13
Removal of Political Advertisement RSA 664:17	10/22/12	10/23/13
Reporting Contributions RSA 664:6	10/26/12	7/18/13
False Endorsement RSA 666:1	10/30/12	8/1/13
Wrongful Voting RSA 659:34	10/31/12	10/22/13
Photo Identification RSA 659:13	10/31/12	12/4/13
PAC Registration RSA 664:34	11/2/12	10/23/13
Wrongful Voting RSA 659:34	11/6/12	10/16/13
Identification RSA 664:14	10/5/12	7/19/13

Alleged Violation	Date Opened	Date Closed
Wrongful Voting RSA 659:34	11/6/12	10/9/13
Party Challengers RSA 666:4	11/7/12	12/4/13
Wrongful Voting RSA 659:34	11/8/12	12/18/13
Checklist RSA 654:28	11/6/12	12/3/13
Campaign Materials RSA 659:43	11/6/12	12/4/13
Absentee Ballot RSA 657:15	11/6/12	7/22/13
Preparation of Voting Materials RSA 656:1	11/9/12	12/6/13
Electronic Ballot Counting Device RSA 656:42	11/6/12	11/1/13
Wrongful Voting RSA 659:34	11/28/12	12/16/13
Forwarding Return RSA 659:75	12/29/12	7/12/13
Folding Ballots RSA 659:23	11/12/12	8/27/13
Rule of Procedure RSA 676:1	12/13/12	8/16/13
Wrongful Voting RSA 659:34	12/10/12	7/12/13
PAC Registration RSA 664:3	3/11/13	8/13/13
10 ft. corridor RSA 659:43	3/21/13	12/20/13
Wrongful Voting RSA 659:34	3/26/13	8/15/13
Placement of Political Advertisement RSA 664:17	4/17/13	8/6/13

Alleged Violation	Date Opened	Date Closed
Qualification RSA 669:6	5/1/13	12/13/13
10 ft. corridor RSA 659:43	5/22/13	9/13/13
Electioneering Public Employee RSA 659:44	6/10/13	8/1/13

**C.) INVESTIGATIONS OPEN PRIOR TO THE REPORTING PERIOD, WHICH
REMAIN OPEN AS OF DECEMBER 31, 2013**

Alleged Violation	Date Opened
Robo-Call RSA 664:14-a	1/10/2012
Robo-Call RSA 664:14-a	4/18/2012
Robo-Call 664:14-a	8/15/2012
Push-Poll RSA 664:16-a	8/29/2012
Push-Poll RSA 664:16-a	9/4/2012
Absentee Ballot RSA 657:1	9/18/2012
Removed Political Advertising RSA 664:17	8/24/2012
Campaign Misrepresentation RSA 664:14-b	9/20/2012
Voter Photo ID RSA 659:13	9/18/2012
Robo-Call RSA 664:14-a	9/21/2012
Registration RSA 664:3	9/20/2012
Campaign Expenditures RSA 664:5-B	10/15/2012
Identification RSA 664:14	10/15/2012
Identification RSA 664:14	10/10/2012
Vandalism of Political Advertising RSA 664:17	10/25/2012
Robo-Call RSA 664:14-a	10/2/2012
Electioneering by a Public Employee RSA 659:44-a	10/17/2012
10 Foot Corridor RSA 659:43	10/11/2012
Absentee Ballot RSA 657:1	10/22/2012
Wrongful Voting RSA 659:34	10/23/2012
Absentee Ballot RSA 657:15	10/26/2012
Domicile RSA 654:1	10/23/2012
Removal Political Advertising RSA 664:17	10/28/2012
Identification RSA 664:14	11/1/2012
Absentee Ballot Application RSA 657:4	10/24/2012
Robo-Call RSA 664:14-a	11/1/2012
Robo-Call RSA 664:14-a	11/5/2012
Push-Poll RSA 664:16-a	11/5/2012
Domicile RSA 654:1	11/9/2012
Wrongful Voting RSA 659:34	11/13/2012
Posting Ballot RSA 659:35	11/7/2012
Registration RSA 654:7	11/7/2012
Registration RSA 654:7	11/7/2012

Identification RSA 664:14	11/5/2012
Purge RSA 654:39	11/7/2012
Wrongful Voting RSA 659:34	11/6/2012
Wrongful Voting RSA 659:34	11/6/2012
Wrongful Voting RSA 659:34	11/6/2012
Wrongful Voting RSA 659:34	11/9/2012
Voting Booths RSA 658:9	11/7/2012
Registration RSA 654:7	11/6/2012
Voter ID RSA 659:13	11/6/2012
Domicile RSA 654:1	11/13/2012
10 Foot Corridor RSA 659:43	11/8/2012
PAC Registration RSA 664:3	11/11/2012
Wrongful Voting RSA 659:34	11/26/2012
Wrongful Voting RSA 659:34	12/11/2012
Wrongful Voting RSA 659:34	12/14/2012
Receipts of Expenditures RSA 664:7	11/26/2012
Non-Ballot Voting RSA 670:8	1/22/2013
10 Foot Corridor RSA 659:43	1/25/2013
Moderator RSA 659:9	3/4/2013
Electioneering by Public Employee RSA 659:44-a	2/24/2013
Counting of Votes RSA 659:63	3/15/2013
Identification RSA 664:14	3/13/2013
Bribing RSA 659:40	3/25/2013
Posting Warrant RSA 671:27	3/14/2013
Electioneering by Elections Officer RSA 659:44	4/17/2013
Wrongful Voting RSA 659:34	4/13/2013
Wrongful Voting RSA 659:34	5/8/2013
Identification RSA 664:14	5/8/2013
Push-Poll RSA 664:16-a	5/22/2013

**D.) 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).

Released by: Joseph A. Foster, Attorney General

Subject: Janine and Adam Kumpu to Pay a Total of \$1,250 Under Consent Agreement For Wrongful Voting Violations

Date: January 14, 2014 *closed 12/23/13*

Contact: Stephen G. LaBonte, Assistant Attorney General
(603) 271-3658

Attorney General Joseph A. Foster announced today that his Office has reached an agreement with Janine Kumpu and Adam Kumpu of Milford, New Hampshire to resolve a matter involving wrongful voting violations under RSA 659:34. Under the agreement, the Kumpus agree to pay a total of \$1,250.00 to settle this matter.

Under New Hampshire law, it is illegal for a person to vote more than once for any office or measure in any election and/or apply for a ballot in a name other than his or her own. RSA 659:34, I (b), (c).

The Attorney General's Office investigated Adam Kumpu for voting twice during the 2012 General Election. The investigation revealed that during the election, Adam Kumpu voted by absentee ballot in the Town of Milford, and, on election day, registered and voted in the City of Keene. Mr. Kumpu agreed to pay a penalty of \$1,000.00, for this violation of RSA 659:34, I (b).

The investigation further revealed that the absentee ballot was obtained by Mr. Kumpu's mother, Janine Kumpu, who completed a State of New Hampshire absentee ballot application utilizing the personal identifying information of Adam Kumpu and then signed Mr. Kumpu's name on the signature line. Janine Kumpu then submitted the application to the Milford Town Clerk's Office. The town clerk then forwarded the absentee ballot to Mr. Kumpu, who was attending Keene State College. Ms. Kumpu agreed to pay a penalty of \$250.00, for this violation of RSA 659:34, I (c).

CONSENT AGREEMENT

This Consent Agreement is entered into by and between the State of New Hampshire, Office of the Attorney General ("State"), Adam G. Kumpu ("A. Kumpu") and Janine F. Kumpu ("J. Kumpu") as of the effective date specified herein. The parties hereby agree to undertake the following:

1. This consent agreement is entered into by the State with A. Kumpu and J. Kumpu (collectively referred to as the "Settling Parties") to resolve the State's claims for alleged violations of the New Hampshire voter fraud statute, RSA 659:34, I (b) and (c) during the 2012 general election campaign.

2. Under New Hampshire law, a person is subject to a civil penalty not to exceed \$5,000 if such person:

Votes more than once for any office or measure; and/or

Applies for a ballot in a name other than his or her own.

RSA 659:34, I (b), (c).

3. The State alleges in this matter that A. Kumpu voted more than once for any office during the 2012 General Election, in that A. Kumpu voted by absentee ballot in the Town of Milford and registered and voted in the City of Keene on November 6, 2012.

4. The State further alleges J. Kumpu applied for a ballot in a name other than her own, in that J. Kumpu completed a State of New Hampshire absentee ballot application utilizing the personal identifying information of A. Kumpu and signing A.

Kumpu's name on the signature line. J. Kumpu then submitted the application to the Milford Town Clerk.

5. RSA 659:34 authorizes the Attorney General to impose a civil penalty for violations of 659:34 in the amount of \$5,000 per violation.

6. This Consent Agreement is intended to resolve all of the State's claims and potential claims against the Settling Parties under RSA 659:34 in connection with the 2012 General Election.

7. A. Kumpu agrees to pay a total of \$5,000 to the State of New Hampshire for the alleged violation of RSA 659:34, I (b), in connection with the 2012 General Election. Four thousand dollars (\$4,000) of the amount above shall be held in abeyance for a period of five (5) years, to be brought forward in the event of any further violations of New Hampshire election law. The payment of \$1,000 shall be submitted by or before December 31, 2013.

8. J. Kumpu agrees to pay a total of \$250.00 to the State of New Hampshire for the alleged violation of RSA 659:34, I (c), in connection with the 2012 General Election. The payment of this amount shall be submitted by or before December 31, 2013.

9. Both Payments shall be made by check drawn in the name of "Treasurer, State of New Hampshire," and shall be mailed to Office of the Attorney General, 33 Capitol Street, Concord, New Hampshire 03301, Attn: Assistant Attorney General Stephen G. LaBonte.

10. The effective date of this Consent Agreement shall be December 23, 2012.

11. This Consent Agreement shall be construed in accordance with the laws of the State of New Hampshire.

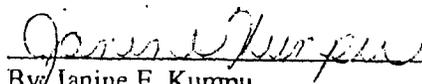
ADAM G. KUMPU

Date: 12/14/13


By: Adam G. Kumpu

JANINE F. KUMPU

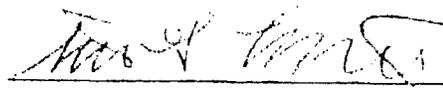
Date: 12/14/13


By: Janine F. Kumpu

STATE OF NEW HAMPSHIRE

JOSEPH A. FOSTER, ATTORNEY GENERAL

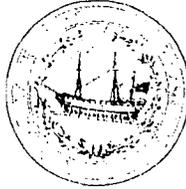
Date: 12/31/13


By: Stephen G. LaBonte, Esq.
Assistant Attorney General
33 Capitol Street
Concord, New Hampshire 03301
(603) 271-3650

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

December 20, 2013

Christine Dwyer



Re: Election Law Complaint

Dear Ms Dwyer:

On November 7, 2013, the New Hampshire Attorney General's Office received your complaint regarding interference with voters in Portsmouth. This letter follows an investigation conducted by Paul Brodeur, an Investigator with the New Hampshire Attorney General's Office. RSA 659:37 is the controlling statute, which states in pertinent part:

659:37 Interfering With Voter, Etc. – No person shall interfere or attempt to interfere with any voter when such voter is in the space within the guardrail or endeavor to induce any voter before voting to show how he marks or has marked his ballot. Whoever knowingly violates this section shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

As part of the investigation, Mr. Brodeur spoke with a number of people that were at various wards. We have concluded that there is insufficient evidence for our office to proceed with an enforcement action. As a result, we have concluded our investigation and closed this case.

Thank you for bringing this matter to our attention. If you have any further questions do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard W. Head".

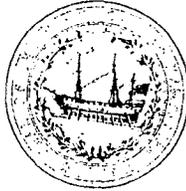
Richard W. Head
Associate Attorney General
603-271-1221

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ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

December 20, 2013

Anthony Dumas

Re: Electioneering Complaint

Dear Mr. Dumas:

On March 21, 2013, the New Hampshire Attorney General's Office received your complaint regarding potential electioneering activity by Judy Doughty, Mary Bonser, and Christopher Mills. According to the complaint, all three people were approaching voters and distributing campaign literature within the protected corridor leading to the polling place. This letter follows an investigation conducted by Mark Myrdek, an Investigator with the New Hampshire Attorney General's Office. RSA 659:43, the statute that governs electioneering, which states in pertinent part:

659:43 Distributing Campaign Materials at Polling Place.

- I. No person who is a candidate for office or who is representing or working for a candidate shall distribute or post at a polling place any campaign material in the form of a poster, card, handbill, placard, picture, or circular which is intended to influence the action of the voter within the building where the election is being held.
- II. No person who is a candidate for office or who is representing or working for a candidate shall distribute any campaign materials or perform any electioneering activities or any activity which affects the safety, welfare and rights of voters within a corridor 10 feet wide and extending a distance from the entrance door of the building as determined by the moderator where the election is being held...

While there is information that supports the allegations, we have concluded that there is insufficient evidence for our office to proceed with an enforcement action. As a result, we have concluded our investigation and closed this case.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Richard W. Head".

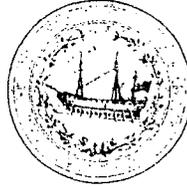
Richard W. Head
Associate Attorney General
603-271-1221

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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

December 20, 2013

Karen Sticht
[REDACTED]

Re: Political Advertising Complaint

Dear Ms. Sticht:

On October 10, 2012, the New Hampshire Attorney General's Office received a complaint from you alleging political signs in the Meredith area that did not have proper identification. This letter follows an investigation conducted by Mark Myrdek, an Investigator with the New Hampshire Attorney General's Office. RSA 664:14, which is the statute that governs political signs, states in pertinent part:

664:14 Signature, Identification, and Lack of Authorization.

I. All political advertising shall be signed at the beginning or the end with the names and addresses of the candidate, his fiscal agent, or the name and address of the chairman or the treasurer of a political committee, or the name and address of a natural person, according to whether a candidate, political committee, or natural person is responsible for it. Said signature shall clearly designate the name of the candidate, party or political committee by or on whose behalf the same is published or broadcast.

III. In the case of printed or written matter, the signature and address of signer shall be printed or written in a size of type or lettering large enough to be clearly legible.

As part of the investigation, Mr. Myrdek spoke with Kate Miller and Bill Johnson. Ms. Miller claimed that the omission was the result of a printing error and she promptly took steps to reprint compliant signs and replace her non-compliant signs. Mr. Johnson was unaware of the law at the time he initially printed his signs, but upon learning of the law, he had new signs printed and attempted to remove or correct signs that lacked identification. As a result, because both candidates were able to take prompt remedial action, we closed the investigation.

Thank you for bringing this matter to our attention. If you have any further questions do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard W. Head".

Richard W. Head
Associate Attorney General
603-271-1221

983703

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

December 18, 2013

Ronald Sample



Re: Voter Fraud

Dear Mr. Sample:

Our office has completed our investigation with regard to your concerns, that persons domiciled outside Ward 11, had voted at the Ward 11 polling place, during the Presidential/General Election on November 6, 2012.

As part of our investigation, we obtained the names of all the persons that executed challenged voter affidavits rather than providing photo identification, while obtaining a ballot. The New Hampshire Secretary of State's office then sent postcards to those persons to confirm their address. All but six postcards sent to Ward 11 voters were returned confirming they had executed affidavits. The other six were contacted thereby reconciling that each voter who executed a challenged voter affidavit was domiciled in that voting district.

We are now closing this file without any further action. If you have any further questions, please do not hesitate to call.

Sincerely,

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

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

SGL/peb

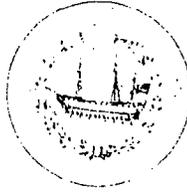
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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



December 16, 2013

Barbara Renaud, Supervisor
Town of Hampton
100 Winnacunnet Road
Hampton, NH 03842

Re: Christi Parish allegedly voting in Hampton and Newmarket

Dear Supervisor Renaud:

Regarding the above referenced matter, I have been advised that Investigator Brodeur and yourself were able to determine that it appears a poll worker inadvertently mistook the same day registration of a Christina Parisi of 64 Schooner Landing for a change of address of Christi Parish, who was previously registered in Hampton and is now domiciled in Newmarket.

As this matter has been resolved, we are closing our file without any further action.

Sincerely,

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

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

SGL/peb
981456

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

December 13, 2013

David Morse
[REDACTED]

George Condodemetraky
[REDACTED]

Re: Jonathan Pike

Dear Gentlemen:

This office has completed its investigation as to whether Mr. Jonathan Pike is domiciled in the Town of Belmont. Your complaints have both alleged in substance that Mr. Pike has not been domiciled in Belmont for a number of years and that he currently resides in the Town of Plymouth. As a result of these allegations, this office conducted an investigation.

In the course of the investigation, Investigator Mark Myrdek with the New Hampshire Department of Justice interviewed the following parties:

Jonathan Pike
Allan Young
Norma Patten

The findings of our investigation support the following relevant facts. During his first term as selectman in Belmont, Mr. Pike owned a home on 377 Province Road in Belmont until sometime in May 2007. After the sale, Mr. Pike obtained a post office box and moved into an apartment on a property owned by a long time acquaintance Allen Young. The property is located at 55 Brown Hill Road in Belmont. Mr. Young owns a number of properties and during the summer months he lives at his lake front home. According to Mr. Pike for a number of years during the summer months while Mr. Young was at his summer home, Mr. Pike would take care of his properties in Belmont in exchange for rent.

David Morse
George Condodemetraky
Re: Domicile of Jon Pike
December 3, 2013
Page 2

Mr. Young later purchased a home at 56-57 Bryant Road in Belmont. Mr. Pike moved out of the apartment on Brown Hill Road and into the Bryant Road property, living in the entire house, while he made renovations for Mr. Young. According to Mr. Pike, he lived at this address until the summer of 2010 when he moved back to 55 Brown Hill Road as caretaker. During that time, Mr. Young lived at his lake front home. In the late summer or early fall of 2010, Mr. Pike moved to his daughter's home at 318 Brown Hill Road, Belmont. Mr. Pike lived there while he assisted her in renovations.

On January 4, 2011, Mr. Pike and an acquaintance, Rebecca Heitz, were involved in an automobile accident resulting in serious injuries to Ms. Heitz. During her four month recovery, Mr. Pike stayed with Ms. Heitz at her home on Tall Pines Road in Plymouth, New Hampshire. During this time period, Mr. Pike commuted daily to his business in Belmont.

After Ms. Heitz recovered from her injuries, Mr. Pike moved into an apartment at 40 Old State Road in Belmont. The property was owned by Al Mitchell, a long time acquaintance of Mr. Pike. According to Mr. Pike, he stayed there briefly until the summer when he moved back to 55 Brown Hill Road as the caretaker. In the fall of 2011, Mr. Pike rented a small unit from Al Mitchell on Route 106 in Belmont. Mr. Pike lived and renovated the rental unit until the summer of 2012 when he again moved back to 55 Brown Hill Road for the summer.

In the fall of 2012, Mr. Pike moved back to 40 Old State Road. According to Mr. Pike, a written lease was not executed but there was an understanding between Mr. Mitchell and himself that he would perform work for Mr. Mitchell while he lived in the apartment. After deciding to run for re-election in 2013, Mr. Pike requested that a lease be drawn up for the 40 Old State Road property because he was under the belief his residency would be challenged.

When interviewed by an investigator from this office, Mr. Pike expressed his intentions to move back to 55 Brown Hill Road property as the caretaker during summer when Mr. Young moved to his lake front property. He also expressed his intent to return to the 40 Old State Road property when Mr. Young moved back to Brown Hill Road in the fall.

On February 8, 2013, Mr. Pike notified the Belmont Town Clerk's Office of a change of address from the 57 Bryant Road address to the 40 Old State Road address. Mr. Pike admitted that he spends a significant amount of time in Plymouth with Ms. Heitz, however, he has always maintained his domicile in Belmont.

David Morse
George Condodemetraky
Re: Domicile of Jon Pike
December 3, 2013
Page 3

“Unless otherwise provided by law, no person shall hold an elective town office who does not have his domicile within the town.” RSA 669:6. RSA 654:1, I, provides that:

Every inhabitant of the state, having a single established domicile for voting purposes, being a citizen of the United States, of the age provided for in Article 11 of Part First of the Constitution of New Hampshire, shall have a right at any meeting or election, to vote in the town, ward, or unincorporated place in which he or she is domiciled. 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. 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.

“[D]omicile 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. “[D]omicile once acquired continues until displaced by a subsequent domicile of choice, the acquisition of a second residence will not disturb the pre-existing domicile unless there is clear and convincing evidence to the contrary.” *Every v. Supervisors of the Madison Checklist*, 124 N.H. 824, 827 (1984). “Whether or not a new domicile has been acquired is primarily a question of fact under all the circumstances of the particular case. *Citation omitted*. 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.” *Mcgee v. Bragg*, 94 N.H. 349, 351(1947). Important facts to consider with regard to ones domicile is the amount of time that is spent at each of the residences and the purpose for which the time is spent. *Every* at 828. “The individual's relationship to the community in which each home is located and the extent of one's participation in the community affairs often evince the individual's attitude toward that dwelling place and is [sic] significant evidence for the identification of the principal home.” *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.” *Mcgee* at 352.

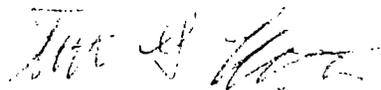
In the current case, the evidence shows that, since 2007, Mr. Pike has served as selectman and maintained a residence in Belmont, thereby establishing Belmont as his domicile. The fact that Mr. Pike stayed in Plymouth with Ms. Heitz in early 2011 while she recovered from her injuries sustained in an automobile accident, in and of itself, does not terminate Mr. Pike's domicile in Belmont as this was just a temporary absence. Likewise, the fact that Mr. Pike regularly spends time in Plymouth with Ms. Heitz does

David Morse
George Condodemetrazy
Re: Domicile of Jon Pike
December 3, 2013
Page 4

not disturb Mr. Pike's domicile in Belmont without clear and convincing evidence to the contrary. Based on the factual findings of our investigation and our analysis of the applicable law, it is our belief the Town of Belmont is Mr. Pike's current domicile.

As the allegations contained in the complaints are not supported by clear and convincing evidence, we are closing our file without further action.

Very truly yours,



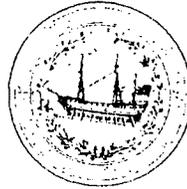
Stephen G. LaBonte
Assistant Attorney General
Civil Bureau
(603) 271-3650

cc: Jonathan Pike
Thomas Garfield

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

December 11, 2013

Rep. Daniel Eaton
1 Shedd Hill Road
Stoddard, NH 03464

Re: Mary Lou Eaton – Absentee Ballot

Dear Rep. Eaton:

On September 24, 2013, the Attorney General's Office received your complaint regarding the absentee ballot of your mother, Mary Lou Eaton (Mary Lou). The substance of the allegation contained in your complaint is that prior to the election your mother completed an absentee ballot, which your brother Michael Eaton was to deliver to the town clerk; however, the ballot was never submitted. As a result of this complaint, this office conducted an investigation.

In the course of this investigation, Paul Brodeur, an investigator from the Attorney General's Office, interviewed the following parties:

Daniel Eaton
Stacey Newell
Michael Eaton

Our investigation revealed the following facts. Michael Eaton was granted guardianship of Mary Lou on July 13, 2010. Mary Lou is 87 years old and has Alzheimer's disease. As a result of her medical condition, Mary Lou experiences episodes of anger, confusion and agitation. Mary Lou often asks for family members, such as her mother, father, and brother, who have all been deceased for many years. Both Michael Eaton and Mary Lou's caregiver, Stacey Newell, have stated that they believe that Mary Lou does not have the mental capacity to vote.

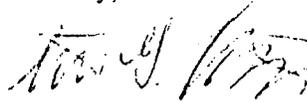
Prior to both the 2012 Primary and General Elections, Michael Eaton notified the Stoddard Town Clerk's Office that if Mary Lou requested an absentee ballot, she was not competent to vote. Prior to the 2012 General Election Mary Lou was adamant that she wanted to vote. According to Michael Eaton, in an effort to appease Mary Lou and prevent her from becoming agitated, he went to the Secretary of State's website, approximately one week before the 2012 General Elections and printed out a sample ballot. Michael Eaton and his wife, Diana

presented Mary Lou with the ballot. Upon looking at the ballot Mary Lou became confused, upset and was unable to identify the candidates. At which point Diana Eaton attempted to calm Mary Lou and assist her. Diana Eaton pointed to Daniel Eaton's name on three occasions and Mary Lou still could not complete the check mark. The fourth time, Diana kept her finger next to the block next to Daniel Eaton's name and Mary Lou made a check mark in that same block.

After analyzing the facts as revealed by our investigation, we find that there has been no violation of state election law. The ballot in question was not an official absentee ballot issued by the town clerk but a sample ballot obtained off the internet. Michael Eaton is Mary Lou's court appointed guardian and he was acting in that capacity when he presented Mary Lou the ballot in order to calm her from her agitated state.

Our investigation on this matter is now closed. Should you have any questions, please do not hesitate to call.

Sincerely,



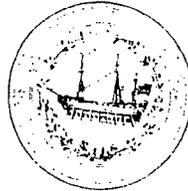
Stephen G. LaBonte
Assistant Attorney General
Civil Bureau
(603) 271-3650

Cc: Michael Eaton

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

December 6, 2013

Gerald G. Donatelli


Re: Your letter to Karen Ladd on November 9, 2012 regarding Richard Madigan

Dear Mr. Donatelli:

Your letter to Karen Ladd was referred to the Office of the Attorney General for review and response.

We have spoken with Ms. Ladd at the Secretary of State's Office who advised that she had explained to you how Mr. Madigan was on the ballot in the "Other" and "Republican" columns.

She explained to our investigator that Mr. Madigan had filed as a candidate on August 24, 2012 for the Primary Election. You were correct that Mr. Madigan had not indicated an affiliation but Ms. Ladd advised that the Secretary of State, William Gardner made a determination that the filing would be accepted and placed within the "Other" column. At the Primary Election Mr. Madigan's name was written-in as a "Republican" candidate a number of times and his name was recorded on the ballot for the General Election both in the "Other" and "Republican" column. Mr. Madigan did not register as a Republican candidate.

I presume this is responsive to your inquiry.

Sincerely,

Stephen G. LaBonte
Assistant Attorney General
Civil Bureau

SGL/peb

pc: Karen Ladd

complainant: Jessica Clark
against: Phylis Woods

12/4/13

161.12

close its
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resolved

Lehmann
spoke to
Woods

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

December 4, 2013

Anne Broussard

Re: Election Law Complaint

Dear Ms. Broussard:

On November 6, 2012, the New Hampshire Attorney General's Office received your complaint regarding an alleged violation of election law. The substance of your complaint was that you were required to remove a campaign pin from your shirt prior to receiving ballot, while other voters wearing campaign pins were not required to remove them. As a result of this complaint an investigation was conducted by Paul Brodeur, an Investigator with the New Hampshire Attorney General's Office.

As part of the investigation, Mr. Brodeur contacted the town clerk. He discovered that based on the projected high voter turnout there was a large number of people recruited to work the polls in Durham on Election Day and that the clerk is unable to identify the individual you interacted with. As such, we are closing our investigation, as we have exhausted all investigative resources.

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

Sincerely,

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

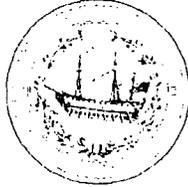
Stephen G. LaBonte
Assistant Attorney General

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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

December 4, 2013

Joseph Barton

Re: Letter naming yourself as a Challenger at 2012 National Election

Dear Mr. Barton:

Our office was notified on November 6, 2012 that you had presented a letter authored by yourself to be a Challenger at the town of Newmarket during the national elections.

You quoted the correct RSA 666:4 but the Town Committee can only issue letters naming Challengers for the Town Elections. You will note the first sentence of RSA 666:4 notes that, "The state committee of a political party may appoint a person to act as challenger of voters at any polling place in the state at a state election."

We hereby caution you to not violate the RSAs that address election matters.

Sincerely,

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

Stephen G. LaBonte
Assistant Attorney General
Civil Bureau
(603) 271-3658
Fax: (603) 223-6296

SGL/peb

977599

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

December 3, 2013

Jon Hopwood
[REDACTED]

Re: Manchester Dog Park Association

Dear Mr. Hopwood:

On November 1, 2013, the New Hampshire Attorney General's Office received your complaint regarding alleged violations of election law by the Manchester Dog Park Association ("MDPA"). This letter follows an investigation conducted by Paul Brodeur, an Investigator with the New Hampshire Attorney General's Office. While the complaint contains multiple allegations, the allegation pertaining to the illegal placement of campaign signs falls under the jurisdiction of this office. Illegal placement of campaign signs is a direct violation of RSA 664:17 which states in pertinent part:

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.

As part of the investigation, Mr. Brodeur visited the dog park on November 4, 2013 and did not observe any political signs posted around the park. As such, we have concluded that there is insufficient evidence to proceed with this investigation.

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

Sincerely,

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

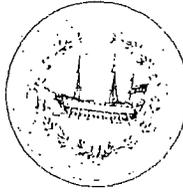
Stephen G. LaBonte
Assistant Attorney General

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



December 3, 2013

Sharon Allen



Re: Voting Irregularity Complaint

Dear Ms. Allen:

On September 11, 2012, the New Hampshire Attorney General's Office received your complaint regarding alleged voting irregularities during the 2012 primary elections. This letter follows an investigation conducted by Paul Brodeur, an Investigator with the New Hampshire Attorney General's Office.

As part of the investigation, Mr. Brodeur contacted the town clerk and supervisor of the checklist. He discovered that the error was an unintentional mistake and that the town officials involved sought out guidance from the Secretary of State to help prevent future problems. As such, because there was no evidence of any intentional wrongdoing and the problem has been remedied, we are closing our investigation.

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

Sincerely,

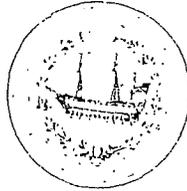
A handwritten signature in black ink, appearing to read "Stephen G. LaBonte".

Stephen G. LaBonte
Assistant Attorney General

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

December 3, 2013

Lori Dostie



Re: Voting Registration Complaint.

Dear Ms. Dostie:

On November 6, 2012, the New Hampshire Attorney General's Office received your complaint regarding an alleged voter registration error in the Town of Kingston. This letter follows an investigation conducted by Paul Brodeur, an Investigator with the New Hampshire Attorney General's Office.

As part of the investigation, Mr. Brodeur contacted the town clerk. He discovered that the error was an unintentional mistake and that the town officials have corrected it. As such, because there was no evidence of any intentional wrongdoing and the problem has been remedied, we are closing our investigation.

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

Sincerely,

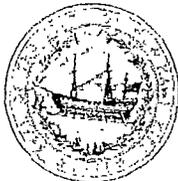
A handwritten signature in black ink, appearing to read "Stephen G. LaBonte".

Stephen G. LaBonte
Assistant Attorney General

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

November 27, 2013

Rep. William Friel
5 Kelly Lane
Atkinson, N.H. 03811

Re: Cease and Desist
Violation of RSA 664:17

Dear: Rep. Friel,

This office received two complaints concerning the distribution of political advertising through the Town of Atkinson email system. The complaints were filed by Mr. Pete McVay and Mr. Leon Artus. As a result this office conducted an investigation into this matter.

The subject of this investigation was an email sent on September 10, 2012, from your Town of Atkinson, email address (bfriel@atkinson-nh.gov). In substance the email asks the recipient to support your bid for State Representative in the Primary Election on Tuesday, September 11, 2012. See Exhibit A.

In the course of this investigation you were interviewed by Investigator Mark Myrdek of this office. During that interview you stated that you used your own personal lap top computer, which had access to the town's email system and that you were not aware you were on the town's system when you sent the email. You acknowledged this was a mistake and assured Investigator Myrdek this would not happen again.

Political advertising is defined by RSA 664:2, VI, as "any communication . . . which expressly or implicitly advocates the success or defeat of any party, measure or person at any election. In pertinent part RSA 664:17, states that "[n]o political advertising shall be placed or affixed to any public property".

After analyzing the facts as uncovered by this investigation, it is my determination that the subject email did meet the definition of political advertising and that sending the email over an email service owned and maintained by the Town of Atkinson was a violation of RSA 664:17. As such, pursuant to RSA 7:6-c and RSA 664:18 **you are hereby ordered to Cease and Desist any further use of any government owned email system for the distribution of political**

Rep. William Friel
Re: Election Law Complaint
November 27, 2013
Page 2

any further use of any government owned email system for the distribution of political advertising. Failure to comply with this Cease and Desist Order may result in an enforcement action and/or prosecution in New Hampshire Superior Court.

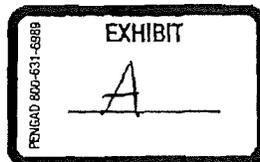
Please do not hesitate to contact me if you have any further questions.

Sincerely,



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

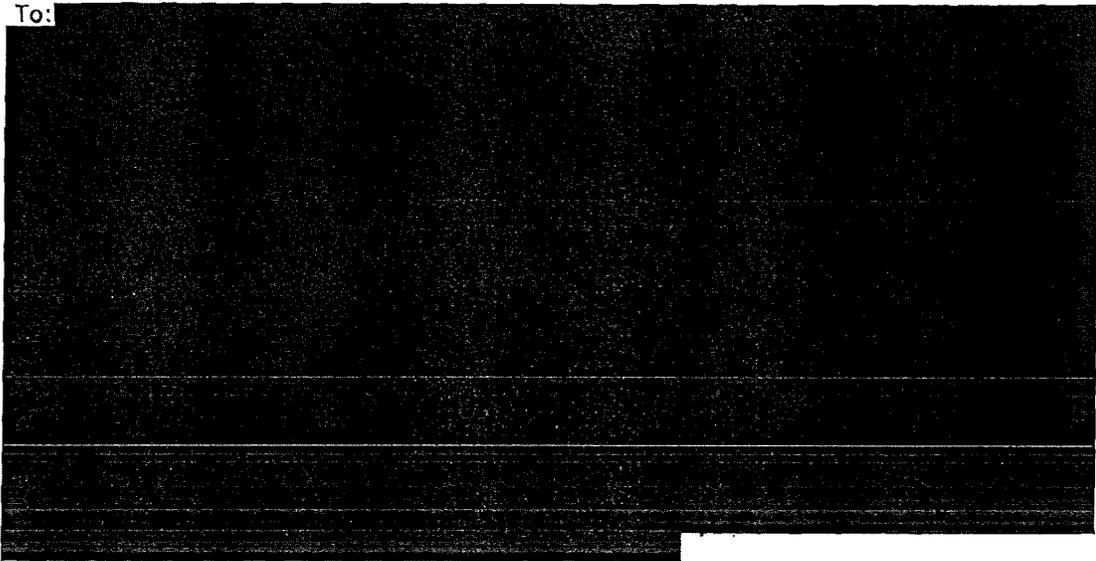
cc: Mr. Mr. Pete McVay
Mr. Leon Artus



From: Bill Friel [mailto:bfriel@atkinson-nh.gov]

Sent: Monday, September 10, 2012 8:58 PM

To:



Subject: Election Day

Good Evening:

I am writing today to respectfully ask for your support at the Primary Election on Tuesday, September 11, 2012 to act as your State Representative for the next two years.

I have been a resident of Atkinson since 2000 and live here with my Wife Kathleen, and my three children who all attend Atkinson Academy. I've been active as a volunteer in Atkinson since 2000, serving on the Zoning Board of Adjustment from 2000 through 2008. I am currently serving the Town and its residents as Selectman and have been since 2008. My current term will expire in 2014.

I have been involved in youth sports as an assistant soccer coach for Timberlane Youth Soccer, Flag football coach for Timberlane Youth Football and I am currently a coach for the Timberlane Tornadoes third and fourth grade tackle team. I believe that it's an important responsibility to serve the communities in which we live and I would like to continue to do so by serving the Towns of Atkinson and Plaistow in the House of Representatives.

During the past six months I have reached out to many residents from the Towns of Atkinson and Plaistow trying to determine the issues that are of most concern to our residents. It is my firm belief that as a State Representative, the issue that I take to the State House should be the issues that directly affect our residents; they should not be my issues. Throughout this process many residents asked questions about the make-up of our House of Representatives. As a follow-up to these questions, I offer the following:

The New Hampshire House of Representatives is the lower house in the New Hampshire General Court. The House of Representatives consists of 400 members coming from 103 districts across the state, created from divisions of the state's counties. With 400 State Representatives and 24 Senate Members of the upper house, the New Hampshire General Court is the largest state legislature in the United States. On average, each legislator represents about 3,300 residents. If the same level of representation were present in the U.S. Congress, that body would have approximately 99,000 members. Representatives are elected for a two year term and are only paid a salary of \$200 per the term, as are New Hampshire State Senators. Districts vary in number of seats based on their populations, with the least-populous districts having only one member and the most having 13. In multi-member districts, voters are allowed to cast as many votes as there are seats to be filled, which often results in one party winning all of the seats in the district. The House of Representatives has met in Representatives Hall of the State House in Concord since 1819. Representatives Hall is thus the oldest chamber in the United States still in continuous legislative use.

Tomorrow is the Primary election. I am asking for your vote as one of your State Representatives. If you pull a ballot and see my name, please fill in the circle next to it. If you pull a ballot and do not see my name, please write me in at the space provided for State Representative. Thank you for your support.
Bill Friel

Complainant: Andy Samborn

10/23/13

162 12

Against: Protect NH Small Business Owners

Close Case -

No closure
letter needed

1/16 Matt's comment
to be discussed for
the legislative report.
RH

12012

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



November 22, 2013

Leslie Mallett, Town Clerk
Town of Bartlett
56 Town Hall Road
Inervale, NH 03845

Re: Sending Absentee Ballots to UOCAVA Voters

Dear Ms. Mallett:

This Office received information regarding possible noncompliance by the Town of Bartlett with RSA 657:19, which governs the sending of absentee ballots to Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA") voters. As a result, this Office conducted an investigation.

"Upon receipt of a properly executed application for an absentee ballot from a UOCAVA voter," town clerks are required to "retain the application and, without delay . . . enter the application in the statewide centralized voter registration database." RSA 657:19, 1(a). This centralized database is known as *ElectioNet*. Town clerks are required to enter into *ElectioNet*, "without delay," "the dates that all valid requests for absentee ballots are received [and] the dates all absentee ballots are sent." RSA 657:26.

With regard to the 2012 General Election, clerks are required to deliver absentee ballots to UOCAVA voters, either by mail or email as requested, no later than forty-five (45) days prior to the election. RSA 657:19; 42 USC §1973ff et seq. (Military and Overseas Voter Empowerment Act ("MOVE Act")). The 2012 General Election took place on November 6, 2012. Thus, the 45-day deadline for this election was Saturday, September 22, 2012.

Our investigation revealed that, on September 11, 2012, the Secretary of State's Office sent to you and the other town/city clerks in the State emails with instructions for sending absentee ballots to UOCAVA voters by the September 22 deadline. Additional emails were sent on September 18, 19, 20, and 21. Prior to September 22, the login screen for *ElectioNet* contained a banner which read:

**Clerks – MOVE ACT Deadline – September 22nd
All UOCAVA Requests on file MUST be Mailed/Emailed on this date**

During our investigation, we found that you received one (1) UOCAVA ballot request from a voter prior to the September 22 deadline; however, we also found that you did not deliver the ballot within the deadline. Based on our investigation, this Office concludes that you failed to comply with state and federal law by not sending out a ballot to one (1) UOCAVA voter who requested a ballot, no later than forty-five (45) days prior to the 2012 General Election.

Please be advised that timely delivery of ballots to UOCAVA voters is a critical part of the election process and non-compliance with the laws pertaining to the delivery of ballots to UOCAVA voters may result an enforcement action and/or prosecution by this Office.

To insure future compliance, you are directed to follow and complete the items in the enclosure entitled "Requirements" for the 2014 State Election Cycle. In Order to further reduce the chance of this situation happening again, compliance by the Bartlett's Town Clerk's office will be monitored by our office throughout the 2014 General Election cycle.

As a reminder, the forty-five (45) day deadline for sending absentee ballots in response to requests received from UOCAVA voters for the 2014 State Primary is Saturday, July 26, 2014. The comparable forty-five (45) day deadline for the 2014 General Election is Saturday, September 20, 2014. This means that the Town of Bartlett Clerk's Office must put proper procedures in place to make sure that ballots get sent to UOCAVA voters who have requested them to be sent by mail or email including developing a back-up plan, e.g. using a Deputy or Assistant Clerk, to staff the office and complete UOCAVA requirements in the event of an emergency. The procedure must include a determination as to what time the nearest post office closes to insure that envelopes containing ballots get postmarked by September 22. There must also be a procedure in place to check your email at 5:00 p.m. on Saturday, July 26, 2014 and on Saturday, September 20, 2014, in order respond to any mail or email requests for ballots received on those days, and immediately enter such activity in *Electionet*. For example, if you do not come into the office every day to pick up your emails, arrange a means, such as an alternate personal email address, by which you can check your emails from outside the office.

Our investigator will contact you and review your files to confirm your compliance with the requirements contained in this letter. If compliance occurs, our investigation will be closed after the November 2014 General Election cycle. 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: William M. Gardner, Secretary of State
David M. Seanlan, Deputy Secretary of State
Anthony Stevens, Assistant Secretary of State

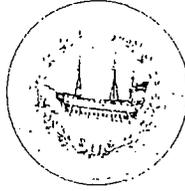
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ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



November 25, 2013

Donna Dugal, Clerk
Town of Newmarket
186 Main Street
Newmarket, NH 03857

Re: Proposed Charter Amendments

Dear Ms. Dugal:

In a letter dated October 28, 2013, you submitted proposed charter amendments on behalf of the Town of Newmarket to the Secretary of State, the Department of Revenue Administration and the Attorney General's Office for review.

Pursuant to RSA 49-B:5-a, the Secretary of State, the Department of Revenue Administration and the Attorney General's Office are required to "review the proposed charter . . . revision, or charter amendment . . . to insure that it is consistent with the general laws of this state." RSA 49-B:5-a. Our review is limited to assessing whether the proposed change if adopted would bring the charter into conflict with specific provisions in state law. We understand our role as one of providing assistance to the Town in conforming the local options it desires to implement to the restrictions set forth in state law. In this spirit we will also comment on proposed amendments when their meaning or permissibility is, in view of pertinent state law, ambiguous or uncertain.

The proposed amendment to Article 4, Section 4.6 of the charter in pertinent part states:

The Administrator shall be the chief administrative officer of the town, and shall supervise and direct the administration of all the Town departments and personnel therein. The Administrator shall be charged with the preservation of the health, safety, and welfare of persons and property, and the enforcement of the ordinances of the Town, this Charter, and the laws of the State of New Hampshire, and such other responsibilities as may be assigned by the Council by resolution.

Donna Dugal, Clerk, Town of Newmarket
Re: Proposed Charter Revision/Amendment
November 25, 2013
Page 2

The proposed amendment seeks to designate the Administrator as the chief administrative officer of the Town and charge the Administrator, with amongst other things, the enforcement of state law. While we do not have any objection to this specific language change, we recommend that you revise this section of the charter to make it clear that with regard to elections, the town clerk is the chief elections officer. RSA 669:25 ("In towns which have adopted an official ballot system, the town election shall be conducted in the same manner as a state general election as provided in RSA 658 and 659, except that RSA 659:77, III-V, 659:78, and 659:98, II and III shall not apply, and except that all duties required to be performed by the secretary of state under those chapters shall be performed by the town clerk"); *see also* RSA 652:23 ("The secretary of state shall be the chief elections officer for the state.").

The only other concern we have is with Article 8, Section 8.6 of the charter. This section prescribes the procedure for recall of town councilors. We understand that there is no currently proposed amendment to this section; however, you should be advised that on March 7, 2005, the Rockingham County Superior Court (MCHUGH, J.), in *Knowles, et al v. Latham et al*, 2004-E-0361, struck down a similar recall provision in the Seabrook Town Charter. The court found in that case that the legislature did not provide municipalities with the authority to include recall and removal procedures in their charters. While the court's decision is not binding you should consider removing this section from the charter.

We look forward to working with you. Please do not hesitate to contact myself or David Scanlan of the Secretary of State's Office if you have any questions.

Sincerely,



Stephen G. LaBonte
Assistant Attorney General
N.H. Department of Justice
Civil Bureau

Cc: David Scanlan, Secretary of State's Office
Stephan Hamilton, New Hampshire Dept. of Revenue Administration
John J. Ratigan, Donahue, Tucker & Ciandella, PLLC.

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JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



November 22, 2013

Charleen Little, Town Clerk
Town of Croydon
879 NH Route 10
Croydon, NH 03773

Re: Sending Absentee Ballots to UOCAVA Voters

Dear Ms. Little:

This Office received information regarding possible noncompliance by the Town of Croydon ("Croydon") with RSA 657:19, which governs the sending of absentee ballots to Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA") voters. As a result, this Office conducted an investigation.

"Upon receipt of a properly executed application for an absentee ballot from a UOCAVA voter," town clerks are required to "retain the application and, without delay . . . enter the application in the statewide centralized voter registration database." RSA 657:19, 1(a). This centralized database is known as *ElectioNet*. Town clerks are required to enter into *ElectioNet*, "without delay," "the dates that all valid requests for absentee ballots are received [and] the dates all absentee ballots are sent." RSA 657:26.

With regard to the 2012 General Election, clerks are required to deliver absentee ballots to UOCAVA voters, either by mail or email as requested, no later than forty-five (45) days prior to the election. RSA 657:19; 42 USC §1973ff et seq. (Military and Overseas Voter Empowerment Act ("MOVE Act")). The 2012 General Election took place on November 6, 2012. Thus, the 45-day deadline for this election was Saturday, September 22, 2012.

Our investigation revealed that, on September 11, 2012, the Secretary of State's Office sent to you and the other town/city clerks in the State emails with instructions for sending absentee ballots to UOCAVA voters by the September 22 deadline. Additional emails were sent on September 18, 19, 20, and 21. Prior to September 22, the login screen for *ElectioNet* contained a banner which read:

Clerks – MOVE ACT Deadline – September 22nd
All UOCAVA Requests on file MUST be Mailed/Emailed on this date

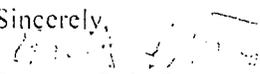
During our investigation, we found that you received two (2) UOCAVA ballot requests from voters prior to the September 22 deadline; however, we also found that you did not deliver the ballots within the deadline. Based on our investigation, this Office concludes that you failed to comply with state and federal law by not sending out ballots to two (2) UOCAVA voters who requested ballots, no later than forty-five (45) days prior to the 2012 General Election.

Please be advised that timely delivery of ballots to UOCAVA voters is a critical part of the election process and non-compliance with the laws pertaining to the delivery of ballots to UOCAVA voters may result an enforcement action and/or prosecution by this Office.

To insure future compliance, you are directed to follow and complete the items in the enclosure entitled "Requirements" for the 2014 State Election Cycle. In Order to further reduce the chance of this situation happening again, compliance by the Croydon Clerk's office will be monitored by our office throughout the 2014 General Election cycle.

As a reminder, the forty-five (45) day deadline for sending absentee ballots in response to requests received from UOCAVA voters for the 2014 State Primary is Saturday, July 26, 2014. The comparable forty-five (45) day deadline for the 2014 General Election is Saturday, September 20, 2014. This means that the Croydon Clerk's Office must put proper procedures in place to make sure that ballots get sent to UOCAVA voters who have requested them to be sent by mail or email including developing a back-up plan, e.g. using a Deputy or Assistant Clerk, to staff the office and complete UOCAVA requirements in the event of an emergency. The procedure must include a determination as to what time the nearest post office closes to insure that envelopes containing ballots get postmarked by September 22. There must also be a procedure in place to check your email at 5:00 p.m. on Saturday, July 26, 2014 and on Saturday, September 20, 2014, in order respond to any mail or email requests for ballots received on those days, and immediately enter such activity in *ElectioNet*. For example, if you do not come into the office every day to pick up your emails, arrange a means, such as an alternate personal email address, by which you can check your emails from outside the office.

Our investigator will contact you and review your files to confirm your compliance with the requirements contained in this letter. If compliance occurs, our investigation will be closed after the November 2014 General Election cycle. 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: William M. Gardner, Secretary of State
David M. Scanlan, Deputy Secretary of State
Anthony Stevens, Assistant Secretary of State

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DEPARTMENT OF JUSTICE

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CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

November 22, 2013

Melisa Fowler, Town Clerk
Town of Kingston
PO Box 657
Kingston, NH 03848

Re: Sending Absentee Ballots to UOCAVA Voters

Dear Ms. Fowler:

This Office received information regarding possible noncompliance by the Town of Kingston ("Kingston") with RSA 657:19, which governs the sending of absentee ballots to Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA") voters. As a result, this Office conducted an investigation.

"Upon receipt of a properly executed application for an absentee ballot from a UOCAVA voter," town clerks are required to "retain the application and, without delay . . . enter the application in the statewide centralized voter registration database." RSA 657:19, 1(a). This centralized database is known as *ElectioNet*. Town clerks are required to enter into *ElectioNet*, "without delay," "the dates that all valid requests for absentee ballots are received [and] the dates all absentee ballots are sent." RSA 657:26.

With regard to the 2012 General Election, clerks are required to deliver absentee ballots to UOCAVA voters, either by mail or email as requested, no later than forty-five (45) days prior to the election. RSA 657:19: 42 USC §1973ff et seq. (Military and Overseas Voter Empowerment Act ("MOVE Act")). The 2012 General Election took place on November 6, 2012. Thus, the 45-day deadline for this election was Saturday, September 22, 2012.

Our investigation revealed that, on September 11, 2012, the Secretary of State's Office sent to you and the other town/city clerks in the State emails with instructions for sending absentee ballots to UOCAVA voters by the September 22 deadline. Additional emails were sent on September 18, 19, 20, and 21. Prior to September 22, the login screen for *ElectioNet* contained a banner which read:

Clerks – MOVE ACT Deadline – September 22nd
All UOCAVA Requests on file MUST be Mailed/Emailed on this date

During our investigation, we found that you received one (1) UOCAVA ballot request from a voter prior to the September 22 deadline; however, we also found that you did not deliver the ballot within the deadline. Based on our investigation, this Office concludes that you failed to comply with state and federal law by not sending out a ballot to one (1) UOCAVA voter who requested a ballot, no later than forty-five (45) days prior to the 2012 General Election.

Please be advised that timely delivery of ballots to UOCAVA voters is a critical part of the election process and non-compliance with the laws pertaining to the delivery of ballots to UOCAVA voters may result an enforcement action and/or prosecution by this Office.

To insure future compliance, you are directed to follow and complete the items in the enclosure entitled "Requirements" for the 2014 State Election Cycle. In Order to further reduce the chance of this situation happening again, compliance by the Kingston Clerk's office will be monitored by our office throughout the 2014 General Election cycle.

As a reminder, the forty-five (45) day deadline for sending absentee ballots in response to requests received from UOCAVA voters for the 2014 State Primary is Saturday, July 26, 2014. The comparable forty-five (45) day deadline for the 2014 General Election is Saturday, September 20, 2014. This means that the Kingston Clerk's Office must put proper procedures in place to make sure that ballots get sent to UOCAVA voters who have requested them to be sent by mail or email including developing a back-up plan, e.g. using a Deputy or Assistant Clerk, to staff the office and complete UOCAVA requirements in the event of an emergency. The procedure must include a determination as to what time the nearest post office closes to insure that envelopes containing ballots get postmarked by September 22. There must also be a procedure in place to check your email at 5:00 p.m. on Saturday, July 26, 2014 and on Saturday, September 20, 2014, in order respond to any mail or email requests for ballots received on those days, and immediately enter such activity in *ElectioNet*. For example, if you do not come into the office every day to pick up your emails, arrange a means, such as an alternate personal email address, by which you can check your emails from outside the office.

Our investigator will contact you and review your files to confirm your compliance with the requirements contained in this letter. If compliance occurs, our investigation will be closed after the November 2014 General Election cycle. If you have any questions, please do not hesitate to contact me.

Sincerely,


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

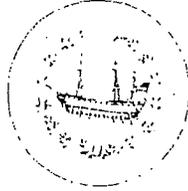
cc: William M. Gardner, Secretary of State
David M. Scanlan, Deputy Secretary of State
Anthony Stevens, Assistant Secretary of State

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



November 22, 2013

Cindy Woodward, Town Clerk
Town of Milan
20 Bridge Street
Milan, NH 03588

Re: Sending Absentee Ballots to UOCAVA Voters

Dear Ms. Woodward:

This Office received information regarding possible noncompliance by the Town of Milan ("Milan") with RSA 657:19, which governs the sending of absentee ballots to Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA") voters. As a result, this Office conducted an investigation.

"Upon receipt of a properly executed application for an absentee ballot from a UOCAVA voter," town clerks are required to "retain the application and, without delay . . . enter the application in the statewide centralized voter registration database." RSA 657:19, I(a). This centralized database is known as *ElectioNet*. Town clerks are required to enter into *ElectioNet*, "without delay," "the dates that all valid requests for absentee ballots are received [and] the dates all absentee ballots are sent." RSA 657:26.

With regard to the 2012 General Election, clerks are required to deliver absentee ballots to UOCAVA voters, either by mail or email as requested, no later than forty-five (45) days prior to the election. RSA 657:19; 42 USC §1973ff et seq. (Military and Overseas Voter Empowerment Act ("MOVE Act")). The 2012 General Election took place on November 6, 2012. Thus, the 45-day deadline for this election was Saturday, September 22, 2012.

Our investigation revealed that, on September 11, 2012, the Secretary of State's Office sent to Milan Town Clerk and the other town/city clerks in the State emails with instructions for sending absentee ballots to UOCAVA voters by the September 22 deadline. Additional emails were sent on September 18, 19, 20, and 21. Prior to September 22, the login screen for *ElectioNet* contained a banner which read:

Clerks – MOVE ACT Deadline – September 22nd
All UOCAVA Requests on file MUST be Mailed/Emailed on this date

During our investigation, we found that the Milan Town Clerk received one (1) UOCAVA ballot request from a voter prior to the September 22 deadline; however, we also found that the town clerk did not deliver the ballot within the deadline. Based on our investigation, this Office concludes that the Milan Town Clerk failed to comply with state and federal law by not sending out a ballot to one (1) UOCAVA voter who requested a ballot, no later than forty-five (45) days prior to the 2012 General Election.

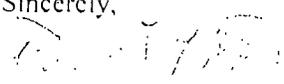
Please be advised that timely delivery of ballots to UOCAVA voters is a critical part of the election process and non-compliance with the laws pertaining to the delivery of ballots to UOCAVA voters may result an enforcement action and/or prosecution by this Office.

We understand that you were not the town clerk at the time of the above mentioned violation; however, to insure future compliance by the Town of Milan, you are directed to follow and complete the items in the enclosure entitled "Requirements" for the 2014 State Election Cycle. In Order to further reduce the chance of this situation happening again, compliance by the Milan Clerk's office will be monitored by our office throughout the 2014 General Election cycle.

As a reminder, the forty-five (45) day deadline for sending absentee ballots in response to requests received from UOCAVA voters for the 2014 State Primary is Saturday, July 26, 2014. The comparable forty-five (45) day deadline for the 2014 General Election is Saturday, September 20, 2014. This means that the Milan Clerk's Office must put proper procedures in place to make sure that ballots get sent to UOCAVA voters who have requested them to be sent by mail or email including developing a back-up plan, e.g. using a Deputy or Assistant Clerk, to staff the office and complete UOCAVA requirements in the event of an emergency. The procedure must include a determination as to what time the nearest post office closes to insure that envelopes containing ballots get postmarked by September 22. There must also be a procedure in place to check your email at 5:00 p.m. on Saturday, July 26, 2014 and on Saturday, September 20, 2014, in order respond to any mail or email requests for ballots received on those days, and immediately enter such activity in *ElectioNet*. For example, if you do not come into the office every day to pick up your emails, arrange a means, such as an alternate personal email address, by which you can check your emails from outside the office.

Our investigator will contact you and review your files to confirm your compliance with the requirements contained in this letter. If compliance occurs, our investigation will be closed after the November 2014 General Election cycle. 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: William M. Gardner, Secretary of State
David M. Scanlan, Deputy Secretary of State
Anthony Stevens, Assistant Secretary of State
974366

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



November 22, 2013

Derlene Clark, Town Clerk
Town of Surry
1 Village Road
Surry, NH 03431

Re: Sending Absentee Ballots to UOCAVA Voters

Dear Ms. Clark:

This Office received information regarding possible noncompliance by the Town of Surry ("Surry") with RSA 657:19, which governs the sending of absentee ballots to Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA") voters. As a result, this Office conducted an investigation.

"Upon receipt of a properly executed application for an absentee ballot from a UOCAVA voter," town clerks are required to "retain the application and, without delay . . . enter the application in the statewide centralized voter registration database." RSA 657:19, 1(a). This centralized database is known as *ElectioNet*. Town clerks are required to enter into *ElectioNet*, "without delay," "the dates that all valid requests for absentee ballots are received [and] the dates all absentee ballots are sent." RSA 657:26.

With regard to the 2012 General Election, clerks are required to deliver absentee ballots to UOCAVA voters, either by mail or email as requested, no later than forty-five (45) days prior to the election. RSA 657:19: 42 USC §1973ff et seq. (Military and Overseas Voter Empowerment Act ("MOVE Act")). The 2012 General Election took place on November 6, 2012. Thus, the 45-day deadline for this election was Saturday, September 22, 2012.

Our investigation revealed that, on September 11, 2012, the Secretary of State's Office sent to you and the other town/city clerks in the State emails with instructions for sending absentee ballots to UOCAVA voters by the September 22 deadline. Additional emails were sent on September 18, 19, 20, and 21. Prior to September 22, the login screen for *ElectioNet* contained a banner which read:

Clerks – MOVE ACT Deadline – September 22nd
All UOCAVA Requests on file MUST be Mailed/Emailed on this date

During our investigation, we found that you received two (2) UOCAVA ballot requests from voters prior to the September 22 deadline; however, we also found that you did not deliver the ballots within the deadline. Based on our investigation, this Office concludes that you failed to comply with state and federal law by not sending out ballots to two (2) UOCAVA voters who requested ballots, no later than forty-five (45) days prior to the 2012 General Election.

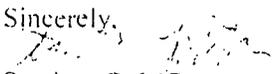
Please be advised that timely delivery of ballots to UOCAVA voters is a critical part of the election process and non-compliance with the laws pertaining to the delivery of ballots to UOCAVA voters may result an enforcement action and/or prosecution by this Office.

To insure future compliance, you are directed to follow and complete the items in the enclosure entitled "Requirements" for the 2014 State Election Cycle. In Order to further reduce the chance of this situation happening again, compliance by the Surry Clerk's office will be monitored by our office throughout the 2014 General Election cycle.

As a reminder, the forty-five (45) day deadline for sending absentee ballots in response to requests received from UOCAVA voters for the 2014 State Primary is Saturday, July 26, 2014. The comparable forty-five (45) day deadline for the 2014 General Election is Saturday, September 20, 2014. This means that the Surry Clerk's Office must put proper procedures in place to make sure that ballots get sent to UOCAVA voters who have requested them to be sent by mail or email including developing a back-up plan, e.g. using a Deputy or Assistant Clerk, to staff the office and complete UOCAVA requirements in the event of an emergency. The procedure must include a determination as to what time the nearest post office closes to insure that envelopes containing ballots get postmarked by September 22. There must also be a procedure in place to check your email at 5:00 p.m. on Saturday, July 26, 2014 and on Saturday, September 20, 2014, in order respond to any mail or email requests for ballots received on those days, and immediately enter such activity in *ElectionNet*. For example, if you do not come into the office every day to pick up your emails, arrange a means, such as an alternate personal email address, by which you can check your emails from outside the office.

Our investigator will contact you and review your files to confirm your compliance with the requirements contained in this letter. If compliance occurs, our investigation will be closed after the November 2014 General Election cycle. 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: William M. Gardner, Secretary of State
David M. Scanlan, Deputy Secretary of State
Anthony Stevens, Assistant Secretary of State

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



November 22, 2013

Patricia Jenks, Town Clerk
Town of Lyme
PO Box 342
Lyme, NH 03768

Re: Sending Absentee Ballots to UOCAVA Voters

Dear Ms. Jenks:

This Office received information regarding possible noncompliance by the Town of Lyme ("Lyme") with RSA 657:19, which governs the sending of absentee ballots to Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA") voters. As a result, this Office conducted an investigation.

"Upon receipt of a properly executed application for an absentee ballot from a UOCAVA voter," town clerks are required to "retain the application and, without delay . . . enter the application in the statewide centralized voter registration database." RSA 657:19, I(a). This centralized database is known as *ElectioNet*. Town clerks are required to enter into *ElectioNet*, "without delay," "the dates that all valid requests for absentee ballots are received [and] the dates all absentee ballots are sent." RSA 657:26.

With regard to the 2012 General Election, clerks are required to deliver absentee ballots to UOCAVA voters, either by mail or email as requested, no later than forty-five (45) days prior to the election. RSA 657:19; 42 USC §1973ff et seq. (Military and Overseas Voter Empowerment Act ("MOVE Act")). The 2012 General Election took place on November 6, 2012. Thus, the 45-day deadline for this election was Saturday, September 22, 2012.

Our investigation revealed that, on September 11, 2012, the Secretary of State's Office sent to you and the other town/city clerks in the State emails with instructions for sending absentee ballots to UOCAVA voters by the September 22 deadline. Additional emails were sent on September 18, 19, 20, and 21. Prior to September 22, the login screen for *ElectioNet* contained a banner which read:

Clerks – MOVE ACT Deadline – September 22nd
All UOCAVA Requests on file MUST be Mailed/Emailed on this date

During our investigation, we found that you received four (4) UOCAVA ballot requests from voters prior to the September 22 deadline; however, we also found that you did not deliver the ballots within the deadline. Based on our investigation, this Office concludes that you failed to comply with state and federal law by not sending out ballots to four (4) UOCAVA voters who requested ballots, no later than forty-five (45) days prior to the 2012 General Election.

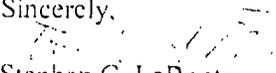
Please be advised that timely delivery of ballots to UOCAVA voters is a critical part of the election process and non-compliance with the laws pertaining to the delivery of ballots to UOCAVA voters may result an enforcement action and/or prosecution by this Office.

To insure future compliance, you are directed to follow and complete the items in the enclosure entitled "Requirements" for the 2014 State Election Cycle. In Order to further reduce the chance of this situation happening again, compliance by the Lyme Clerk's office will be monitored by our office throughout the 2014 General Election cycle.

As a reminder, the forty-five (45) day deadline for sending absentee ballots in response to requests received from UOCAVA voters for the 2014 State Primary is Saturday, July 26, 2014. The comparable forty-five (45) day deadline for the 2014 General Election is Saturday, September 20, 2014. This means that the Lyme Clerk's Office must put proper procedures in place to make sure that ballots get sent to UOCAVA voters who have requested them to be sent by mail or email including developing a back-up plan, e.g. using a Deputy or Assistant Clerk, to staff the office and complete UOCAVA requirements in the event of an emergency. The procedure must include a determination as to what time the nearest post office closes to insure that envelopes containing ballots get postmarked by September 22. There must also be a procedure in place to check your email at 5:00 p.m. on Saturday, July 26, 2014 and on Saturday, September 20, 2014, in order respond to any mail or email requests for ballots received on those days, and immediately enter such activity in *ElectioNet*. For example, if you do not come into the office every day to pick up your emails, arrange a means, such as an alternate personal email address, by which you can check your emails from outside the office.

Our investigator will contact you and review your files to confirm your compliance with the requirements contained in this letter. If compliance occurs, our investigation will be closed after the November 2014 General Election cycle. 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: William M. Gardner, Secretary of State
David M. Scanlan, Deputy Secretary of State
Anthony Stevens, Assistant Secretary of State

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CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



November 22, 2013

Donna Munson, Town Clerk
Town of Swanzey
620 Old Homestead Highway
Swanzey, NH 03446-0009

Re: Sending Absentee Ballots to UOCAVA Voters

Dear Ms. Munson:

This Office received information regarding possible noncompliance by the Town of Swanzey ("Swanzey") with RSA 657:19, which governs the sending of absentee ballots to Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA") voters. As a result, this Office conducted an investigation.

"Upon receipt of a properly executed application for an absentee ballot from a UOCAVA voter," town clerks are required to "retain the application and, without delay . . . enter the application in the statewide centralized voter registration database." RSA 657:19, I(a). This centralized database is known as *ElectioNet*. Town clerks are required to enter into *ElectioNet*, "without delay," "the dates that all valid requests for absentee ballots are received [and] the dates all absentee ballots are sent." RSA 657:26.

With regard to the 2012 General Election, clerks are required to deliver absentee ballots to UOCAVA voters, either by mail or email as requested, no later than forty-five (45) days prior to the election. RSA 657:19; 42 USC §1973ff et seq. (Military and Overseas Voter Empowerment Act ("MOVE Act")). The 2012 General Election took place on November 6, 2012. Thus, the 45-day deadline for this election was Saturday, September 22, 2012.

Our investigation revealed that, on September 11, 2012, the Secretary of State's Office sent to you and the other town/city clerks in the State emails with instructions for sending absentee ballots to UOCAVA voters by the September 22 deadline. Additional emails were sent on September 18, 19, 20, and 21. Prior to September 22, the login screen for *ElectioNet* contained a banner which read:

Clerks – MOVE ACT Deadline – September 22nd
All UOCAVA Requests on file MUST be Mailed/Emailed on this date

During our investigation, we found that you received one (1) UOCAVA ballot request from a voter prior to the September 22 deadline; however, we also found that you did not deliver the ballot within the deadline. Based on our investigation, this Office concludes that you failed to comply with state and federal law by not sending out a ballot to one (1) UOCAVA voter who requested a ballot, no later than forty-five (45) days prior to the 2012 General Election.

Please be advised that timely delivery of ballots to UOCAVA voters is a critical part of the election process and non-compliance with the laws pertaining to the delivery of ballots to UOCAVA voters may result an enforcement action and/or prosecution by this Office.

To insure future compliance, you are directed to follow and complete the items in the enclosure entitled "Requirements" for the 2014 State Election Cycle. In Order to further reduce the chance of this situation happening again, compliance by the Swanzev Clerk's office will be monitored by our office throughout the 2014 General Election cycle.

As a reminder, the forty-five (45) day deadline for sending absentee ballots in response to requests received from UOCAVA voters for the 2014 State Primary is Saturday, July 26, 2014. The comparable forty-five (45) day deadline for the 2014 General Election is Saturday, September 20, 2014. This means that the Swanzev Clerk's Office must put proper procedures in place to make sure that ballots get sent to UOCAVA voters who have requested them to be sent by mail or email including developing a back-up plan, e.g. using a Deputy or Assistant Clerk, to staff the office and complete UOCAVA requirements in the event of an emergency. The procedure must include a determination as to what time the nearest post office closes to insure that envelopes containing ballots get postmarked by September 22. There must also be a procedure in place to check your email at 5:00 p.m. on Saturday, July 26, 2014 and on Saturday, September 20, 2014, in order respond to any mail or email requests for ballots received on those days, and immediately enter such activity in *ElectioNet*. For example, if you do not come into the office every day to pick up your emails, arrange a means, such as an alternate personal email address, by which you can check your emails from outside the office.

Our investigator will contact you and review your files to confirm your compliance with the requirements contained in this letter. If compliance occurs, our investigation will be closed after the November 2014 General Election cycle. 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: William M. Gardner, Secretary of State
David M. Scanlan, Deputy Secretary of State
Anthony Stevens, Assistant Secretary of State

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



November 22, 2013

Debra Patrick, City Clerk
City of Berlin
168 Main Street
Berlin, N.H. 03570

Re: Sending Absentee Ballots to UOCAVA Voters

Dear Ms. Patrick:

This Office received information regarding possible noncompliance by the City of Berlin with RSA 657:19, which governs the sending of absentee ballots to Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA") voters. As a result, this Office conducted an investigation.

"Upon receipt of a properly executed application for an absentee ballot from a UOCAVA voter," town clerks are required to "retain the application and, without delay . . . enter the application in the statewide centralized voter registration database." RSA 657:19, I(a). This centralized database is known as *ElectioNet*. Town clerks are required to enter into *ElectioNet*, "without delay," "the dates that all valid requests for absentee ballots are received [and] the dates all absentee ballots are sent." RSA 657:26.

With regard to the 2012 General Election, clerks are required to deliver absentee ballots to UOCAVA voters, either by mail or email as requested, no later than forty-five (45) days prior to the election. RSA 657:19; 42 USC §1973ff et seq. (Military and Overseas Voter Empowerment Act ("MOVE Act")). The 2012 General Election took place on November 6, 2012. Thus, the 45-day deadline for this election was Saturday, September 22, 2012.

Our investigation revealed that, on September 11, 2012, the Secretary of State's Office sent to you and the other town/city clerks in the State emails with instructions for sending absentee ballots to UOCAVA voters by the September 22 deadline. Additional emails were sent on September 18, 19, 20, and 21. Prior to September 22, the login screen for *ElectioNet* contained a banner which read:

Clerks – MOVE ACT Deadline – September 22nd
All UOCAVA Requests on file MUST be Mailed/Emailed on this date

During our investigation, we found that you received one (1) UOCAVA ballot request from a voter prior to the September 22 deadline; however, we also found that you did not deliver the ballot within the deadline. Based on our investigation, this Office concludes that you failed to comply with state and federal law by not sending out a ballot to one (1) UOCAVA voter who requested a ballot, no later than forty-five (45) days prior to the 2012 General Election.

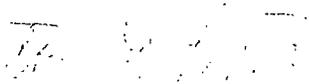
Please be advised that timely delivery of ballots to UOCAVA voters is a critical part of the election process and non-compliance with the laws pertaining to the delivery of ballots to UOCAVA voters may result an enforcement action and/or prosecution by this Office.

To insure future compliance, you are directed to follow and complete the items in the enclosure entitled "Requirements" for the 2014 State Election Cycle. In Order to further reduce the chance of this situation happening again, compliance by the Berlin City Clerk's office will be monitored by our office throughout the 2014 General Election cycle.

As a reminder, the forty-five (45) day deadline for sending absentee ballots in response to requests received from UOCAVA voters for the 2014 State Primary is Saturday, July 26, 2014. The comparable forty-five (45) day deadline for the 2014 General Election is Saturday, September 20, 2014. This means that the Berlin City Clerk's Office must put proper procedures in place to make sure that ballots get sent to UOCAVA voters who have requested them to be sent by mail or email including developing a back-up plan, e.g. using a Deputy or Assistant Clerk, to staff the office and complete UOCAVA requirements in the event of an emergency. The procedure must include a determination as to what time the nearest post office closes to insure that envelopes containing ballots get postmarked by September 22. There must also be a procedure in place to check your email at 5:00 p.m. on Saturday, July 26, 2014 and on Saturday, September 20, 2014, in order respond to any mail or email requests for ballots received on those days, and immediately enter such activity in *ElectioNet*. For example, if you do not come into the office every day to pick up your emails, arrange a means, such as an alternate personal email address, by which you can check your emails from outside the office.

Our investigator will contact you and review your files to confirm your compliance with the requirements contained in this letter. If compliance occurs, our investigation will be closed after the November 2014 General Election cycle. 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: William M. Gardner, Secretary of State
David M. Scanlan, Deputy Secretary of State
Anthony Stevns, Assistant Secretary of State

11/15/13

The allegations contained in this letter do not constitute an election law violation.

193

JHY

MISC ELECT

CONCORD, NH 03301

The Woodsville, NH Fire District needs to be looked at. For several years the district voters have asked for an audit of the district finances. Several years ago the voters appropriated in a warrant article money for the commissioners to hire an audit firm, but they refused to do this. This was a warrant article. Part of the explanation that was stated by the commissioners is their books were not auditable! Aren't warrant articles a legal mandate? At this years fire district meeting Commissioner Guy began the meeting by stating the fire district had paid numerous late fee's, penalties, and resolved back IRS non payments and penalties. In the past the commissioners have clearly stated their budgets equaled, "money in, money out". Obviously if they had not paid bills, including a settlement with the IRS, than there was money being carried over in some account making their annual budgets inaccurate. The voters and citizens have tried desperately to have accountability of the district finances, but the commissioners will not let this happen. The residents of the district deserve answers, but the commissioners will not allow this to happen. This needs to be addressed by a legal authority as the fire district residents are not able to gain answers, legal or otherwise.

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

Matter #	Case Name	Investigator	Report Date
2012101599	WARD 3 MANCHESTER - Removal of Security Seal (Gail Athas, Moderator)	Paul E. Brodeur	November 1, 2013

10/30/13 1600 hrs. met with JoAnn Ferruolo, Asst. City Clerk and Matthew Normand, City Clerk re: a seal issue in Ward 3 on 11/06/12.

The election bags and related material were all within the City Clerk's office in preparation for the 11/05/13 elections.

FERRUOLO in the presence of NORMAND and myself cut off the current seal on the bag containing the election machine and related logs for Ward 3.

The log for 11/06/12 was not in the bag but the subsequent page is present. A copy of the "Accuvote Tabulator Testing" sheet for 10/31/12 was in the bag. The sheet indicates on 10/31/12 the Memory Card Seal # 82339 was on the machine covering the "Memory Card". This is the same seal # that Moderator Athas had a problem with and removed it then inserted seal # 773846.

The log completed by FERRUOLO and witnessed by NORMAND and myself and the bag was again sealed.

There is a possibility that the prior log page for Ward 3 may have been placed in the bag of another Ward. They will attempt to locate the prior page once the bags are opened on 11/05/13.

There does NOT appear to be an issue in that ATHAS had filed an affidavit indicating what had taken place and the "Accuvote" paperwork indicates that seal # 82339 was in place on 10/31/12 during the testing process.

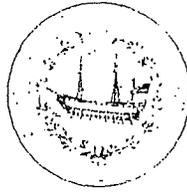
965834

Page	1	of	1	pages	SIGNED	DATE
					<i>Paul E Brodeur</i>	11/1/13

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

October 23, 2013

Steven Arnold



Re: Sign Removal Complaint

Dear Mr. Arnold:

On October 23, 2012, the New Hampshire Attorney General's Office received a complaint regarding an alleged theft of Joe Scarlotto's campaign signs. This letter follows an investigation conducted by Mark Myrdek, an Investigator with the New Hampshire Attorney General's Office.

Removal of campaign signs is a violation of RSA 664:17, which states in pertinent part:

664:17 Placement and Removal of Political Advertising. – ...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...

As part of the investigation, Investigator Myrdek contacted Mr. Robert Boyle, Mr. Scarlotto's opponent, who informed Investigator Myrdek that his campaign workers had been cautioned not take or move any signs. Mr. Boyle assured Mr. Myrdek that he would warn his campaign workers again. With respect to the alleged removal and theft of signs, the identity of the individual or individuals responsible for removing the signs is unknown and as such, no enforcement action can be taken.

This investigation is now closed. If you have any further questions do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard W. Head".

Richard W. Head
Associate Attorney General
603-271-1221

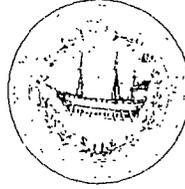
961923

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



October 22, 2013

Ronald R. Demers

Re: Election Law Complaint

Dear Mr. Demers:

On October 31, 2012, the New Hampshire Attorney General's Office received your complaint regarding an alleged violation of New Hampshire's election laws. On November 1, 2012, you spoke with Mark Myrdek, an investigator with this office. You informed Investigator that on October 31, 2012, an individual came to your house and asked your fiancé to sign an affidavit so her mother could receive an absentee ballot in order to vote for Obama. You informed this person it was illegal to obtain a ballot this way. You also informed Investigator Mydek that your fiancé's mother lives in a nursing home in Lancaster, and was capable of voting for herself. You described the individual as being about thirty years old, about 5'7" or 5'8" and said he was wearing a Berlin Firefighters jacket with the name "Henry" on the chest. The individual at your door refused to provide you with his name. On October 22, 2013, you also informed Investigator Myrdek that you saw a picture in the local newspaper of the individual who came to your door. That person was identified in the paper as Henry Coulombe and was described as a retired firefighter from Berlin.

Investigator Myrdek also contacted the Berlin Police Department on November 1, 2012. The Berlin Police informed Mr. Myrdek that no similar incidents had been reported. Mr. Myrdek then proceeded to contact the Chief of the Berlin Fire Department and the President of the Berlin Fire Fighters Association. Both reported that they had no fire fighter named Henry working for Berlin. Following your conversation with Investigator Myrdek on October 22, 2013, he again contacted the Berlin Fire Department, and learned that Henry Coulombe was, in fact, a retired firefighter.

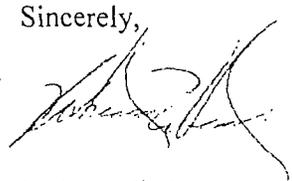
Investigator Myrdek contacted Raymond Coulombe, Henry Coulombe's son, who said his father lives in Florida, and was last in New Hampshire in 2011. Raymond Coulombe said that neither he nor his father have been involved in politics nor any effort to get people to vote in the 2012 General Election. On October 25, 2013, Investigator Myrdek spoke with Henry Coulombe by phone in Florida. Mr. Coulombe said he has lived in Florida for two years, and has not been in Berlin since he moved.

Ronald R. Demers
October 29, 2013
Page 2

Investigator Myrdek spoke with the Linda Rodgers, the Administrator of the nursing home in Lancaster where your fiancé's mother lives. The Ms. Rodgers said that nobody involved with the nursing home was involved with soliciting signatures for residents to obtain absentee ballots, nor did they make any effort to contact family members to obtain absentee ballots.

Unfortunately, the identity of the suspect is still unknown, and we are unable to take further action against the individual who came to your house on October 31, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard W. Head". The signature is stylized and somewhat cursive, with a large initial "R" and "H".

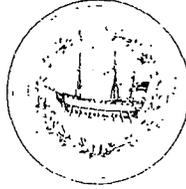
Richard W. Head
Associate Attorney General
603-271-1221

961101

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

October 22, 2013

John Quist

Re: Push-Poll Complaint

Dear Mr. Quist:

On September 10, 2012, the New Hampshire Secretary of State's Office forwarded your complaint to the New Hampshire Attorney General's Office regarding an alleged illegal push-poll. This letter follows an investigation conducted by Mark Myrdek, an Investigator with the Attorney General's Office. A push-poll is defined by RSA 664:2, XVII:

"Push-polling" means:

- (a) Calling voters on behalf of, in support of, or in opposition to, any candidate for public office by telephone; and
- (b) Asking questions related to opposing candidates for public office which state, imply, or convey information about the candidates character, status, or political stance or record; and
- (c) Conducting such calling in a manner which is likely to be construed by the voter to be a survey or poll to gather statistical data for entities or organizations which are acting independent of any particular political party, candidate, or interest group.

Push-polls are not prohibited, but are regulated by New Hampshire law. In particular, RSA 664:16-a imposes the following requirements:

664:16-a Identification Required. –

I. Any person who engages in push-polling, as defined in RSA 664:2, XVII, shall inform any person contacted that the telephone call is being made on behalf of, in support of, or in opposition to a particular candidate for public office, identify that candidate by name, and provide a telephone number from where the push-polling is conducted.

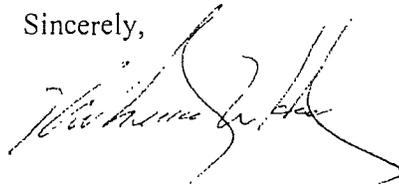
II. Any person or entity who violates paragraph I shall be subject to penalty under RSA 664:21, V and VI.

John Quist
October 22, 2013
Page 2

On September 18, 2012 Mr. Myrdek served the Kuster campaign with a subpoena in order to obtain a copy of the script that was used in the push poll. Based on our investigation, we concluded that the script included the required identification and contact information to be compliant with New Hampshire law. As a result, because both your complaint and our investigation have not shown any violation of New Hampshire's push-poll law, we have concluded our investigation and closed this case.

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

Sincerely,



Richard W. Head
Associate Attorney General
603-271-1221

Copy: Brian Towslee
McGuire Research Service



Kuster for Congress, Inc.
PO Box 1498
Concord NH 03302

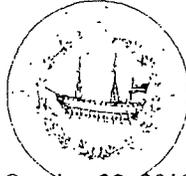
961049

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



October 22, 2013

Representative Romeo Danais
3 Ledge Farm Road
Nottingham, New Hampshire 03290-4500

Re: Voter Fraud Complaint, Nottingham

Dear Representative Danais:

On September 16, 2013, the New Hampshire Secretary of State forwarded your complaint to the New Hampshire Attorney General's Office regarding potential voter fraud. Specifically, your complaint indicated that Cassandra Lee Barnett was registered to vote, using your address in Nottingham. You further stated that Ms. Barnett did not live at that address. This letter follows an investigation conducted by Paul Brodeur, an Investigator with the Attorney General's Office.

As part of the investigation, Mr. Brodeur learned that Ms. Barnett is currently registered to vote in one town, which is not Nottingham. The Secretary of State did produce a report, however, that showed Ms. Barnett had been registered based on an address in Nottingham of 3 Ledge Farm Road.

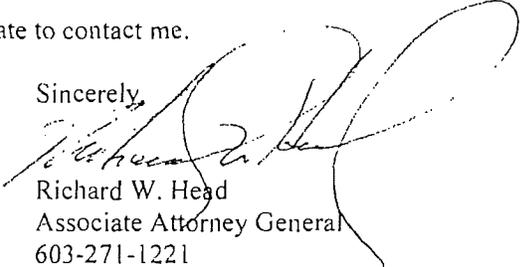
Mr. Brodeur also contacted the Nottingham Town Clerk, who was able to verify that Ms. Barnett did register to vote on January 10, 2012, and did use a Ledge Farm Road address. At the time Ms. Barnett registered in Nottingham, however, she omitted the house number from her address. The clerk also confirmed that Ms. Barnett was removed from the Nottingham voter list when she subsequently registered to vote in another town.

Finally, Mr. Brodeur was able to speak with Ms. Barnett directly. She informed him that she was living with her boyfriend in Nottingham at the time, but did not recall the number for the address when she registered to vote. She provided the name and contact information for her landlord in Nottingham. The landlord was contacted, and was able to verify that Ms. Barnett did live on Ledge Farm Road during the time in question.

While it is unclear why your house number was inserted as Ms. Barnett's address, we conclude that Ms. Barnett did live in Nottingham at the time she registered to vote there. Since no violation of New Hampshire's election laws was discovered, we are closing our investigation.

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

Sincerely,

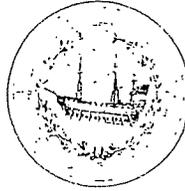

Richard W. Head
Associate Attorney General
603-271-1221

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



October 22, 2013

Ashaki Burnham
Director of Operations
Market Research Company



Re: Push-Poll Complaint

Dear Mr. Burnham:

On August 30, 2012, the New Hampshire Attorney General's Office received a complaint that alleged an illegal push-poll was received on August 23, 2012 in Concord New Hampshire. This letter follows an investigation conducted by Mark Myrdek, an Investigator with the New Hampshire Attorney General's Office. Push-polls are defined by RSA 664:2, XVII:

"Push-polling" means:

- (a) Calling voters on behalf of, in support of, or in opposition to, any candidate for public office by telephone; and
- (b) Asking questions related to opposing candidates for public office which state, imply, or convey information about the candidates character, status, or political stance or record; and
- (c) Conducting such calling in a manner which is likely to be construed by the voter to be a survey or poll to gather statistical data for entities or organizations which are acting independent of any particular political party, candidate, or interest group.

Push-polls are regulated by New Hampshire law. In particular, RSA 664:16-a imposes the following requirements:

664:16-a Identification Required. –

I. Any person who engages in push-polling, as defined in RSA 664:2, XVII, shall inform any person contacted that the telephone call is being made on behalf of, in support of, or in opposition to a particular candidate for public office, identify that candidate by name, and provide a telephone number from where the push-polling is conducted.

Ashaki Burnham
October 22, 2013
Page 2

II. Any person or entity who violates paragraph I shall be subject to penalty under RSA 664:21, V and VI.

On September 5, 2012, you provided Investigator Myrdek that portion of the script related to the identity of the sponsor. The sponsorship portion of the script provided the following:

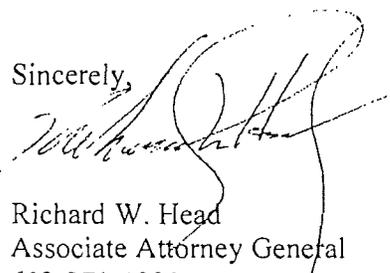
Sponsor name – MUST READ THIS ENTIRELY: This poll was conducted in support of Jackie Cilley (SILL-lee) and Maggie Hassan (HASS-inn). **The sponsor's name is: Democratic Governor's Association.**

By email dated September 5, 2012, you informed Investigator Myrdek that you were refusing to provide a copy of the entire script. Without a full script to examine, we assume for purposes of this letter that your script does meet the definition of a push-poll in New Hampshire.

This purpose of this letter is to inform you that the identification portion of the script that you did provide violates New Hampshire law because it fails to provide a telephone number from where the push-polling was conducted. The complainant, however, stated that he was provided a call back number during the call he received. As a result, no enforcement action will be taken regarding the complaint. In the future, please ensure that any scripts for push-poll calls made in New Hampshire comply with all of the requirements of RSA 664-16-a, including but not limited to the phone number disclosure requirement.

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

Sincerely,



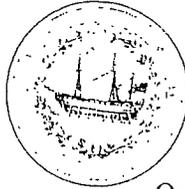
Richard W. Head
Associate Attorney General
603-271-1221

copy: Kenneth Roos

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

October 9, 2013

Tara Laurent, Chief
Greenland Police Department
Greenland, NH 03840

Re: Election Law Complaint

Dear Chief Laurent:

I am writing to follow up on an incident that occurred on November 6, 2012 during the General Election. I understand that you have also spoken with Investigator Mark Myrdek of this office, and have concluded that no incident of election fraud occurred. The purpose of this letter is to document the complaint, and close our file.

On November 6, 2012, Carol Cardinal reported to you that when she went to vote, her name was checked off the voter checklist. Carol Cardinal concluded that someone had committed election fraud, and had voted in her name. Following receipt of the complaint, you contacted Gus Gatzoulis, the Greenland Supervisor of the Checklist, and both of you reviewed the voter checklist. Based on your investigation, you determined that Alice Cardinal, another voter in Greenland, had been purged from the Checklist in 2010. When Alice Cardinal voted early on November 6, 2012, Carol Cardinal's name was inadvertently crossed off. Prior to voting, Carol Cardinal registered to vote at the polling place. When Carol Cardinal went to vote, she discovered her name had been crossed off, resulting in the complaint to you. It is also our understanding that the clerk who struck Carol Cardinal's name by accident was adamant that she had made no mistake. The clerk said she had checked the first Ms. Cardinal's identification, and had commented on the fact that the first Ms. Cardinal was wearing a cardinal pin on her jacket. Thus she had a specific memory of the voter, a memory of checking her identification, and was certain that she had properly checked off the correct voter on the checklist. The facts, however, are consistent with the conclusion that the clerk had improperly crossed off Carol Cardinal's name when Alice Cardinal voted.

Based on the investigation, we have concluded that no voter fraud occurred, and have closed our file. Thank you for your assistance in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard W. Head".

Richard W. Head
Associate Attorney General
603-271-1221

cc: Gus Gatzoulis, Supervisor of the Checklist

956367

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



October 9, 2013

Phillip Howard



Re: Sign Removal Complaint

Dear Mr. Howard:

On August 22, 2012, the New Hampshire Attorney General's Office received a complaint regarding an alleged theft of a political advertisement. This letter follows an investigation conducted by Mark Myrdek, an Investigator with the New Hampshire Attorney General's Office. The alleged removal of campaign signs is a direct violation of RSA 664:17, which states in pertinent part:

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.

Mr. Myrdek contacted Mr. Osgood and the New Hampshire Department of Transportation ("DOT"). Both parties were unaware of any removal of signs from private property. The only instance of sign removal found from our investigation relates to signs of another candidate located on a public way. With respect to the alleged removal of signs on private property, the identity of the suspects is still unknown and as such, we are closing our investigation. We have exhausted all investigative resources.

This investigation is now closed. If you have any further questions 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

Complainant: Tara Ellis

10/9/13

Against: Jackie Cilley

Re: Push-poll

94.12

File 2012100210 #94 - Close file.

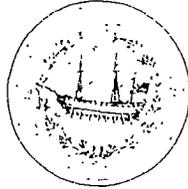
Complaint covered by complaint #83

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



October 7, 2013

Brian Mercer



Re: Damaged Political Signs, Pelham

Dear Mr. Mercer:

On September 19, 2012, the New Hampshire Attorney General's Office received a complaint regarding an alleged vandalism of a political advertisement. This letter follows an investigation conducted by Mark Myrdek, an Investigator with the New Hampshire Attorney General's Office. The alleged removal of campaign signs is a direct violation of RSA 664:17 which states in pertinent part:

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.

As part of the investigation, Mr. Myrdek contacted the Pelham Police Department on August 21, 2013. The Pelham Police informed Mr. Myrdek that no further information has been obtained regarding who was responsible for damaging the signs. Unfortunately, the identity of the suspects is still unknown and as such, we are closing our investigation. We have exhausted all investigative resources.

If you have any further questions 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

955254

11/5/13

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

Matter #	Case Name	Investigator	Report Date
2013104556	ELECTIONS - DOJ/SECRETARY OF STATE MISC. FY 14 & 15 Miscellaneous	Paul E. Brodeur	September 30, 2013

RE: RALPH VINCENT DONAHUE III

There were various City and Town elections between 01/06/13 and 06/30/13. Letters were sent to people that filed affidavits for Qualified Voter, domicile etc. on 07/01/13. The letter advised the people that they could respond to Mark Myrdek at his OAG email address.

Inv. Myrdek received an email on 09/21/13 from a person giving the name of Vince Donahue. This was forwarded to my attention along with an email from HAVA, Anthony Stevens, that include the letters sent and an XL sheet with the names. Efforts were made with HAVA to identify this person because of the limited information DIONNE included within his email. I also sent an email to DIONNE requesting further information on 09/24/13. 09/26/13 Ralph Vincent DIONNE responded with copies of the letter and post card he had received. DIONNE responded that the only time he had registered to vote was for the Presidential election in 2012.

We were now able to determine that Ralph DIONNE resided in Manchester, NH in Ward 10. I contacted JoAnn Ferruolo, Assistant City Clerk. FERRUOLO determined that DIONNE was correct. That he had registered Nov 6, 2012 but because of the 20,000 people that registered, his registration was not processed until 01/16/ 2013 and the clerk failed to insert the date of registration and it defaulted to the date of entry in ElectioNet. FERROULO forwarded the DIONNE registration and questioned why he received a Qualified Voter letter in that he had produced a valid military ID and a piece of mail proving his address. I also inquired about a Asmeta Halilovic from Manchester Ward 10. FERROULO advised this is the same situation.

Anthony Stevens had the HAVA personnel do a test in ElectioNet and discovered that the field is filled in with the entry date and a clerk would need to manually back date the registration date. STEVENS later added that the ElectioNet data base has been adjusted so that a date needs to be entered rather than being automatically date filled.

NOTE:

1. Registrations for Nov 2012 were entered into ElectioNet in 2013 and the date defaulted to the date of entry.
2. HAVA has adjusted the ElectioNet data base so that the date of registration needs to be manually entered.

952833

Page	1	of	1	pages	SIGNED	DATE
					<i>Paul E Brodeur</i>	9/30/13

MISC ELECT
10-15

Brodeur, Paul

From: Brodeur, Paul
Sent: Wednesday, September 25, 2013 2:44 PM
To: 'Ferruolo,JoAnn'
Subject: RE: Manchester NH Voter Investigation

JoAnn: I called the home of Denise Morin in Weare. Husband Robert advised they moved to Weare in June 2013 and both registered to vote in Weare. I noticed in the check list that Claude Morin of 453 Cartier St. was checked off but his wife Irene was not. I called Irene at 623-2406 and inquired. Irene advised that she did vote Sept 17, 13. Appears Clerk checked off and crossed out the wrong name.

From: Ferruolo,JoAnn [<mailto:JFerruolo@manchesternh.gov>]
Sent: Tuesday, September 24, 2013 11:55 AM
To: Brodeur, Paul
Cc: Normand, Matthew
Subject: Manchester NH Voter Investigation

Paul,

The City of Manchester conducted a citywide municipal primary election on September 17, 2013.

When we were entering the voter history into ElectioNet for the Ward 11 checklist we came across a voter whose name was printed on the checklist and was marked off as voting: **Morin, Denise A, 240 Laval Street** (attached). ElectioNet would not allow us to scan the voter history because the voter moved and registered to vote in Weare, NH.

I called the Deputy Town Clerk in Weare and she faxed me the voter's registration form dated 7/12/13 (attached). The information on the Weare registration form matched the registration information that we had on file for this voter (more than likely the same voter). The voter record in ElectioNet was not updated by Weare with the new address until after the checklist was created for our municipal primary.

Could you look into this and please call me if you need clarification or more information.
Thank You

JoAnn Ferruolo
Assistant City Clerk

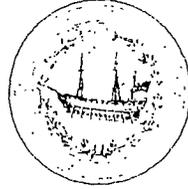
City of Manchester
Office of the City Clerk
One City Hall Plaza
Manchester, NH 03101

Tel: 603-624-6455 Fax: 603-624-6481
E-Mail: jferruolo@manchesternh.gov

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

September 24, 2013

Rep. Joe Osgood
19 Whitcomb Lane
Claremont, N.H. 03743

Re: Cease and Desist

Dear Representative Osgood:

On September 24, 2012, this office received a complaint from Phillip Howard, alleging that the political advertising relating to your candidacy for State Representative did not contain the disclosures required under New Hampshire law. As a result of the complaint, this office conducted an investigation.

Mr. Howard provided this office with a picture of one of the signs. The sign stated, "Joe Osgood.com Senate Dist. 5" in large print and in smaller print it stated "Paid for by 'Joe Osgood.'" On September 27, 2012, Mark Myrdek, who is an investigator with this office, spoke with you about this complaint. You informed Investigator Myrdek that you purposely placed the ".com" under your name to direct readers to your website and contact information. You further stated that you believed this satisfied disclosures requirement for political signs, but that you would go out and place a sticker containing the required information on your existing signs to prevent any further complaints.

RSA 664:12 provides, in pertinent part that:

As part of the declaration of candidacies filed by candidates for governor, councilor, state senator and county officer and other primary candidacies, every such candidate shall designate some person, who may be the candidate himself, as his financial agent for the purpose of the primary and general election campaign.

RSA 664:14 provides, in pertinent part:

All political advertising shall be signed at the beginning or the end with the names and addresses of the candidate, his fiscal agent, or

Joe Osgood
Re: Political Advertising Complaint
September 17, 2012
Page 2

the name and address of the chairman or the treasurer of a political committee, or the name and address of a natural person, according to whether a candidate, political committee, or natural person is responsible for it. . . .

RSA 664:14, 1 (emphasis added).

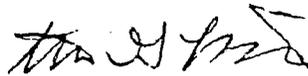
The "name" and "address" requirements in RSA 664:14 have been interpreted by this office to mean that political advertising must contain the name and address of the individual or entity responsible for the advertising. Also, since RSA 664:14 fails to define the term "address," this office has determined that as long as a political advertisement lists an address, whether a domicile, mailing, website or email address, that would allow someone to contact the person or entity responsible for the advertisement, the address disclosure requirement of RSA 664:14 is satisfied.

Accordingly, where "JoeOsgood.com" appears at the beginning of the advertisement the address disclosure requirement has been satisfied. However, based upon the photograph provided by Mr. Howard, we conclude the sign was in violation of RSA 664:14 because it failed to contain the name and address of your fiscal agent.

Pursuant to RSA 664:18, II (a), **you are hereby ordered to Cease and Desist from engaging in any future political advertising without fully 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.

Sincerely,



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

cc: Phillip Howard

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

September 13, 2013

Mark Graffam
[REDACTED]

Re: Election Law Complaint: CEASE AND DESIST ORDER

Dear Mr. Graffam:

On February 29, 2012, the New Hampshire Attorney General's Office received a complaint, alleging that you engaged in electioneering activities at the Madison Elementary School on Election Day in violation of New Hampshire's election laws. The complaint alleges that you and Peter Lutjen were passing out election materials within the corridor and entrance to the school. You were seen handing out cards that requested voters to write in Ron Sandstrom for Commissioner and Ande Craugh for Clerk. In response to the complaints, this office conducted an investigation.

RSA 659:43 states in pertinent part:

II. No person who is a candidate for office or who is representing or working for a candidate shall distribute any campaign materials or perform any electioneering activities or any activity which affects the safety, welfare and rights of voters within a corridor 10 feet wide and extending a distance from the entrance door of the building as determined by the moderator where the election is being held.

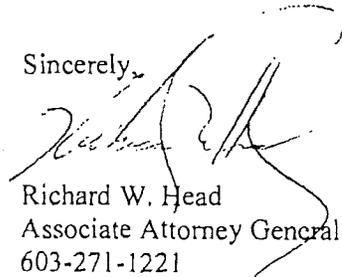
Investigator, Mark Myrdek interviewed several witnesses concerning this matter. All of the witnesses who were interviewed reported that you were standing in the corridor of the polling place handing out cards that asked voters to write in Ron Sandstrom for Commissioner and Ande Craugh for Clerk. Investigator Myrdek also spoke with Peter Lutjen. Mr. Lutjen acknowledged that you may have been passing out material and speaking with voters, but Mr. Lutjen denied he was doing so. Investigator Myrdek also spoke with you, at which time you acknowledged that you were handing out election materials and speaking to voters as they entered the polling place. You confirmed that while Mr. Lutjen was standing in front of you for a period of time, he was not handing out any election material to voters.

Mark Graffam
September 13, 2013
Page 2

Following the investigation, this Office has concluded that you violated RSA 659:43 by handing out election materials in the corridor of the Madison Elementary School. You are hereby ordered to **CEASE AND DESIST** from distributing campaign materials and/or engaging in any electioneering activities outside of the electioneering zone established by the Moderator. Failure to comply with this Cease and Desist Order may result in an enforcement action and/or prosecution in New Hampshire Superior Court. We have also concluded there is insufficient evidence to conclude Mr. Lutjen violated the electioneering law.

This investigation is now closed. Should you have any further questions, please do not hesitate to contact me.

Sincerely,



Richard W. Head
Associate Attorney General
603-271-1221

Copy: Peter Craugh, Moderator Eidelweiss Village
Peter Lutjen
Charles P. Smith
Jay Buckley
Jim Lyons

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

September 13, 2013

Peter Craugh

Re: Election Law Complaint

Dear Mr. Craugh:

On February 29, 2012, the New Hampshire Attorney General's Office received a complaint alleging that Peter Lutjen and Mark Graffam were passing out election materials in the corridor and entrance to the school on election day. It was reported that Mr. Lutjen and Mr. Graffam were speaking to voters in the corridor of the polling place and distributing cards asking voters to write-in Ron Sandstrom for Commissioner and Ande Craugh for Clerk. The complaint further alleges that, as Town Moderator, you were present, but did not stop the violations. In response to the complaints, this office conducted an investigation.

RSA 659:43 states in pertinent part:

II. No person who is a candidate for office or who is representing or working for a candidate shall distribute any campaign materials or perform any electioneering activities or any activity which affects the safety, welfare and rights of voters within a corridor 10 feet wide and extending a distance from the entrance door of the building as determined by the moderator where the election is being held.

As a result of our investigation, we concluded that there was insufficient evidence to conclude that Mr. Lutjen violated the electioneering law, but did determine that Mr. Graffam violated RSA 659:4, and we have issued a cease and desist letter to Mr. Graffam. Even though you informed Investigator Myrdek that you were unaware of the situation, you have a duty to be watchful for these types of violations, and take steps to ensure they do not occur.

As you know, the duty of a Town Moderator is to ensure that elections are fair and free from impropriety. Given the circumstances surrounding the election and the candidates involved, this event was not only a violation of the law but also gave the appearance of impropriety to the voting public.

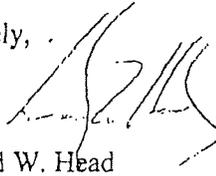
This office has concluded that you failed to stop Mr. Graffam from distributing election materials in the corridor of the Madison Elementary. It is your duty as Town Moderator to

Peter Craugh
September 13, 2013
Page 2

prevent incidents like this. If activities similar to this occur in the future this office may take further action.

This investigation is now closed. Should you have any further questions, please do not hesitate to contact me.

Sincerely,



Richard W. Head
Associate Attorney General
603-271-1221

Copy: Charles P. Smith
Jay Buckley
Jim Lyons

LaBonte, Stephen G

From: Patty Little [plittle@ci.keene.nh.us]
Sent: Friday, September 13, 2013 3:33 PM
To: LaBonte, Stephen G
Subject: RE: City of Keene:: Another Municipal Primary Candidate - Potential Felony Conviction

Thanks Steve.

Patty

From: LaBonte, Stephen G [mailto:Stephen.LaBonte@doj.nh.gov]
Sent: Friday, September 13, 2013 3:32 PM
To: Patty Little
Cc: Myrdek, Mark
Subject: RE: City of Keene:: Another Municipal Primary Candidate - Potential Felony Conviction

Hi Patty,

He doesn't appear to have any felony convictions on his record. There was a bench warrant issued out of Keene District Court on 01/27/2000 for failure to appear on a violation level disorderly conduct charge. It's not clear as to whether that was ever cleared up or not but he has had subsequent contact with Police.

Steve

From: Patty Little [mailto:plittle@ci.keene.nh.us]
Sent: Friday, September 13, 2013 2:36 PM
To: LaBonte, Stephen G
Subject: RE: City of Keene:: Another Municipal Primary Candidate - Potential Felony Conviction

David Thomas Crawford

From: LaBonte, Stephen G [mailto:Stephen.LaBonte@doj.nh.gov]
Sent: Friday, September 13, 2013 2:08 PM
To: Patty Little
Subject: RE: City of Keene:: Another Municipal Primary Candidate - Potential Felony Conviction

Does he have middle name?

From: Patty Little [mailto:plittle@ci.keene.nh.us]
Sent: Friday, September 13, 2013 8:38 AM
To: LaBonte, Stephen G
Subject: RE: City of Keene:: Another Municipal Primary Candidate - Potential Felony Conviction
Importance: High

Steve, it appears that we have a second candidate whose eligibility because of a felony conviction is being raised. Could you expedite a records check through the Department of Corrections for me on:

David Crawford
DOB 9-29-1961

The filing period closes at 4:30 this afternoon and I was intending to send the ballots to the printer early next week.

Thank you for your assistance.

Patty

From: LaBonte, Stephen G [<mailto:Stephen.LaBonte@doj.nh.gov>]
Sent: Thursday, September 05, 2013 3:22 PM
To: Patty Little
Subject: RE: City of Keene: Mayorial Candidate - Potential Felony Conviction

Hi Patty,

It appears that he was sentence in June on three felony drug charges. He was sentenced on June 7, 2013 to serve 12 months stand committed at the house of corrections followed by three years probation with 51 days pretrial credit. He was also given two 1 1/2 – 3 year state prison sentences to be suspended for 6 years. He was also fined \$500 plus \$120 penalty assessment on each charge. The state prison sentences run consecutive to the house sentence.

Steve

From: Patty Little [<mailto:plittle@ci.keene.nh.us>]
Sent: Thursday, September 05, 2013 2:14 PM
To: LaBonte, Stephen G
Subject: FW: City of Keene: Mayorial Candidate - Potential Felony Conviction

Steve, have you received confirmation on this potential felony conviction?

Patty

From: Patty Little
Sent: Friday, August 30, 2013 3:23 PM
To: stephen.labonte@doj.nh.gov
Subject: FW: City of Keene: Mayorial Candidate - Potential Felony Conviction

DOB: 12-5-1968

From: Patty Little
Sent: Friday, August 30, 2013 11:20 AM
To: 'stephen.labonte@doj.nh.gov'
Subject: City of Keene: Mayorial Candidate - Potential Felony Conviction

Good morning Steve, Dave Scanlan referred me to you to seek your advice as to how I can verify that a candidate for Keene's mayor is currently serving a felony conviction. The candidate's name is Richard G. Paul with an address of 73 Leverett Street, Keene. He is currently in the Cheshire County House of Corrections. It is my understanding that 607-A:2 Rights Lost would preclude me from accepting his declaration of candidacy and placing his name on the ballot for the Municipal Primary.

I would appreciate your assistance in determining his status in the Cheshire County House of Corrections.

Patty

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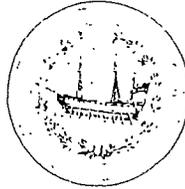
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ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

September 5, 2013

Richard Giehl



Dear Mr. Giel,

On March 7, 2013, the New Hampshire Attorney General's Office received your elections complaint alleging that Robert "Butch" Banes engaged in improper electioneering activities. You alleged that Mr. Banes was electioneering by posting election signs while he was on duty snowplowing in a town vehicle. Your complaint also alleged that Mr. Banes placed phone calls on a town issued cell phone, seeking support from various citizens while he was working for the town.

RSA 659:44-a provides in part that:

No 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.

Mark Myrdek, an investigator from our office, investigated this matter. He spoke with Mr. Banes who denied placing political signs while on duty for the town. We were also unable to establish that Mr. Banes used town property for electioneering. As a result of this investigation, our office has concluded that there is insufficient evidence of a violation.

Thank you for your cooperation in this matter. This investigation is now closed. Should you have additional 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

Complaint:
Denyse Richter
Against: community
support for
Education

44.12

9/4/13

Technical violation of not
having the name of the fiscal agent
but not going to go after given the
time lapse and fact that website info is provided

We would not review all of
the questions asked.

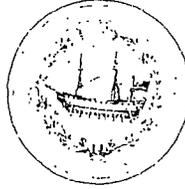
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ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



August 27, 2013

Holly Burbank
Franklin City Clerk
316 Central Street
Franklin, New Hampshire 03235

Tamara Feener
Ward 2 Moderator



Re: Cease & Desist

Dear Ms. Burbank and Ms. Feener:

On November 13, 2012, this office received a complaint from Marty Russo. In substance, the complaint alleges that during the city election on October 2, 2012, the paper ballots used at the Ward 2 polling place were not folded in half prior to being placed in the ballot box as required by RSA 659:23 and that, while purposely running a write-in campaign for school board, Ms. Feener handled, counted and certified marked ballots during the election. The complaint further alleges that Ms. Feener failed to designate and enforce a 10 foot wide "no electioneering" corridor from the entrance of the polling place. Lastly, Mr. Russo alleges that Glen Feener, an incumbent City Councilor running for reelection, was electioneering directly in front of the entrance to the polling place. As a result of Mr. Russo's complaint, this office conducted an investigation.

During the course of the investigation, Investigator Mark Myrdek of this office interviewed the following individuals:

Holly Burbank
Don Gagnon
Ray Yonitis

Tamara Feener
Sharon Gagnon
Erin Meagher

On January 30, 2013, Ms. Feener was interviewed. Ms. Feener denied the accusation that the 10 foot corridor was not properly marked and that her husband, Glenn Feener, was

Holly Burbank
Tamara Feener
Re: Cease & Desist
August 26, 2013
Page 2

electioneering within that corridor. According to Ms. Feener, she diligently checked the polling place entrance making sure no one was in the area electioneering. Investigator Myrdek asked her if she observed that area at all times on October 2, 2012, and she informed him that she did not. Investigator Myrdek asked Ms. Feener if the 10 foot corridor was roped off or marked in anyway so that people carrying signs or standing near the entrance greeting people were aware the corridor exists and must be kept clear. Ms. Feener said the corridor was not marked and she will address that issue with the City Clerk for future elections.

Investigator Myrdek conducted a follow-up interview with Ms. Feener on April 12, 2013. He asked Ms. Feener if at the city election on October 2, 2012, she, acting in her capacity as moderator, handled marked ballots being cast. Ms. Feener said she was acting as the moderator that day. She was on the ballot as a candidate for moderator and was also a write in candidate for school board. Ms. Feener said she felt she acted properly as the moderator and, other than breaks where she assigned someone else to take her place, she took ballots from voters and placed them in the ballot boxes as she has done in the past.

On January 30, 2013, Investigator Myrdek spoke by phone with Holly Burbank, Franklin City Clerk. Ms. Burbank informed Investigator Myrdek that she had already spoken with Ms. Feener regarding this complaint. Ms. Burbank said that the issue with the unfolded ballots was one that will easily be corrected in the future. Ms. Burbank explained that she was unaware of the statute requiring ballots not placed in a ballot machine to be folded. She assured Investigator Myrdek that this will be done in future elections. Ms. Burbank further stated that she will take steps to measure and provide some type of a physical corridor at Ward 2. According to Ms. Burbank this was the first complaint received regarding this type of activity and in the future the corridor will be clearly marked and the police officer at the polls will be asked to check it along with the moderator.

On March 27, 2013, Investigator Myrdek interviewed Don Gagnon, a voter in Franklin. After explaining the nature of the complaint, Mr. Gagnon said he was at the Ward 2 polls early in the morning and witnessed Ms. Feener instructing people outside the polling place where to stand. Mr. Gagnon stated that he did not hear all that Ms. Feener was saying and left the polling place immediately after voting. Mr. Gagnon explained that his wife, Sharon Gagnon, did have conversations with Glen Feener in the afternoon as she entered the polling place, however, Mrs. Gagnon felt that Mr. Feener may have been outside the corridor area and it was unclear to her what area actually constituted the corridor.

On April 9, 2013, at 8:39 PM, Investigator Myrdek spoke with Sharon Gagnon. Investigator Myrdek asked Ms. Gagnon if she remembered witnessing anyone within the corridor holding signs or speaking with voters as they entered the polling place during the October 2012 election. Ms. Gagnon said she arrived at the polling place around 5:45 PM and as she was walking up the walkway into the front doors of the polling place, she did see Mr. Feener standing to the right of the staircase and walkway holding a sign and as she passed, he ask her

Holly Burbank
Tamara Feener
Re: Cease & Desist
August 26, 2013
Page 3

who she was voting for. Ms. Gagnon said she could not tell what area was determined to be the corridor because there were no markings signifying such an area. Ms. Gagnon stated she was concerned that the people collecting the ballots and placing them in the ballot boxes were turning the ballots over so that the votes may have been observed before they were placed into the box.

On April 1, 2013, Investigator Myrdek spoke with Ray Yonitis. Mr. Yonitis reluctantly told him that he went to vote between 4 and 5 PM. Mr. Yonitis stated that as he entered the polling place, he observed Mr. Feener and others standing approximately 6 feet from the front door entrance holding signs for various candidates. Mr. Yonitis said he did not know what area was actually designated as the "corridor," but it appeared that all the people holding signs were standing in the same area.

On April 2, 2013, Investigator Myrdek received a call from Erin Meagher. Investigator Myrdek asked Ms. Meagher if she or her husband witnessed anyone standing in the corridor and electioneering on Election Day. Ms. Meagher told Investigator Myrdek that after the election she and her husband were contacted by Mr. Russo regarding the Ward 2 polling place. Ms. Meagher said that the complaints generated by Mr. Russo have caused a lot of animosity between her, her husband and Mr. Russo. Mr. Meagher and her husband respectfully declined to make any statement regarding this complaint because of the problem it has created.

I. Ballots Not Folded

A municipal election shall be conducted in the same manner as a regular biennial election. *See* RSA 49-C:4. Ms. Burbank, in her capacity as City Clerk, was responsible to prepare the ballots to be used at the October 2, 2012, municipal election. RSA 49-C:6. Ms Burbank was therefore required to ensure that the ballots were folded prior to being distributed to the ballot clerks. *See* RSA 659:13, I, ("After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state."); *see also* RSA 669:25 ("In towns which have adopted an official ballot system, the town election shall be conducted in the same manner as a state general election as provided in RSA 658 and 659, except that RSA 659:77, III-V, 659:78, and 659:98, II and III shall not apply, and except that all duties required to be performed by the secretary of state under those chapters shall be performed by the town clerk"); and *see also* RSA 48:4 (Requiring the city clerk "perform all the duties and exercise all the powers incumbent upon or vested in the town clerks of towns, except where it is otherwise provided by law.").

Before leaving the voting booth, the voter is required to fold the ballot in the same way it was folded when received. RSA 659:23, I. After checking out, the voter presents the ballot to the moderator, who shall then deposit the ballot in the ballot box. *Id.*

After analyzing the facts as provided by witness interviews, in conjunction with the applicable statutes, it is our conclusion that there were violations of RSA Chapter 659, Sections

Holly Burbank
Tamara Feener
Re: Cease & Desist
August 26, 2013
Page 4

13 and 23 in Franklin Ward 2 during the October 2, 2012, municipal election. The violations include: 1) not having the ballots correctly folded; 2) not ensuring voters re-fold the ballots prior to placing them in the ballot box. Pursuant to RSA 7:6-c and RSA 666:8, you are hereby ordered to cease and desist these violations. In future elections the City Clerk shall ensure that the ballots are folded prior to being distributed to the wards pursuant to RSA 659:13, I and the ward moderators shall ensure that voters are aware that ballots should be folded prior to leaving the voting booth pursuant to RSA 659:23, I. Failure to comply with this Cease and Desist Order may result in an enforcement action and/or prosecution in New Hampshire Superior Court.

II. No Electioneering Zone

It is the duty of the moderator to oversee the voting activities at the polling place. *See* RSA 659:9. "No person who is a candidate for office or who is representing or working for a candidate shall ... perform any electioneering activities ... within a corridor ("no electioneering corridor") 10 feet wide and extending a distance from the entrance door of the building as determined by the moderator where the election is being held. RSA 659:43, II." In his complaint, Mr. Russo provided the names and contact information of the witnesses interviewed during the course of this investigation, however, when interviewed, the witnesses did not provide statements that support Mr. Russo's allegation that Mr. Feener was electioneering within the "no electioneering" corridor. Although we find that this allegation is unsupported by the evidence, it is our recommendation that at future elections the "no electioneering" corridor prescribed by RSA 659:43, II, be clearly marked and periodically checked by the moderator.

This matter is now closed. If you have any further questions, please do not hesitate to call.

Sincerely,



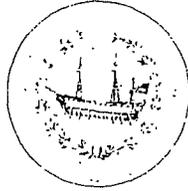
Stephen G. LaBonte
Assistant Attorney General
Civil Bureau
(603) 271-3650

cc: Marty Russo
Glen Feener

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

August 21, 2013

VIA EMAIL (jennifer@nhgop.org) AND
FIRST CLASS MAIL
Jennifer Horn, Chairman
New Hampshire Republican Committee
10 Water Street
Concord, New Hampshire 03301

Re: Allegations of Voter Fraud

Dear Ms. Horn:

On July 24, 2013, you requested that this Office investigate potential incidents of voter fraud. You alleged that Senator Martha Fuller Clark "is aiding and abetting individuals who are undermining New Hampshire law and allowing her home address to be used as a sanctuary for voter fraud." As a result of this allegation, this Office conducted an investigation.

In the course of this investigation, Investigator Mark Myrdek interviewed the following individuals:

Senator Martha Fuller Clark
Andrea Riccio
Ellen Whelan-Wuest
Ryan Flynn

Bryan Griffith
Kelli Barnaby
Valerie French

The findings of our investigation support the following relevant facts. Senator Fuller Clark resides at 152 Middle Street in Portsmouth, New Hampshire with her husband and son. The residence has a third floor apartment which she has rented to the same tenant since the fall of 2011. Other than the Senator's husband, son and current tenant, four other individuals have lived at the residence since 2008. These individuals are Andrea Riccio, Ellen Whelan-West, Ryan Flynn and Bryan Griffith.

Andrea Riccio moved to New Hampshire in May 2008 and attended the University of New Hampshire. While attending UNH, Riccio worked for the Democratic

Jennifer Horn
Re: Allegations of Voter Fraud
August 21, 2013
Page 2

Party as well as for Senator Fuller Clark's campaign. Senator Fuller Clark offered Riccio the third floor apartment rent free because she was working for the campaign.

Electionet records indicate that Riccio registered and voted in Portsmouth during the State primary on September 9, 2008, and likewise voted in Portsmouth during the presidential and general election on November 4, 2008. According to both Senator Fuller Clark and Riccio, they never had any discussions regarding Riccio registering to vote in Portsmouth. Riccio was previously registered to vote in her hometown of Schenectady, New York. After the 2008 election, Riccio was unable to find a job in New Hampshire, and moved back to New York with her parents in December 2008. Riccio thereafter transferred to American University in Washington, D.C. in 2009.

Ellen Whelan-Wuest moved to New Hampshire to work for the Obama campaign in June or July 2008. While working in New Hampshire for the Obama campaign, she stayed in one of the three spare bedrooms Senator Fuller-Clark had at the 152 Middle Street residence. When Whelan-Wuest was assigned to work in New Hampshire by the Obama campaign, she was given Senator Fuller-Clark's information in order to set up living arraignments. Senator Fuller-Clark did not require Whelan-Wuest to pay rent because she was a volunteer and living on a limited income. After the 2008 general election, Whelan-Wuest moved back to New York City.

Electionet records indicate that Whelan-Wuest registered and voted in Portsmouth during the State primary on September 9, 2008, and likewise voted in Portsmouth during the general election on November 4, 2008. In the November 2008, election, Whelan-Wuest voted by absentee ballot because she was out of Portsmouth working with the campaign on Election Day. According to both Senator Fuller Clark and Whelan-Wuest, they never had any discussions regarding Whelan-Wuest registering to vote in Portsmouth. Since moving from New Hampshire in 2008, Whelan-Wuest registered in New York in 2009 and in North Carolina in 2010.

Bryan Griffith moved into Senator Fuller Clark's residence in the summer of 2012, while employed by "Organizing for America," which is the grass roots arm of the Obama campaign. When Griffith was notified that he was being sent to New Hampshire, someone from Organizing for America contacted Senator Fuller-Clark to coordinate living arrangements. Griffith received mail at the 152 Middle Street address. According to Griffith, he was not required to pay rent. Griffith moved back to Arkansas in December 2012, to look for work.

Electionet records indicate that Griffith registered to vote in Portsmouth on October 24, 2012, and voted on November 6, 2012, by absentee ballot. According to both Senator Fuller Clark and Griffith, they never had any discussions regarding Griffith registering to vote in Portsmouth. During the November 2012, election season, Griffith was also registered to vote in Arkansas but did not vote there.

Jennifer Horn
Rc: Allegations of Voter Fraud
August 21, 2013
Page 3

Ryan Flynn stayed in one of the three spare rooms in Senator Fuller Clark's home during the summer of 2012, while working for the Obama campaign. Senator Fuller-Clark did not charge Flynn rent because he was volunteering his time with the campaign. Flynn received mail from relatives while he stayed in Portsmouth. According to Flynn, he hoped to get a job in New Hampshire or Maine after the election because his grandmother was living in Maine and she had health issues. The only job opportunity he had after the election, however, was working on the Inauguration in Washington, D.C., which he accepted.

Electionet records indicate that Flynn registered to vote in Portsmouth on November 6, 2012, and voted that same day. According to both Senator Fuller Clark and Flynn, they never discussed whether Flynn would register to vote in New Hampshire. Flynn did say that the Democratic Party instructed campaign workers who were living in New Hampshire to register to vote in the towns or cities they lived.

Kelli Barnaby is the Portsmouth City Clerk. According to Ms. Barnaby, Andrea Riccio, Ellen Whelan-West and Bryan Griffith have recently contacted her office requesting to be removed from the checklist. Portsmouth Deputy City Clerk Valerie French subsequently notified this office that Ryan Flynn has likewise requested to be removed from the checklist.

"A citizen has a constitutionally protected right to participate in elections on an equal basis with other citizens in the jurisdiction." *Dunn v. Blumstein*, 405 U.S. 330, 336 (1972). However, this right is not absolute: a state may regulate access to the election process, provided such restrictions "are necessary to promote a compelling state interest." *See id.* at 337.

The freedom to travel throughout and reside in any state in the union has likewise long been recognized as a basic right under the Constitution. *See id.* at 338. For these reasons, it has been held by both the United States and New Hampshire Supreme Courts that residency requirement statutes violate the Equal Protection Clause of the Fourteenth Amendment. *Id.* at 330, 335-360; *also see Chapman v. Foote*, 112 N.H. 298, 300 (1972). Similarly, requiring that a citizen have an indefinite intention to remain in the State in order to exercise his or her right to vote is offensive to the Equal Protection Clause of the Fourteenth Amendment. *Newburger v. Peterson*, 344 F. Supp. 559, 563 (D.N.H. 1972). As such, there is no lengthy residency period which a citizen must meet before he or she can vote. *See* 14 N.H.P. Local Government Law § 1190.

"In this State, 'domicile' is defined differently for voting purposes than for other purposes of the law." *Every v. Supervisors of Madison Checklist*, 124 N.H. 824, 827 (1984). RSA 654:1, 1, provides that:

Jennifer Horn
Re: Allegations of Voter Fraud
August 21, 2013
Page 4

Every inhabitant of the state, having a single established domicile for voting purposes, being a citizen of the United States, of the age provided for in Article 11 of Part First of the Constitution of New Hampshire, shall have a right at any meeting or election, to vote in the town, ward, or unincorporated place in which he or she is domiciled. 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. 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.

Based on consistent statements provided by the individuals involved, there was no discussion regarding registering to vote in New Hampshire between Senator Fuller Clark and any of the campaign volunteers who lived in her house. Andrea Riccio moved to New Hampshire in 2008 to work for Senator Fuller Clark on her campaign and to attend UNH. Ellen Whelan-West moved to New Hampshire during the summer of 2008 for the specific purpose of working on a presidential campaign. Ryan Flynn and Bryan Griffith moved to New Hampshire during the summer of 2012 for that same purpose. Our investigation did not reveal any evidence that these individuals came to New Hampshire for the sole or even the primary purpose of voting during the respective election seasons.

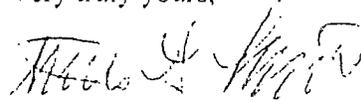
While working and living in New Hampshire, these individuals established a physical presence at 152 Middle Street in Portsmouth, which continued for several months. There is no evidence to conclude they falsely claimed New Hampshire as their domicile at the time they registered to vote. Once established, 152 Middle Street, remained their domicile until they moved after the election.

Based on the factual findings of our investigation and our analysis of the applicable law, there is insufficient evidence to conclude that there has been any instance of voter fraud with regard to Senator Fuller Clark, Andrea Riccio, Ellen Whelan-West, Ryan Flynn and Bryan Griffith during the 2008 or 2012 election season.

As the allegations of voter fraud are not supported, we are closing our file without further action.

Jennifer Horn
Re: Allegations of Voter Fraud
August 21, 2013
Page 5

Very truly yours,

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

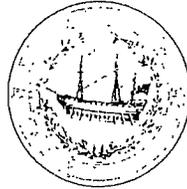
cc (VIA EMAIL):

Senator Martha Fuller Clark
Jack Sanders, Esq.
Keith McCrea
Ann Goulet

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

August 16, 2013

Robin Rousseau

Re: Undue Influence Complaint

Dear Ms. Rousseau:

I have reviewed your complaint alleging that Portsmouth City Council and Mayor Eric Spears were "attempting to exert undue influence over [you] as part of a quasi-judicial hearing of the board of adjustment," of which you sit on. The basis of your complaint is that during the summer of 2010 the City Planner began providing the Board of Adjustment with opinions as to whether or not a pending application met all the criteria for a variance. Your concern was that this could potentially influence board members with their decisions.

In order to carry out its business a land use board may employ such employees and consultants (planners, engineers, architects, etc.) as it may require. RSA 673:16, 1. A land use board must also adopt rules of procedure prescribing the method in which it conducts its business. RSA 676:1. The municipal legislative body may likewise prescribe rules of procedure for the board to follow. *Lavallee v. Britt*, 118 N.H. 131, 133-34 (1978); 15 N.H.P. Land Use Planning and Zoning § 21.02.

Whether or not the Portsmouth Board of Adjustment should be advised by the City Planner, when sitting in a quasi-judicial capacity, is a matter to be determined at the municipal level. This determination should be consistent with the board's rules of procedure. As such, we are closing our file without further action.

Sincerely,

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

Stephen G. LaBonte
Assistant Attorney General
Civil Bureau

Cc: Hon. Eric Spears
Robert Sullivan, Esq.

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



August 16, 2013

Paul R. Bergeron
Nashua City Clerk
229 Main Street
P.O. Box 2019
Nashua, New Hampshire 06031-2019

Re: Complaint of potential voter fraud

Dear Mr. Bergeron:

I am writing in response to your letter dated November 7, 2012 regarding an incident that occurred in Ward 4 on election day. You stated in your letter that you received a call from the Moderator who stated that a voter had appeared at the Ward 4 checklist and found her name already checked off. Attached to your letter was a complaint by Alicen Hogan, who stated that after she presented her identification to the ballot clerk, she was informed by the ballot clerk that a woman with her driver's license had already voted. As a result of this allegation, this office conducted an investigation.

In the course of this investigation, Investigator Mark Myrdek spoke with Ms. Hogan and received a statement from her. Ms. Hogan stated that she went in to vote at the Ledge Street Elementary School (Ward 4) around 7:15 a.m. She said she went to the ballot clerk's table around 7:25 a.m., and gave her name to the clerk. The ballot clerk informed her that Ms. Hogan's name was already checked off as having voted. Ms. Hogan denied that she had already voted. Ms. Hogan said the clerk insisted that a person had come in with a proper identification and almost the same physical appearance as Ms. Hogan and obtained a ballot. Ms. Hogan said that, after a brief discussion with the clerk, the Moderator and a Republican State Committee Challenger for Ward 4, she was taken aside to fill out a complaint and proper paperwork so she would be allowed to vote.

Mr. Myrdek spoke with Margaret Gleneck, the ballot clerk at Ward 4 who informed Ms. Hogan that someone had already voted using her name. Ms. Gleneck said she did remember a female coming up to her table around 7:30 a.m. with her photo ID. Ms. Gleneck said when she looked at the check list for the name, she noted it had already

Paul R. Bergeron
August 16, 2013
Page 2

been checked off. Ms. Gleneck said she used a ruler at all times to check off the names and did not believe she made a mistake.

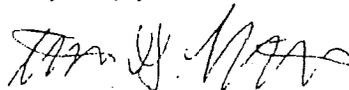
Investigator Myrdek obtained the checklist from Ward 4 used for the November 6, 2012 election. The name on the checklist below Ms. Hogan's name was Austin Michael Hogan. Mr. Hogan's name was not checked off on the check list.

Investigator Myrdek spoke with Mr. Hogan by phone. He confirmed that he is a registered voter in Nashua and votes in Ward 4. Mr. Hogan said that he did vote on November 6, 2013, and he went in with his father just after the polls opened at 7:00 a.m. He said he presented a valid New Hampshire driver's license, and was able to vote.

Given the similarity of the names Alicen Hogan and Austin Hogan, the proximity of the two names on the checklist, the fact that Austin Hogan voted before Alicen Hogan, and the fact that Austin Hogan's name was not marked on the voter checklist, we have determined that there is insufficient evidence to conclude there was any fraud involved in Ms. Hogan's complaint. Instead, it appears that the ballot clerk checked off the wrong name when Austin M. Hogan showed his identification and voted shortly after 7:00 AM on November 6, 2012.

We are closing our file without further action. Should you have any questions, please do not hesitate to give me a call.

Very truly yours,



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

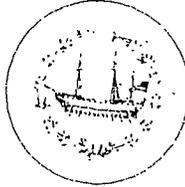
cc: Alicen Hogan

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



August 16, 2013

Sherry Sanborn

Re: Election Law Complaint

Dear Ms. Sanborn:

The New Hampshire Attorney General's Office received your complaint regarding nomination papers you were reviewing. In July 2012, and in your capacity as a supervisor of the checklist you were alphabetizing nomination papers that were received from the Libertarian Party. You reported that you noticed seeing one document signed by "Holly Oswald" dated September 19, 2011. You indicated that "Holly Oswald, 243 Middle Road, Deerfield, NH 03037" was your daughter's previous married name and her address. Additionally, you reported that your daughter told you that she did not recall signing any nomination papers for the Libertarian Party. In response to the complaint, this Office conducted an investigation.

Investigator Mark Myrdek interviewed you and collected copies of the nomination papers with the signature at issue. On the back side of the nomination papers there appeared to be the initials "DB" on the bottom right corner. This office also contacted your daughter, Holly Sanborn, who reported that she never signed nomination papers for the Libertarian party. Additionally, her divorce was finalized in April of 2011, at which time she changed her name back to Holly Sanborn. Moreover, Holly Sanborn reported that the signature was not hers, and that she has been a registered Republican for years and would have no reason to sign a nomination paper for the Libertarian Party.

Investigator Myrdek also interviewed Rich Tomasso, head of the Libertarian Party in New Hampshire. Mr. Tomasso indicated that the Libertarian party had been collecting signatures on nominations papers in Londonderry, Exeter, Epping and Hooksett. Additionally, he reported that completed nominations papers are brought to the Concord office of the Libertarian Party, and from there, distributed to the respective towns to obtain confirmation of the voter's status. Mr. Tomasso remembered seeing the Deerfield nomination papers in the office, and recalls mailing the papers to the town of Deerfield for documentation. He did not have any specific information regarding the individual nomination papers.

This office also interviewed Daryl Bonner of the Libertarian Party, who reported that he was in New Hampshire in 2011 assisting with the collection of nomination papers. Investigator Myrdek learned that after collecting all of the nomination papers from the locations the

Sherry Sanborn
August 16, 2013
Page 2

volunteers were working, Mr. Bonner would sign the back of the papers with his initials. "DB." Mr. Bonner reported that with respect to this particular nomination paper, he could not remember who gave him the completed document. Mr. Bonner reported that the organization collected about 1,000 signatures, and he has no recollection of this particular document or who may have been responsible for collecting the nomination paper.

Based on our investigation, we conclude that someone other than Holly Sanborn signed the nomination paper. We are, however, unable to determine who was responsible for doing so. Furthermore, although the Libertarian Party accepted a nomination party that does not appear to have been signed by Ms. Sanborn, we could not identify any provision in the law that was violated by the Party in the manner in which they received the nomination paper. Because there are no additional investigatory leads to follow, this investigation is now closed.

Thank you for bringing this matter to our attention. Should you have any further questions, or have any additional information, please do not hesitate to contact me.

Sincerely,



Stephen G. LaBonte
Assistant Attorney General
Civil Bureau

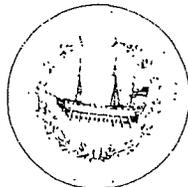
SGL/epd

Copy: William Gardner, Secretary of State
Rich Tomasso, New Hampshire Libertarian Party

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

August 15, 2013

Michael Ryden, Town Moderator

Re: Election Law Complaint

Dear Mr. Ryden:

In February 2012, the New Hampshire Attorney General's Office received a complaint alleging Election Law violations on March 8, 2011. The complaint alleges that (1) Selectman Greta St. Germain was the only selectman present at the polls when they opened at 7:00AM and was acting as the representative at the time; (2) Ms. St. Germain went outside off the polling place around 7:45am and began electioneering until 8:45am; (3) you asked her to go back inside because she was the only selectman present and needed to act as the representative; (4) when another Selectman arrived at the polling place, Ms. St. Germain went back outside to electioneer at 10:00am; (5) after the polls closed at 8:00pm, Ms. St. Germain returned to the polling place to assist with sorting ballots and marking a hand tally sheet until she was replaced by another Selectman. In response to the complaint, this office opened an investigation.

RSA 659:58 states in pertinent part:

Any election official, other than the moderator, who is also a candidate for office shall not be allowed to remain within the guardrail during the counting of votes for an office for which he is a candidate. Such official shall disqualify himself from election duties relating to the tabulation of votes; and the moderator shall appoint an assistant who shall take the same oath as, serve in the same capacity as, and have all the powers of the election official who is disqualified until such official may properly return.

This office's lead investigator, Mark Myrdek, interviewed you. You reported that you were familiar with the incidents described in the complaint. This office learned that Ms. St. Germain was acting as the representative from the Selectman's Office at this election and that you did ask her to return from the area outside the polling place set aside for electioneering. Eventually another Selectman arrived to the polling place and Ms. St. Germain returned to the front of the building to electioneer. You reported that you believe you replaced Ms. St. Germain before the counting process had started and did not think that Ms. St. Germain had handled any

Lori Holms
August 15, 2013
Page 2

ballots. Additionally, as soon as you were made aware of the issue, you replaced Ms. St. Germain with Anne Scribner.

Investigator Myrdek also interviewed Greta St. Germain, who reported that she was the representative from the Selectman's Office when the polls opened in the morning, and that she was also running as a candidate in that election. Ms. St. Germain recalled going out to the designated area to hold campaign signs and the moderator did ask her to return inside to serve as the position of representative until another Selectman arrived. When another Selectman arrived, Ms. St. Germain reported that she returned to the zone designated for electioneering to hold signs supporting her re-election. Ms. St. Germain reported that when the polls closed, she did assist in writing down the information on tally sheets, but she did not touch any of the ballots.

Based on our investigation, we conclude that Ms. St. Germain was present in the area of the count and participated in the tabulation of votes. Her presence during the count and assistance with the tabulation of votes was a violation of RSA 659:58. As moderator, it is your duty to ensure compliance with election laws. In the future, you must take all steps necessary to ensure full compliance with all election laws.

Our investigation of this matter is now closed. Please give me a call should you have any questions.

Sincerely,



Stephen G. LaBonte
Assistant Attorney General
Civil Bureau

SGL/epd

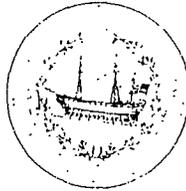
Copy to: Freemont Board of Selectmen
Lori Holmes, Freemont Town Clerk

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



August 15, 2013

Kathleen N. Sullivan
Wadleigh, Starr & Peters, PLLC



Re: Election Law Complaint

Dear Attorney Sullivan:

On March 8, 2013, the New Hampshire Attorney General's Office received your complaint, alleging that you received a pre-recorded telephone call at your home on the evening of March 5, 2013. You reported that the pre-recorded message violated RSA 664:14-a, and that your home phone number is on the "National Do Not Call List." In response to your complaint, this Office conducted an investigation.

RSA 664:14-a states in pertinent part:

III. No person shall deliver or knowingly cause to be delivered a prerecorded political message to any telephone number on any federal do not call list.

This office's lead investigator, Mark Myrdek, received your transcription of the recorded call, as well as a recording of the call from your husband, John Rist. Additionally, Investigator Myrdek interviewed legal counsel for the Santorum Campaign and learned that the Santorum Campaign did not authorize recorded calls in March 2012, after the New Hampshire presidential primary.

Investigator Myrdek attempted to identify the source of the call from your phone records. Both you and your husband signed consent for phone records, which were submitted to Comcast. On July 25, 2013, Investigator Myrdek spoke with legal counsel for Comcast to follow up on the request for phone records. He was informed that Comcast would not release the phone records until it had received verification from Mr. Rist. Comcast informed Investigator Myrdek this it had attempted to contact him to verify that he signed the consent to obtain phone records. According to Comcast's legal counsel, a letter was mailed to Mr. Rist asking him to respond and verify that he signed the consent for his phone records. As of July 25, 2013, Comcast had not received confirmation, and would not release the phone records.

Without the phone records, we are unable identify the origin of the pre-recorded phone call that you reported receiving on March 5, 2013. Even with the phone records, they are often

Kathleen N. Sullivan
August 15, 2013
Page 2

inadequate to accurately identify the identity of the caller. Accordingly, this office is unable to identify the source of the pre-recorded call. This investigation is now closed. Should you have any further questions, please do not hesitate to contact me.

Sincerely,



Stephen G. LaBonte
Assistant Attorney General
Civil Bureau

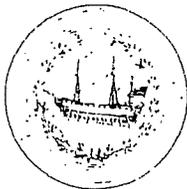
SGL/epd

Copy to: Cleta Mitchell, Esq., Foley & Lardner, LLP

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

August 15, 2013

Arthur Laro

Re: Election Law Complaint

Dear Mr. Laro:

On March 26, 2013, the New Hampshire Attorney General's Office received your complaint, alleging that your mother-in-law, Laura Miles, received a voter card from the Secretary of State, indicating that she may have voted in the November 2012 Election. You expressed concern because Ms. Miles suffers from Parkinson's, and has difficulty writing. Moreover, you reported that she did not remember if she voted in the November 2012 Election. In response to your complaint, this Office conducted an investigation.

Investigator Mark Myrdek interviewed Susan Buxton, Administrator of Havenwood/Heritage Heights ("Havenwood"), where Ms. Miles resides. Ms. Buxton reported that she is very familiar with Ms. Miles. Havenwood also serves as the Ward 9 polling place, which makes it easy for Havenwood's Administrators to escort residents to the polling place and provide assistance to them. While Ms. Buxton could not confirm if Ms. Miles voted, she felt confident that if Ms. Miles wanted to vote, she would have been assisted.

Additionally, Investigator Myrdek interviewed Michelle Mulholland, Concord City Clerk, who located a voter registration form, Qualified Voter Affidavit and the voter checklist. The records indicate that Ms. Miles was assisted in voting on November 6, 2012. These documents indicate that Ms. Miles did vote and received assistance on November 6, 2012.

This office has determined that there is sufficient evidence to conclude that Ms. Miles voted with assistance on November 6, 2012. This investigation is now closed. Should you have any further 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

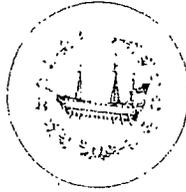
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ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

August 13, 2013

Richard L. Hocker

Re: Grantham Wetlands PAC

Dear Mr. Hocker:

I have reviewed your complaint along with the materials you provided. RSA 664:2, III, defines a political committee as "any organization of 2 or more persons to influence elections or measures." Political committees are required to "register with the secretary of state not later than 24 hours after receiving any contribution in excess of \$500 or before making any expenditure in excess of \$500, but in no event later than 14 days after the formation of the committee." This registration requirement, however, only applies to state primary, general, and special elections. See RSA 664:1.

Based on the materials you provided, the Grantham Wetlands PAC may be a political committee in the context of RSA 664:2, III, however, it was organized to influence the outcome of two warrant articles at a town meeting (local election), as such the registration requirement does not apply.

The file on this matter is being close without any further action. If you have any questions, please do not hesitate to call.

Sincerely,

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

Stephen G. LaBonte
Assistant Attorney General
Civil Bureau

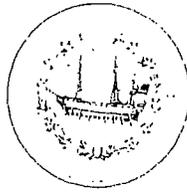
SGL/ljb

936540

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

August 6, 2013

Robert J. Guessferd

Re: Election Law Complaint

Dear Mr. Guessferd:

On April 17, 2013, the New Hampshire Attorney General's Office received a complaint, alleging that the "Friends of Music" posted a political message on the Alvirne High School website. Specifically, the complaint alleged that the post asked people to vote "YES" to Article five in an upcoming election. In response to the complaint, this Office conducted an investigation.

RSA 664:17 states in pertinent part:

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.

After conducting a complete investigation, this Office's lead investigator, Mark Myrdek, found that The Friends of Music had posted a political message on the Alvirne High School website. Bryan Lanc, Superintendent of Hudson Schools, indicated that you, Robert J. Guessferd, are the president of the Friends of Music at Alvirne High School and are responsible for the content posted on the website. Additionally, the content posted on the Alvirne High School website advocated for people to vote "YES" to Article five of an upcoming election. This was determined to be a political advertising message.

Based on our investigation, we have concluded that The Friends of Music was in violation of RSA 664:17 by posting a political advertisement on the Alvirne High School website, which is Hudson town property. Immediately after The Friends of Music was informed that the post violated New Hampshire Election Law, the post was removed. You are hereby notified that the Friends of Music for Alvirne High School is not permitted to post messages containing political advertising on the town website.

Accordingly, this investigation is now closed. Should you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen G. LaBonte". The signature is written in a cursive style with a large, sweeping initial "S".

Stephen G. LaBonte
Assistant Attorney General
Civil Bureau

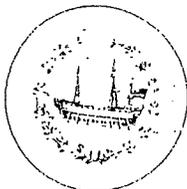
SGL/epd

CC: Representative Jasper; Bryan Lane, Superintendant of Hudson Schools

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

August 6, 2013

Susan Ripanti



Re: Election Law Complaint

Dear Ms. Ripanti:

On January 23, 2013, the New Hampshire Attorney General's Office received your complaints, alleging (1) you received a telephone survey that violated the "Push-Poll" law, and (2) that you received numerous pre-recorded phone calls from the Ron Paul Campaign and that the person speaking on the pre-recorded message did not identify himself in the first thirty seconds of the call. You reported that the pre-recorded message said, at the end of the call, that the Committee for Ron Paul was responsible for the call. Further, you indicated that your home phone number was on the Federal "Do Not Call List." In response to your complaints, this Office conducted an investigation.

RSA 664:2 states in pertinent part:

XVII. "Push-polling" means:

- (a) Calling voters on behalf of, in support of, or in opposition to, any candidate for public office by telephone; and
- (b) Asking questions related to opposing candidates for public office which state, imply, or convey information about the candidates character, status, or political stance or record; and
- (c) Conducting such calling in a manner which is likely to be construed by the voter to be a survey or poll to gather statistical data for entities or organizations which are acting independent of any particular political party, candidate, or interest group.

This Office's lead investigator, Mark Myrdek, interviewed the legal counsel to the Committee for Ron Paul and was able to obtain a script for the January 10, 2012 phone calls. After reviewing the script, Mr. Myrdek concluded that the script did not meet the definition of a "Push-Poll" because the questions did not fall within the meaning of the statute. Accordingly, no violation of the election laws was found to have occurred.

Concerning your complaint about the pre-recorded phone calls, the investigation was inconclusive because this Office was unable to obtain the phone numbers of the callers, a recording of the calls, or a script that was used for these recorded calls. Consequently, this Office was unable to determine what entity made the calls and, therefore, cannot take further action.

This Office has concluded that no violation of RSA 664:2 occurred and there was insubstantial evidence to move forward with your complaint concerning the pre-recorded phone calls. Accordingly, this investigation is now closed. Should you have any further questions, please do not hesitate to contact me.

Sincerely,

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

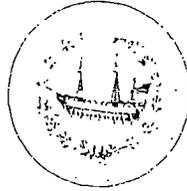
Stephen G. LaBonte
Assistant Attorney General
Civil Bureau

SGL/epd

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

August 6, 2013

Joshua Youssef
[REDACTED]

Re: Election Law Complaint: **CEASE AND DESIST**

Dear Mr. Youssef:

On Feb 21, 2012, the New Hampshire Attorney General's Office received a complaint, alleging that you set up a blog that was almost identical to Ed Mosca's blog and used it to disseminate information promoting your campaign, as if it was written by Ed Mosca. The complaint alleges that you created a replica blog to confuse viewers and/or signify an endorsement by Ed Mosca. In response to the complaint, this Office conducted an investigation.

RSA 666:6 states:

Any person who shall, without authority, sign the name of any other person to any letter or other document, or falsely represent that any other has written such letter or document, knowing such representation to be false, for the purpose of influencing votes, or who shall by false representation, use, employ or assign the name of any other person, or a fictitious name on a radio or television broadcast or other means of communication, to signify endorsement of a political party, candidates or programs, or, for the purpose of influencing votes, shall be guilty of a misdemeanor.

This Office's lead investigator, Mark Myrdek, interviewed witnesses with knowledge of the blog and reviewed screen shots of the blog. The blog appeared in the same font, colors and layout as Ed Mosca's blog. The only appreciable difference between Ed Mosca's blog and "edmoscablog.com" was the title portion. Ed Mosca's blog displays the words "...and sports," while "edmoscablog.com" displayed "...and Josh Youssef." Given the similar website design and layout it appears as though if someone had read "edmoscablog.com" they could have reasonably thought the blog was written by Ed Mosca.

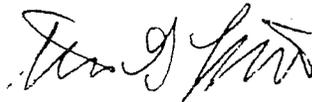
Investigator Myrdek also obtained records from GoDaddy.com to establish who owned the rights to the domain name "edmoscablog.com." The records produced by GoDaddy.com clearly indicate that you, Joshua Youssef, were assigned Go Daddy Shopper ID #1040294. The

account "edmoscablog.com" was created on September 6, 2012, with an expiration date of September 6, 2013. The records also show that all billing for this account was sent to Joshua Youssef, 397 Union Avenue, Laconia, NH 03246, Phone # 603-524-1400. The GoDaddy billing address is the same address as your business "Same Day Computers" and the phone number is the same number that Investigator Mydek used to contact you in the course of this investigation. Accordingly, Investigator Mydek concluded that you were the creator and operator of the blog "edmoscablog.com". A reasonable viewer could have read your blog and believed that it was either Ed Mosca's blog or Ed Mosca endorsed your campaign..

This Office has concluded that you violated RSA 666:6 by creating a blog that lead viewers to believe that it was in fact Ed Mosca's blog or gave the false impression that Ed Mosca endorsed your campaign. The deceptive nature of your blog could have easily misled viewers, in violation of RSA 666:6. You are hereby ordered to **CEASE AND DESIST** from falsely representing that Ed Mosca, or any other person, endorses a political party, candidate or program for purposes of influencing votes, particularly by operating "edmoscablog.com." 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 is now closed. Should you have any further questions, please do not hesitate to contact me.

Sincerely,



Stephen G. LaBonte
Assistant Attorney General
Civil Bureau

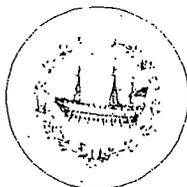
SGL/epd

CC: Ed Mosca

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

August 6, 2013

Kathleen Renaud
[REDACTED]

Re: Election Law Complaint

Dear Ms. Renaud:

On March 13, 2012, the New Hampshire Attorney General's Office received your complaint, alleging that Newmarket Solutions may have engaged in illegal electioneering. Your complaint alleges that members of Newmarket Solutions were passing out cards in areas of the polling place outside the authorized electioneering zone. Further, you allege that when you went to vote, you found one of the Newmarket cards in the voting booth. In response to your complaints, this Office conducted an investigation.

RSA 659:43 states in pertinent part:

- I. No person who is a candidate for office or who is representing or working for a candidate shall distribute or post at a polling place any campaign material in the form of a poster, card, handbill, placard, picture, or circular which is intended to influence the action of the voter within the building where the election is being held.
- II. No person who is a candidate for office or who is representing or working for a candidate shall distribute any campaign materials or perform any electioneering activities or any activity which affects the safety, welfare and rights of voters within a corridor 10 feet wide and extending a distance from the entrance door of the building as determined by the moderator where the election is being held.

This Office's lead investigator, Mark Myrdek, interviewed the School Moderator, Robert Mada, and found that he was unaware that anyone handed out election materials in the corridor or any other prohibited area of the polling place. Additionally, throughout the day Mr. Mada checked the voting booths to make sure that no election materials were left behind and, on occasion, he found and removed election materials from the booths. Mr. Mada also reported that he did not see any children handing out election materials in the polling place.

After speaking with Toni Weinstein, Chairperson of Newmarket Solutions, Investigator Myrdek learned that the election materials found in the booths were printed by Newmarket

Solutions but were not intentionally placed in the booths. Further, Ms. Weinstein reported that she did not give instructions to leave the voter cards in the polling booths and that she was unaware that any children were handing out any election materials printed by Newmarket Solutions.

This Office has concluded that there is insufficient evidence to conclude that a violation of RSA 659:43 occurred. While Newmarket Solutions voter cards may have been left in the voting booths, this appears to have been done inadvertently and does not constitute electioneering. Moreover, Moderator Mada was warned to be more diligent in inspecting the polling place to ensure that no electioneering occurs in the future. Accordingly, this investigation is now closed. Should you have any further questions, please do not hesitate to contact me.

Sincerely,

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

Stephen G. LaBonte
Assistant Attorney General
Civil Bureau

CC: Judy Ryan, Toni Weinstein, Robert Mada
SGL/epd

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

July 31, 2013

Cathy Lyford
Bridgewater Town Clerk
P.O. Box 419
Plymouth, NH 03264

Re: Absentee Ballot Violation

Dear Ms. Lyford:

On March 13, 2011 this office received a complaint regarding the improper delivery of absentee ballots. During the course of our investigation, we learned that Town Clerk Colleen Kenny had designated you as her assistant. You have confirmed that a single absentee ballot was delivered to Selectman Terry Murphy with the understanding that he would deliver it to his wife. That is a violation of RSA 657:15, which provides in pertinent part (emphasis added):

The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office **and delivered only to the applicant.**

In this case, the ballot was given to Selectman Murphy for delivery, in violation of the statute.

Additionally, the ballot given to Selectman Murphy, along with four (4) other absentee ballots, was improperly placed in a mail slot in the selectman's office prior to the election. RSA 657:17 provides:

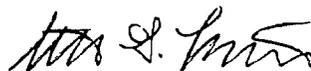
After marking the ballot, the voter... shall enclose and seal the same in an inner envelope. The voter shall execute the affidavit. The voter... shall enclose and seal the inner envelope with the affidavit in an outer envelope. The voter shall then endorse on the outer envelope his or her name, address, and voting place and shall mail the envelope, affixing postage, or personally deliver it to the city or town clerk from whom it was sent

In light of prior incidents involving the improper delivery of absentee ballots, the Secretary of State has given town clerks guidance recommending that any drop boxes or mail

slots be marked with signs instructing voters not to leave absentee ballots. Going forward, it is of the utmost importance for the town clerk to inform voters that all ballots must be mailed or hand delivered to the town clerk. In accordance with established regulations, however, the five (5) improperly delivered absentee ballots were correctly not counted.

This investigation is now closed. If you have any further questions do not hesitate to contact me.

Sincerely,

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

Stephen G. LaBonte
Assistant Attorney General

cc: Chief Ernest Thompson, Selectman Terry Murphy, Colleen Kenny

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

July 31, 2013

Phyllis Woods



Re: Political Advertising Violation

Dear Ms. Woods:

On October 30, 2012 the New Hampshire Attorney General's Office received a complaint regarding an alleged false representation of Calef's Country Store. This letter follows an investigation conducted by Mark Myrdek, an Investigator with the New Hampshire Attorney General's Office. According to our investigation, the alleged endorsement is located on a political ad your campaign mailed prior to the January 2012 election. The political ad contained both a photograph of persons located in front of Calef's Country Store, as well as an image of the store's sign.

RSA 666:6 states in pertinent part that no person:

shall... by false representation, use, employ or assign the name of any other person, or a fictitious name on a radio or television broadcast or other means of communication, to signify endorsement of a political party, candidates or programs, or, for the purpose of influencing votes. . . .

Please be advised that the popularity of Calef's Country Store in the area, in combination with the use of their sign on your political ad, could cause the general public to construe the ad as an endorsement from Calef's Country Store. Accordingly, we request that you be mindful of the statute and its requirements in any future ads you prepare.

This investigation is now closed. If you have any further questions do not hesitate to contact me.

Sincerely,

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

Stephen LaBonte
Assistant Attorney General

cc: Cindy Horton

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

July 29, 2013

Trish Cox
[REDACTED]

Re: Electioneering Complaint

Dear Ms. Cox:

On June 10, 2013, our office received your complaint concerning an alleged electioneering violation based on a letter sent on behalf of the water commission. This letter follows an investigation conducted by Mark Myrdek, an Investigator with the New Hampshire Attorney General's Office.

RSA 659:44(a) provides:

No 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. 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. Any person who violates this section shall be guilty of a misdemeanor.

Our investigative report has determined that the Water Commissioner does not qualify as a public employee as defined by RSA 273-A:1, IX(b), which provides in pertinent part:

IX. "Public employee" means any person employed by a public employer except:

(a) Persons elected by popular vote

The Water Commissioners are elected officials. Therefore, no violation of the electioneering law has occurred. Note that the scope of this letter is limited to the electioneering statute, and is not intended to review whether any local ordinance or rule has been violated. To the extent you believe there was a violation of a local ordinance or rule, such a complaint should be addressed to the Town's legal counsel.

This investigation is now closed. If you have any further questions do not hesitate to contact me.

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 a long, sweeping tail.

Stephen G. LaBonte
Assistant Attorney General

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



July 29, 2013

Heidi Abegg, Esq.
Webster, Chamberlain & Bean, LLP



Re: Robocall Violation

Dear Ms. Abegg:

This letter follows an investigation conducted by Mark Myrdek, an Investigator with the New Hampshire Attorney General's Office. According to our investigative report, the National Organization for Marriage conducted approximately 386,560 automated calls in New Hampshire on January 6 – January 7, 2012. While the name of the organization was identified almost immediately, the name of the organization paying for the delivery of the message was not identified until the call reached thirty-seven (37) seconds in length. That is a violation of RSA 664:14-a II(b), which provides:

No person shall deliver or knowingly cause to be delivered a prerecorded political message unless the message contains, or a live operator provides, within the first 30 seconds of the message, the following information: The name of the person or organization paying for the delivery of the message and the name of the fiscal agent, if applicable.

Pursuant to RSA 664:18, II (a), and based upon an investigation conducted by this office, you are hereby ordered to Cease and Desist from authorizing any future automated calls in violation of NH RSA 664:14-a.

This investigation is now closed. If you have any further questions 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

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

July 29, 2013

Hiram Connell



Re: Push-Poll Complaint

Dear Mr. Connell:

On May 9, 2012, our office received a complaint concerning an alleged push-poll violation. This letter follows an investigation conducted by Mark Myrdek, an Investigator with the New Hampshire Attorney General's Office. RSA 664:2, XVII(c) defines push-polling as follows (emphasis added):

Conducting such calling in a manner which is likely to be construed by the voter to be a survey or poll to gather statistical data **for entities or organizations which are acting independent of any particular political party, candidate, or interest group.**

Our investigative report has determined that the call made on behalf of Dick Morris does not violate the push-polling statute as defined by 664:2, XVII. The call clearly identified Dick Morris as the sponsor. The purpose of the call was fundraising for an organization affiliated with a particular political party, candidate, or interest group. As such, the call you received does not meet the definition of a push poll under New Hampshire law.

This investigation is now closed. If you have any further questions 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

cc: Attorney Nate Thomas

167.12

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



July 18, 2013

John Bocalini



Editor, Richmond Rooster Newspaper

Re: Illegal Political Advertising – **CEASE AND DESIST**

Dear Mr. Bocalini:

On November 5, 2012, the New Hampshire Attorney General's Office received a complaint regarding the Richmond Rooster printing of a sample ballot along with what appeared to be opinions concerning each ballot question. The complaint focused on three areas of misconduct: (1) there was no notation that the ballots reprinted in the newspaper had been altered, which mislead readers to think that is what the official ballot would look like on election day; (2) there was no notification that the published material was a political advertisement pursuant to RSA 664:5; and (3) there was no identification of who was responsible for the advertisement pursuant to RSA 664:14. Further, the Richmond Rooster was issued a Cease and Desist Order in 2008 for printing political advertisements without proper identification. As a result of the complaint, this Office conducted an investigation.

Mark Myrdek, the Office's head investigator, interviewed you and the complainant, Douglas Bersaw. The complainant provided pictures of the ballot and editorial comments printed with the ballot.

New Hampshire RSA 664:5 states in pertinent part:

No expenditure or use of a contribution, tangible or intangible, shall be made for the purpose of promoting the success or defeat of any political party, measure or candidate:

III. By any person, candidate or political committee, for political advertising in a newspaper, periodical, or on a radio or television broadcast, or on a billboard, if at a rate more or less than the applicable rates to be filed with the secretary of state.

You have acknowledged that the Richmond Rooster was responsible for printing the ballot and editorial comment by Stillman Rodgers. Although printing the editorial with the ballot may have been done unintentionally and eluded your proofreaders, the appearance it may have given the readers could have been misleading.

New Hampshire RSA 664:14 states in pertinent part:

I. All political advertising shall be signed at the beginning or the end with the names and addresses of the candidate, his fiscal agent, or the name and address of the chairman or the treasurer of a political committee, or the name and address of a natural person, according to whether a candidate, political committee, or natural person is responsible for it. Said signature shall clearly designate the name of the candidate, party or political committee by or on whose behalf the same is published or broadcast.

III. In the case of printed or written matter, the signature and address of signer shall be printed or written in a size of type or lettering large enough to be clearly legible.

VI. Notwithstanding any other provision of this section, any advertising in support of or in opposition to a candidate by a political committee shall comply with this paragraph. If the advertising is not authorized by the candidate or candidate committee, the advertising shall so state and shall identify the sponsor of the advertisement. All such political advertising shall include the statement: "This advertisement has been paid for by (name of sponsor) and has not been authorized by any candidate." Such statement shall be made both aurally and visually if broadcast on television. The visual presentation on television shall be clearly legible and shall use letters equal to or greater than 12 percent of the vertical picture height and shall be broadcast for not less than 4 seconds at the conclusion of the advertisement.

VII. 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."

Pursuant to RSA 664:5, RSA 664:14 and the investigation conducted by this Office, you are ordered to **Cease and Desist** from printing misleading political advertising materials without notification that the materials are political advertisements and without identification included with the advertisements. This is the second occurrence of the Richmond Rooster printing political advertisements without proper identification since 2008. Although different employees were involved with printing the paper in 2008, it is of paramount importance that the people editing and proof reading the Richmond Rooster pay particular attention to issues involving elections. 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 is now closed. If you have any additional questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen G. LaBonte". The signature is stylized and somewhat cursive.

Stephen G. LaBonte
Assistant Attorney General
Civil Bureau

SGL/epd

CC: Douglas Bersaw

46.12

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6307

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



July 18, 2013

Steven Pemberton



Re: Alleged Voter Inducement

Dear Mr. Pemberton:

On April 2, 2012, the New Hampshire Attorney General's Office received a complaint from you, alleging that William Hagen, principal of Bedford High School, committed violations of RSA 659:40 and 659:44-a. Specifically, your complaint alleges that William Hagen bribed students eighteen years of age and older to vote in the March 13, 2012 election by offering them free breakfast after they voted. You also allege Principal Hagan engaged in electioneering. In response to your complaint, this Office conducted an investigation.

Our investigation revealed the following: (1) Bedford High School participates in a mandatory curriculum program called "Real World Learning"; (2) students are required to earn 80 hours of "Real World Learning Hours" prior to graduation; (3) William Hagen, along with teachers and volunteer parents, donated food for a breakfast at the school on the morning of March 13, 2012; (4) The students who voted and participated in the election were eligible to earn "Real World Learning Hours" under the Democracy in Action Program; (5) Participation in this program was voluntary; (6) At no time did William Hagen or any volunteer advocate for any candidate, issue or position or coerce anyone to vote.

New Hampshire RSA 659:40 states in pertinent part:

- 1. No person shall directly or indirectly bribe any person not to register to vote or any voter not to vote or to vote for or against any question submitted to voters or to vote for or against any ticket or candidate for office at any election.

The investigation concluded that William Hagen did not directly or indirectly bribe any student to vote for or against any candidate or issue. The free breakfast was held in conjunction with the "Real World Learning" program, which is part of the Bedford High School curriculum.

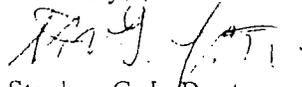
Steven Pemberton
Page 2 – July 18, 2013

New Hampshire 659:44-a states in relevant part:

No 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. 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.

There is no evidence that William Hagen acted in any way specifically designed to influence the vote of any voters on any questions or offices by providing a breakfast for the students participating in the Democracy in Action Program. This Office's investigation revealed that there was no violation of the electioneering statute. Accordingly, this investigation is now closed. Should you have any further questions, please do not hesitate to contact me.

Sincerely,



Stephen G. LaBonte
Assistant Attorney General
Civil Bureau

SGL/epd

CC: William Hagen, Principal, Bedford High School

37.12

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



July 18, 2013

Kelly French



Re: Absentee Ballot Issue

Dear Ms. French:

On March 13, 2012, the New Hampshire Attorney General's Office received a complaint from you, alleging that your daughter, who was working in Florida at the time of the election, was unable to submit her absentee ballot because she did not receive the absentee ballot in time to return it to the Nelson Town Clerk before the election deadline. Specifically, your complaint alleged that your daughter, Whitney French, received an absentee ballot on Saturday, March 10, 2012 at 6:00pm, with instructions that it was to be returned to the town clerk by 5:00pm on the day before the election. As a result, she was unable to return the ballot before the deadline. Additionally, your complaint alleges that you learned people arrived to the polls before they were open at 11:00am and were allowed to submit absentee ballots on Election Day. In response to this complaint, this Office conducted an investigation.

RSA 657:15 states in pertinent part:

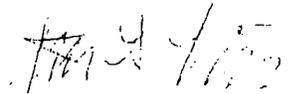
[T]he clerk shall retain the application and, without delay, personally deliver, email, or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:8...Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant...Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absentee ballots have been sent, and shall identify those official absentee ballots which have been returned to the clerk and shall record the absentee voter applicant information in the statewide centralized voter registration database.

Based on records on file with the Town of Nelson, Whitney French's absentee ballot request was received on March 6, 2012, and the Town mailed out the ballot on the same day. The investigation concluded that the absentee ballot was correctly sent pursuant to RSA 657:15 but your daughter, Whitney French, did not receive it at her place of employment in time to mail it back to the Town of Nelson to meet the election deadline. Our investigation revealed that there was no violation by the Nelson Town Clerk.

Concerning the issue of absentee ballots being given to voters before the polls opened on Election Day, the Secretary of State authorized the Town to give absentee ballots to residents who were not going to be able to vote when the polls were open on March 13, 2012. There is no evidence that any wrongdoing occurred concerning this matter.

Accordingly, this investigation is now closed. Should you have any further questions, please do not hesitate to contact me.

Sincerely,



Stephen G. LaBonte
Assistant Attorney General
Civil Bureau

SGL/epd

CC: Nelson Town Clerk

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



July 18, 2013

Margaret Schillemat

Re: Absentee Ballots

Dear Ms. Schillemat:

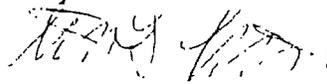
On March 13, 2012, the New Hampshire Attorney General's Office received a complaint from you, alleging that your husband's grandmother was not allowed to submit her absentee ballot after 5:00pm on March 12, 2012. Further, you reported that when your uncle, Walter Schillemat, brought the ballot to town hall on Election Day, at 5:00pm, he was not allowed to submit it because the polls were closed. It was your concern that other residents were permitted to file their absentee ballots prior to the polls being open on Election Day and this seemed unfair. In response to your complaint, this Office conducted an investigation.

This Office's investigation revealed that the absentee ballot for Marie Schillemat was requested and mailed on March 6, 2012 and was not returned. The lead investigator in this case, Mark Myrdek, found that the Nelson Town Clerk was present at town hall until 5:00pm. She informed Investigator Myrdek that no voters with absentee ballots were turned away if they arrived at or before 5:00pm. Moreover, the Town Clerk reported that she knows Mr. Schillemat's grandmother and said she would not have turned her away as long as she was there before 5:00pm, when the Town Clerk left the town hall.

The investigation also revealed that the Secretary of State permitted eligible absentee voters to submit their absentee ballots before the polls opened on Election Day. Eligible absentee voters were properly given absentee ballots and the absentee ballots were accepted in accordance with the law. The investigation concluded that there was no wrongdoing on the part of the Town Clerk or Town Moderator of Nelson concerning absentee ballots being accepted before the polls opened or absentee ballots not being accepted after the polls closed.

Accordingly, this investigation is now closed. If you have any additional questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen G. LaBonte". The signature is written in a cursive style with some loops and flourishes.

Stephen G. LaBonte
Assistant Attorney General
Civil Bureau

SGL/epd

CC: Nelson Town Clerk

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



July 18, 2013

Robert Jones



Re: Absentee Ballots

Dear Mr. Jones,

On March 13, 2012, the New Hampshire Attorney General's Office received a complaint from you, alleging that some voters were permitted to submit absentee ballots prior to the polls being open on Election Day. Additionally, you reported that one person was not given an absentee ballot because they were told that the poll was set to open in twenty minutes. In response to this complaint, this Office conducted an investigation.

The investigation revealed that the Secretary of State allowed absentee ballots to be given to voters who were not going to be able to vote in town on Election Day because of travel or work. Residents who had to work out of state and would not be returning to the town until after the polls closed were properly given absentee ballots in accordance with the law. The investigation concluded that no wrongdoing occurred.

Accordingly, this investigation is now closed. If you have any additional 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

SGL/epd

CC: Nelson Town Clerk

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

July 18, 2013

Steve Winter

Re: Donations Complaint

Dear Mr. Winter:

On October 26, 2012, the New Hampshire Attorney General's Office received your complaint, alleging that the receipts and expenditure form submitted by candidate Karen Ebel for State Representative, to the Secretary of State's Office, on August 20, 2012, had two improper contributions listed. You indicated the two anonymous contributions were: 1) \$100.00 on August 17, 2012; and 2) \$250.00 on July 29, 2012. Your complaint alleges that the contributions violate RSA 664:6-I, in that the two anonymous contributions exceed \$25.00 and the names of those who made the contributions needed to be listed on the form submitted to the Secretary of State's Office. In response to your complaint, this Office conducted an investigation.

New Hampshire RSA 664: 6 states in pertinent part:

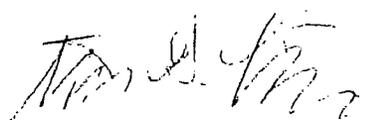
I. Any political committee whose receipts or expenditures in support of a candidate, measure, or political party exceed \$500 except, for the purposes of this paragraph only, the political committee of a political party or the political committee of a candidate, shall file with the secretary of state an itemized statement, signed by its chairman and treasurer showing each of its receipts exceeding \$25 with the full name and home post office address of the contributor in alphabetical order and the amount of the contribution, the date it was received, and the aggregate total for each election for each contributor of over \$100. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due.

Our investigation revealed that the initial documents submitted by Candidate Ebel and her fiscal agent Randy Foose on August 20, 2012 did not contain the proper identification of the two people who made contributions over \$25.00 as required by RSA 664:6. In the course of the

investigation, investigator Mark Myrdek contacted Candidate Ebel's attorney concerning the anonymous donors. On June 25, 2013, the two donors were identified as Larry Armstrong, P.O. Box 2056, New London, NH (\$100.00 on August 17, 2012) and Sarah O'Connor, 35 Wilmot Center Road, Wilmot, NH (\$250.00 on July 29, 2012). The two individuals have been identified and the proper documents have been amended with the Secretary of State's Office.

Accordingly, since the donors have been identified this investigation has been closed. If you have any additional questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen G. LaBonte". The signature is written in a cursive style with some loops and flourishes.

Stephen G. LaBonte
Assistant Attorney General
Civil Bureau

SGL/epd

165.12

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301 6397

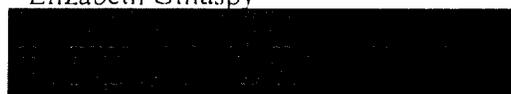
JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPT. ATTORNEY GENERAL



July 18, 2013

Elizabeth Gillaspy



Re: Absentee Ballot for General Election

Dear Ms. Gillaspy:

On November 6, 2012, the New Hampshire Attorney General's Office received your elections complaint, alleging that you did not receive an absentee ballot for the November 2012 General Election. You indicated that you sent a request to the Town of Lebanon asking for both the Primary and General Elections ballots. You also reported that you received the ballot for the Primary Election but did not receive the ballot for the General Election.

Our investigation revealed the following: (1) the Lebanon Town Clerk received your letter on June 21, 2012, requesting absentee ballots for both the Primary and General Elections; (2) town records indicate the Primary Absentee Ballot was mailed to you on July 30, 2012 and was received back by the Town Clerk on September 4, 2012; (3) town records indicate the General Election Ballot was mailed to you on October 14, 2012 and was never received back by the Town Clerk; and (4) town records indicate that both ballots were mailed to the same address.

After reviewing town records, our Office's lead investigator, Mark Myrdek, concluded that all evidence indicates that the absentee ballot for the General Election was mailed by the Lebanon Town Clerk and no wrongdoing occurred. It is very possible that the ballot was lost in the mail. Accordingly, this investigation is now closed. Should you have any further questions, please do not hesitate to contact me.

Sincerely,

Stephen G. LaBonte
Assistant Attorney General
Civil Bureau

SGL/epd

Case # 2013102777

On February 12, 2013, at 1332 hours I spoke by phone with

Janice Epps



I explained that I had received the emails sent between her and Representative Jordan Ulery regarding HB 370. J. Epps said she was familiar with the emails and with the allegations by Representative Ulery that she voted in New Hampshire while residing in Mass.

J. Epps said she was a former resident of Salem NH for many years and was merely writing her thoughts to Representative Ulery on this HB. J. Epps supplied me with the email she sent in response to his complaint.

A check of electionet at the Secretary of State's Office for voting history of Janice Epps. Those records do not show any history for Janice voting in New Hampshire.

Mark J. Myrdek

40.12

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



July 17, 2013

Jason Gurrette



Re: Political Sign Complaint

Dear Mr. Gurrette:

On March 12, 2012, this office received a complaint concerning political signs asking voters to vote "YES" on School Warrant Article 7. The signs stated they were paid for by "Concerned Citizens." As a result of the complaint, this office conducted an investigation.

Mark Myrdek, an investigator with this office, spoke with you about the complaint. You acknowledged to Investigator Myrdek that you were a member of the Concerned Citizens group, which was made up of six or seven people who all donated money to print the signs. You could not recall how many signs were printed, but you stated the total cost was less than \$200.00. You further stated that you were unaware that political advertisements are required to have contact information.

"Political advertising" is defined as "any communication¹ . . . 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 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.

¹ RSA 664:2, VII, states in pertinent part: "'Communication' shall include, but not be limited to, publication in any newspaper . . ."

Jason Gurrette
July 17, 2013
Page 2

While the Court in *Buckley* listed the "magic words" of express advocacy, its use of the phrase "such as" before those words, and its subsequent decision in *Federal Election Commission v. Massachusetts Citizens for Life, Inc.*, 479 U.S. 238 (1986) indicate that express advocacy advertisements are not limited to communications that contain the *Buckley* "magic words." In *Massachusetts Citizens for Life, Inc.*, the Court held that a print communication that directed readers to vote for pro-life candidates and identified and depicted specific pro-life candidates constituted express advocacy, because although it failed to directly tell the readers to vote for a specific candidate "it provide[d] in effect an explicit directive: vote for these (named) candidates." *Massachusetts Citizens for Life, Inc.*, 479 U.S. at 249 (emphasis added); *see also League of Women Voters v. Davidson*, 23 P.3d 1266, 1277 (Colo.App. 2001) (holding that express advocacy as defined in a Colorado statute required the use of the "magic words" from *Buckley* or other substantially similar and synonymous words).

RSA 664:14 provides in pertinent part:

All political advertising shall be signed at the beginning or the end with the names and addresses of the candidate, his fiscal agent, or the name and address of the chairman or the treasurer of a political committee, or the name and address of a natural person, according to whether a candidate, political committee, or natural person is responsible for it . . .

RSA 664:14, I (emphasis added).

The "name" and "address" requirements in RSA 664:14 have been interpreted by this office to mean that political advertising must contain the name and address of the individual or entity responsible for the advertising. Also, since RSA 664:14 fails to define the term "address," this office has determined that as long as a political advertisement lists an address, whether a domicile, mailing, website or email address, that would allow someone to contact the person or entity responsible for the advertisement, the address disclosure requirement of RSA 664:14 is satisfied.

Based on a review of the picture of your political sign, we conclude that the sign constitutes political advertising under RSA 664:2, VI because it expressly advocates for a yes vote on School Warrant Article 7. We further conclude that the subject sign is in violation of RSA 664:14-a because it fails to contain the address of Concerned Citizens.

Pursuant to RSA 664:18, II (a), **you are hereby ordered to Cease and Desist from engaging in any future political advertising 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.

Jason Gurrette
July 17, 2013
Page 3

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

Sincerely,

A handwritten signature in black ink, appearing to read "Richard W. Head", written over a horizontal line.

Richard W. Head
Associate Attorney General
(603) 271-1221

Copy: John York

926178

117.12

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



July 12, 2013

Stacie Laughton



Re: Domicile Voting Issue

Dear Ms. Laughton:

On September 26, 2012 the New Hampshire Attorney General's Office received a complaint regarding your complaint that Cody Bachelder improperly identified your address as his domicile when he registered to vote on September 11, 2012. This letter follows an investigation conducted by Mark Myrdek, an Investigator with the New Hampshire Attorney General's Office.

Prior to the election Mr. Bachelder had been staying at your apartment located on Main Street. RSA 654:1 provides:

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.

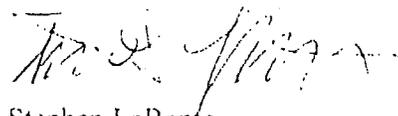
However, our investigative report found that Mr. Bachelder was living on Cedar Street at the time of registration. That finding does not destroy the legitimacy of Mr. Bachelder's use of the Main Street address for purposes of voter registration, as RSA 654:2 states in pertinent part:

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.

According to our report, Mr. Bachelder assumed he would return to the Main Street residence in the future, and in light of that fact, he declared your home as his domicile. Due to insufficient evidence in the contrary, no violation has occurred.

This investigation is now closed. If you have any further questions do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen LaBonte". The signature is written in a cursive style with some loops and flourishes.

Stephen LaBonte
Assistant Attorney General

cc: Cody Bachelder

139.12

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301 6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



July 12, 2013

Peter P. Geremia



Re: Political Advertising Violation

Dear Mr. Geremia:

On October 17, 2012 the New Hampshire Attorney General's Office received a complaint regarding an alleged vandalism of a political advertisement. This letter follows an investigation conducted by Mark Myrdek, an Investigator with the New Hampshire Attorney General's Office. According to the police report, a male suspect exited the passenger side door of a Nissan Altima and proceeded to kick a Romney/Ryan sign. The license plate was unidentifiable. Similar incidents occurred in the month following the initial vandalism. These incidents are in direct violation of RSA 664:17:

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.

After speaking with the Portsmouth Police Department, our office has been informed that the status of the case was listed as suspended. Unfortunately, the identity of the suspects is still unknown and at this time we have exhausted all investigative resources. The Portsmouth Police Department has placed a note in the file and if they are able to identify the individuals involved, they will follow up with the Attorney General's Office.

This investigation is now closed. If you have any further questions do not hesitate to contact me.

Sincerely,

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

Stephen LaBonte
Assistant Attorney General

208.12

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



July 12, 2013

Paul R. Bergeron



Re: Election Law Violation

Dear Mr. Bergeron:

On December 29, 2012 the New Hampshire Attorney General's Office received a complaint concerning an alleged violation of election laws. This letter follows an investigation conducted by Mark Myrdek, an Investigator with the New Hampshire Attorney General's Office. The complaint indicated that the City of Nashua failed to count write-in votes for president in Ward 5 as required by RSA 659:73(b), which provides:

The return of votes shall include... for each office the total number of votes cast for each write-in candidate who received 5 or more votes and the candidate's name, along with the aggregate number of all other write-in votes cast for each candidate receiving less than 5 votes...

Our investigative report concluded that Ron Paul did receive votes in Ward 5. Unfortunately, the write-in votes were not counted as a result of human error. The Nashua City Clerk theorized that whoever cleaned out the ballot box was unaware of the need to separate the write-in votes from the regular ballots. Once mixed together, the write-in votes were never counted. Going forward, it is of the utmost importance for the City of Nashua to separate the write-in ballots as necessary, and to report the write-in votes as required by RSA 659:73(b).

This investigation is now closed. If you have any further questions do not hesitate to contact me.

Sincerely,

Stephen LaBonte
Assistant Attorney General

cc: Kathryn Peterson