

**STATE OF NEW HAMPSHIRE  
DEPARTMENT OF JUSTICE**

**SENATE PUBLIC AND MUNICIPAL AFFAIRS COMMITTEE**

**HOUSE ELECTION LAW COMMITTEE**

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

**Reporting Period January 1, 2015 – June 30, 2014**

Prepared by:

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

## INTRODUCTION

Part I, Article 11 of the New Hampshire Constitution provides, in part, that “[a]ll elections are to be free, and every inhabitant of the State of 18 years of age and upwards shall have an equal right to vote in any election.” To safeguard this constitutional provision, and pursuant to RSA 7:6-c, the Legislature designates the Attorney General to enforce all election laws in New Hampshire. 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 January 1, 2015 through June 30, 2015. 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.

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

**A.) RESULTS OF EACH COMPLAINT INVESTIGATED**

<b>Complaints Received</b>	<b>Statute</b>	<b># Complaints Received</b>	<b>Complaints Closed Due to Legal Analysis</b>	<b>Complaints Investigated</b>	<b>Open Matters June 30, 2015</b>	<b>Matters Closed by June 30, 2015</b>
Warrant	RSA 39:2	1		1		1
End of Day	RSA 652:20	1		1	1	
Application to Supervisor	RSA 654:11	1		1		1
Wrongful Voting	RSA 659:34	3		3		3
Marked Ballot	RSA 659:35	1	1		1	
Removing Ballot	RSA 659:38	1		1	1	
Counting to be public	RSA 659:63	1		1		1
PAC Registration	RSA 664:3	1		1		1
Identification	RSA 664:14	1		1	1	
Placement of Pol Adv.	RSA 664:17	3		3	3	
False Names Endorsement	RSA 666:6	1		1	1	1
Qualifications	RSA 671:18	1		1	1	
By School Dist. Clerk	RSA 671:20	1		1		1
<b>TOTALS</b>		<b>17</b>		<b>16</b>	<b>9</b>	<b>8</b>

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

<b>Alleged Violation</b>	<b>Date Opened</b>	<b>Date Closed</b>
Election Day non-compliance	10/23/12	1/5/15
Obtaining a ballot RSA 659:13	11/6/12	1/6/15
Wrongful voting RSA 659:34	12/11/12	1/6/15
Reporting by candidate RSA 664:7	11/26/12	1/6/15
Obtaining a ballot RSA 659:13	11/6/12	1/6/15
Wrongful Voting RSA 659:34	12/14/12	1/6/15
Committee Registration RSA 664:3	11/11/12	1/6/15
Qualification Domicile RSA 655:2	1/3/13	1/6/15
Identification RSA 664:14	2/19/14	1/7/15
Obtaining a Ballot RSA 659:13	1/31/14	1/7/15
Electioneering by public employee	1/28/14	1/8/15
Notice RSA 654:44	11/1/13	1/7/15
Interfering RSA 659:37	11/8/13	1/7/15
Ballot Counting Device	9/23/23	1/7/15
Announcement by the Moderator RSA 659:50	7/18/13	1/7/15
Removing Ballot RSA 659:38	2/28/14	1/7/15

<b>Alleged Violation</b>	<b>Date Opened</b>	<b>Date Closed</b>
Bribing RSA 659:40	3/23/13	1/7/15
Moderator to Oversee Voting RSA 659:9	3/4/13	1/7/15
Distribution of Flyers no violation	1/28/13	1/7/15
Counting of Ballots RSA 659:58	1/22/13	1/6/15
Wrongful Voting RSA 659:34	4/17/13	1/7/15
Wrongful Voting RSA 659:34	11/15/13	1/9/15
Prerecorded Political Messages RSA 664:14-a	11/19/13	1/7/15
Application to Clerk RSA 654:8	2/19/14	1/7/15
Identification RSA 664:14	5/12/14	1/12/15
Wrongful Voting RSA:659:34	5/14/14	1/12/15
Wrongful Voting RSA 659:34	12/1/14	1/20/15
Push Poll RSA 664:16-a	5/22/13	1/21/15
Dist. Campaign Materials RSA 651:43	4/9/14	1/21/15
Determining Qualifications RSA 654:12	11/4/14	1/28/15
Placement of Political Adv. RSA 664:17	10/28/14	1/26/15
Push Poll RSA 664:14-a	4/30/14	3/4/15
Pol. Cou Reg RSA 664:3	11/10/14	3/4/15

**C.) INVESTIGATIONS OPEN PRIOR TO THE REPORTING PERIOD, WHICH REMAIN OPEN**

<b>Alleged Violation</b>	<b>Date Opened</b>
Robo-Call RSA 664:14-a	1/10/2012
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
Robo-Call RSA 664:14-a	9/21/2012
Registration RSA 664:3	9/20/2012
Robo-Call RSA 664:14-a	10/2/2012
Absentee Ballot RSA 657:1	10/22/2012
Absentee Ballot RSA 657:15	10/24/2012
Campaign Materials at Polling Place RSA 659:43	11/8/12
Aportionment RSA 195:14-a	3/14/13
Domicile RSA 654:1	10/23/2012
Id Disclosure RSA 664:14	5/13/13
Warrant Article RSA 39:3	10/07/13
Id Disclosure RSA 664:14	11/04/13
Warrant Article RSA 39:3	2/25/13
Electioneering RSA 659:44	3/3/14
Electioneering RSA 644	4/25/14
Reporting by Political Committee RSA 664:6	8/27/14
Robo- Call RSA 664:14-a	9/3/14
Reporting by Candidate RSA 664:7	9/4/14
Reporting by Committee RSA 664:6	9/16/14
Reporting by Candidate RSA 664:7	9/18/14
Reporting by Committee RSA 664:6	9/23/14
Removal of Political Adv. RSA 664:17	9/23/14
VOCAVA RSA 659:19	9/28/14
Receiving a Ballot RSA 659:13	10/3/14
Registration of Political Committee RSA 664:3	10/27/14
Registration of Political Committee RSA 664:3	10/27/14
Placement of Political Adv RSA 664:17	11/06/14
Registration of Political Committee RSA 664:3	11/10/14
Wrongful Voting RSA 659:34	11/10/14
Wrongful Voting RSA 659:34	11/20/14
Wrongful Voting RSA 659:34	11/19/14
Removal of Political Advertising RSA 664:17	11/26/14
Political Committee Registration RSA 664:3	12/2/14

Political Committee Registration RSA 664:3	12/2/14
Wrongful Voting RSA 659:34	12/10/14

ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

STATE OF NEW HAMPSHIRE  
SOUTHERN DISTRICT

JOSEPH A. FOSTER  
ATTORNEY GENERAL

ASST. ATT. GEN.  
SOUTHERN DISTRICT



June 9, 2014

Brenda Gaudet, Moderator  
% Karen Lavertu, City Clerk  
288 Central Avenue  
Dover, NH 03820

Fax delivery: 603-516-6666

Re: City of Dover Ward One

Dear Moderator Gaudet:

Investigator Todd Flanagan from the New Hampshire Attorney General's Office advised that he conducted an inspection of Ward 1 on November 6, 2012 and certain areas were determined to not be in compliance with various Federal and State Election laws. This letter follows a review of the issues and recommendations for correction if they have not been addressed previously.

The Moderator is responsible for their particular Ward and in cities the City Clerk has the overall responsibility for the procedures. One of the first areas noted by Investigator Flanagan was the insufficient number of voting booths. You advised that you had 3,115 voters registered therefore you should have had 31 combined total of booths, table top screens and the handicap accessible booth for the Presidential election. He also noted that the fax machine for the "accessible voting system" was not in working order. Hopefully these areas have been corrected. Investigator Flanagan determined that you did not have an appropriate guardrail to keep the voting public separate from those about to vote. He did indicate that he assisted in establishing a guardrail prior to his leaving Ward 1. Lastly he noted that the Zero tape had not been signed by those who conducted the process at the opening of the poll. Again Investigator Flanagan noted that he had that process completed prior to leaving the poll.

Hopefully these areas of have been corrected and your subsequent elections have been in compliance. We would suggest a review of the "New Hampshire Election Procedure Manual" for other specifics that will assist you with the various requirements and examples of setting up the poll.

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

Sincerely,

*for*   
Stephen G. LaBonte  
Assistant Attorney General  
Civil Bureau

(603) 271-3650

ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

STATE OF NEW HAMPSHIRE  
OFFICE OF THE ATTORNEY GENERAL

JOSEPH A. FOSTER  
ATTORNEY GENERAL

1000 STATE STREET  
CONCORD, NH 03301



June 10, 2014

John Cronin III, Esq  
Moderator Town of Bennington, NH  
388 Greenfield Road  
Bennington, NH 03442

Fax Delivery: 603-588-8005

Re: Bennington - Voters being told they could not vote w/o ID

Dear Moderator Cronin:

The New Hampshire Attorney General's Office received a complaint dated November 6, 2012 regarding voters being told they could not vote unless they had a photo ID. This letter follows an inquiry conducted by the New Hampshire Attorney General's Office. RSA 659:13 is the statute that governs obtaining a ballot. We are well aware that there have been and continue to be changes and amendments to this statute with the latest becoming effective September 1, 2015.

Investigator Paul Brodeur spoke with you October 28, 2013 regarding this complaint. You indicated at that time you were aware of this issue but to the best of your recollection the poll workers were attempting to prepare the voters for the upcoming elections. You also noted that everyone was allowed to vote at November 2012 election and that you are aware of the various changes that are taking place with RSA 659:13.

Based on the findings of our inquiry we have concluded that the complainant evidently misunderstood the intent of the poll workers therefore we will not be proceeding with any enforcement action. As a result, we have ceased our inquiry and are closing this matter. We are confident that you will but please instruct the Town Clerk, Supervisors, Selectmen and other election workers during your training session regarding the status of RSA 659:13 and other changes that have occurred.

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

Sincerely,

*Paul Brodeur*

*for*

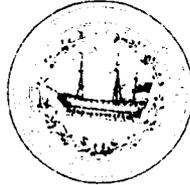
Stephen G. LaBonte  
Assistant Attorney General  
Civil Bureau  
(603) 271-3650

Pc: Town Clerk  
SGL/peb 1053197

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

January 6, 2014

COPY

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

Re: Anthony Michael Martinelli – Southern NH University Voter

Dear Supervisor Horne:

The New Hampshire Attorney General's Office received your email to David Scanlon dated December 11, 2012 regarding Anthony Michael Martinelli registering and voting in Hooksett when in fact he resided in Manchester, NH. This letter follows an investigation conducted by the New Hampshire Attorney General's Office. RSA 659:34 (a) the statute which governs wrongful voting, states in part:

When registering to vote; when obtaining an official ballot; when casting a vote by official ballot; or when applying for a photo identification card for voting purposes, purposely or knowingly makes a false material statement regarding his or her qualifications as a voter to an election officer or submits a voter registration form, an election day registration affidavit, a qualified voter affidavit, a domicile affidavit, a challenged voter affidavit, an affidavit of religious exemption, an identification card voucher, or an absentee registration affidavit containing false material information regarding his or her qualifications as a voter;

Investigator Mark Myrdek spoke with Mr. Martinelli. Mr. Martinelli advised that he is a student at Southern NH University and believed that his housing was located in Hooksett, NH. He was advised by other students that he needed to vote in Hooksett, NH. Mr. Martinelli later determined that his apartment is actually in Manchester and that he had been given the wrong information by the other students. We determined that Mr. Martinelli did not vote in any other location. He admits the error and guaranteed that he will not vote in Hooksett, NH in the future. We feel that this was an honest mistake and there was no intent to commit voter fraud.

Based on the findings of our investigation we have concluded that the registration and voting by Mr. Martinelli was made in error and therefore we will not be proceeding with any enforcement action. As a result, we have ceased our investigation and are closing this matter.

Michael Horne  
Supervisor of the Checklist  
Page two

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

Sincerely,



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

SGL/peb  
pc: David Scanlon

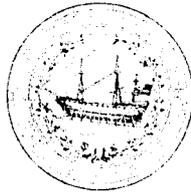
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**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

June 10, 2014

Kevin McEneaney

[REDACTED]  
Dover, NH 03820

Re: Expense reports

Dear Mr. McEneaney:

The New Hampshire Attorney General's Office received a complaint dated November 26, 2012 regarding your failure to file the required expenditure reports with the Secretary of State's Office during your 2012 campaign for Register of Deeds in Strafford County. This letter follows an investigation conducted by the New Hampshire Attorney General's Office. RSA 664:7 the statute which governs the reporting of expenses in excess of \$500.00 and 664:21 IV the penalty, states in part:

Each candidate at the primary or general election for . . . county officer, who has expenditures exceeding \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, II, II-a, III, IV, and V, . . .

. . . any person who fails to file any report or statement on the date on which the report or statement is due under this chapter shall be subject to a daily fine of \$25 for every weekday for which the report or statement is late and until the report or statement is actually filed, . . .

Investigator Mark Myrdek spoke with you regarding the expenditures and you advised that you had spent an estimated \$3,000.00 for your campaign. You advised that you were not aware of the above statute requiring you to submit your expenditure reports. He suggested that you may be required to retroactively file the reports.

Based on the findings of our investigation we have concluded that you did not file the required expenditure reports therefore we could impose a substantial civil penalty. We are advising that you immediately contact the Secretary of State's Office and make arrangement to make your retroactive reports. We would recommend that if you conduct any further campaigns that you make yourself aware of the various requirements to comply with the state statutes. Any further violations of the statutes will be addressed as noted within the penalties. Once you have filed your expenditure reports we will consider this matter closed.

Kevin McEneaney  
Page two

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

Sincerely,

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

SGL/peb

pc: Dennis P. Vachon, 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

June 10, 2014

**COPY**

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

Re: City of Manchester, Ward One

Dear Ms. Ferruolo:

The New Hampshire Attorney General's Office received a complaint on November 6, 2012 regarding three college students being told that they needed to obtain a New Hampshire drivers license and that their scholarships could be affected if they registered to vote. This letter follows an investigation conducted by the New Hampshire Attorney General's Office.

Investigator Paul Brodeur spoke with a number of the workers at Ward 1 during the November 1, 2013 elections. They were only able to advise that they had not made statements as noted above. They also indicated that additional personnel were sent to their Ward because of the long lines during the 2012 elections but they did not know the names of the workers. Investigator Brodeur also spoke with you on that date and you advised that additional personnel were sworn to assist because of the backup of voters and that they were sent to the various Wards. You advised that you did not know the names of those persons either. It appears that none of those sworn were knowledgeable of the various elections laws and errors were made by those persons.

Based on the findings of our investigation we recognize the need but have concluded that the lack of training of the additional staff caused the above incident at Ward 1. We would suggest in the future that in anticipation of a large turnout, that additional personnel attend the training even if they are not initially designated to work at a particular Ward.

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

Sincerely,

*Paul Brodeur*

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

PEB/peb 1052642

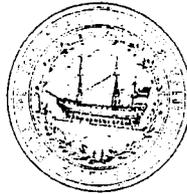
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ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL

ANN M. RICE  
DEPUTY ATTORNEY GENERAL



June 10, 2014

CCF

Geraldine VanGrevenhof  
Chair of the Supervisors of the Checklist  
[REDACTED]  
Londonderry, NH 03053

Re: Linda Ann Poderski

Dear Ms. VanGrevenhof:

The New Hampshire Attorney General's Office received your notification dated December 14, 2012 regarding the possibility that a Linda Ann Poderski had voted in Londonderry and Derry, NH. This letter follows an investigation conducted by the New Hampshire Attorney General's Office.

Investigator Mark Myrdek initially dealt with your information and he spoke with Ms. Poderski. At the time it was questioned whether it was an error of the wrong name being checked off. Investigator Paul Brodeur continued the investigation and met with you and Derry Town Clerk Denise Neale. The checklists in Derry and Londonderry were examined and there did not appear to be any errors performed on the lists. Investigator Brodeur also spoke with Linda Ann Poderski in Derry, NH. She was very cooperative and had no idea who could have voted using her name in Londonderry in 2010 and 2012.

Based on the findings of our investigation we would recommend that you make the Town Clerk, Moderator and other poll workers aware of this issue and have them alert you if someone appears to vote using the name of Poderski for the 2014 election. We are closing this matter at this time but if someone does appear using the name of Linda Poderski, immediately notify the Londonderry Police and our office.

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

Sincerely,

Handwritten signature of Paul Brodeur in cursive.

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

Handwritten initials 'SL' in cursive.

SGL/peb 1053233

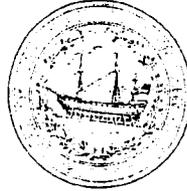
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Closed 1/1/14

ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

June 4, 2014

Norman Tregenza

[REDACTED]  
Silver Lake, NH 03875

COPY

Re: Mt. Washington Valley Fund to Elect Tregenza

Dear Mr. Tregenza:

The New Hampshire Attorney General's Office received a complaint on November 11, 2012 regarding your failure to register your Political Action Committee (PAC). This letter follows an investigation conducted by the New Hampshire Attorney General's Office. RSA 664 is the statute which addresses PACs, states in pertinent part:

664:2 III. "Political committee" means any organization of 2 or more persons to influence elections or measures, . . .

664:3 Registration of Political Committees. -

I. Any political committee, except the political committee of a political party, shall register with the secretary of state as provided in this section. The committee shall 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. The registration shall be accompanied by a fee of \$50, which shall be deposited by the secretary of state into the general fund; provided, however, that the political committee of a candidate which registers under this section shall not be required to pay the \$50 fee. Each political committee shall designate a treasurer or agent who is a citizen of this state and who is authorized to receive all process and other legal documents on behalf of the political committee, and through whom may be obtained access to all books and records of the political committee. The political committee shall file with the secretary of state a statement of the purpose of the committee and shall indicate whether the committee will be making independent expenditures in support of or in opposition to any candidate including a statement of the name, address, occupation, and principal place of business of its chairperson and treasurer or agent, and the names and addresses of other officers. The committee shall file an amendment to its registration within 14 days of any change in the officers or purpose of the committee.

Norman Tregenza  
Page two

COPY

II. No member of a political committee which is required to register under RSA 664:3, I, except members of political committees of political parties, shall do any act directly or indirectly on behalf of the committee to promote the success or defeat of a political party, a measure or a candidate, unless the requirements of RSA 664:3, I are met.

III. Any political committee which is organized to support a candidate in any election shall secure the written consent of the candidate or his fiscal agent before it receives contributions or makes expenditures. Such written consent shall be filed with the secretary of state when the statements required by paragraph I are filed.

IV. All political committees' registrations under this chapter shall be valid from the date of registration until 10 days after the primary or general election, whichever is appropriate, unless terminated sooner, in writing, by the chairman and the treasurer of the committee. However, any committee which has a continuing obligation to report as required under RSA 664:6 shall continue to exist for the purpose of making such reports.

Investigator Paul Brodeur spoke with Lisa Hayford, Fiscal Agent for your committee and she was of the opinion that you had registered the Mt. Washington Valley Fund to Elect Tregenza. Investigator Brodeur then spoke with you on June 3, 2014 and you advised that you had not registered the committee.

We have concluded our investigation and recommend that you make yourself familiar with the entire RSA 664 and then proceed to the Secretary of State's Office and retroactively register the Mt. Washington Valley Fund to Elect Tregenza PAC.

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

Sincerely,



for

Stephen G. LaBonte  
Assistant Attorney General  
Civil Bureau  
(603) 271-3658  
Fax: (603) 223-6245

PEB/peb  
pc: Susan Bruce

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**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

January 6, 2014

**COPY**

Peter & Jeanette Crimi

[REDACTED]  
Wilmot, NH 03287

Re: Thomas Schamberg residence

Dear Mr. & Mrs. Crimi:

The New Hampshire Attorney General's Office received your complaint dated January 3, 2013, regarding the residency of NH State Representative Thomas Schamberg. According to your observations Mr. Schamberg is at the Clarke Road address occasionally and Joanne Schamberg is seldom there. You propose that the Clarke Road address is a vacation home and that they reside in Melrose, MA. This letter follows an investigation conducted by the New Hampshire Attorney General's Office. RSA 655:2 is the statute which governs domicile qualification to hold elective office and RSA 654:1 the statute which governs voting, they state in part:

To hold any elective office in the state, a person must have a domicile in the state. . . .

. . . 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. . . .

Your concerns were looked into by Investigators Mark Myrdek and Paul Brodeur. Town Clerk Gauthier and Chief of Police White were interviewed. Ms. Gauthier advised that there are a number of documents on record that establish the Schamberg residence as being Wilmot, NH. Chief White advised that he sees Mr. Schamberg in the community on a regular basis. We were also advised that the Supervisor of the Checklist required Mr. Schamberg to present various documents that confirmed that he resided at 10 Clarke Rd., Wilmot, NH in order for him to vote.

Investigator Brodeur spoke with the Schambergs. They advised that they were caring for her elderly mother in Massachusetts. Her mother has passed away therefore they will be in Wilmot exclusively other than being away while working. We were also able to determine that

Peter & Jeanette Crimi  
Page two

Representative Schamberg is very active at the sessions of the House of Representatives and committees that he is assigned to by the Speaker of the House.

Based on the findings of our investigation we have concluded that Thomas and Joanne Schamberg reside at 10 Clarke Road, Wilmot, NH therefore we will not be proceeding with any enforcement action. As a result we have ceased our investigation and are closing this matter.

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

Sincerely,

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

SGL/peb

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

January 6, 2014

**COPY**

Karen Schwendler  
21 Clarke Road  
Wilmot, NH 03287

Re: The residence of Thomas and Joanne Schamberg

Dear Ms. Schwendler:

The New Hampshire Attorney General's Office received your complaint dated January 3, 2013, regarding the residency of NH State Representative Thomas Schamberg. According to your observations Mr. Schamberg is at the Clarke Road address occasionally and Joanne Schamberg is seldom there. You propose that the Clarke Road address is a vacation home and that they reside in Melrose, MA. This letter follows an investigation conducted by the New Hampshire Attorney General's Office. RSA 655:2 is the statute which governs domicile qualification to hold elective office and RSA 654:1 the statute which governs voting, they state in part:

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. . . An inhabitant's domicile for voting purposes is that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government. . . .

Your concerns were looked into by Investigators Mark Myrdek and Paul Brodeur. Town Clerk Gauthier and Chief of Police White were interviewed. Ms. Gauthier advised that there are a number of documents on record that establish the Schamberg residence as being Wilmot, NH. Chief White advised that he sees Mr. Schamberg in the community on a regular basis. We were also advised that the Supervisor of the Checklist required Mr. Schamberg to present various documents that confirmed that he resided at 10 Clarke Rd., Wilmot, NH in order for him to vote.

Investigator Brodeur spoke with the Schambergs. They advised that they were caring for her elderly mother in Massachusetts. Her mother has passed away therefore they will be in Wilmot exclusively other than being away while working. We were also able to determine that

Karen Schwendler  
Page two

Representative Schamberg is very active at the sessions of the House of Representatives and committees that he is assigned to by the Speaker of the House.

Based on the findings of our investigation we have concluded that Thomas and Joanne Schamberg reside at 10 Clarke Road, Wilmot, NH therefore we will not be proceeding with any enforcement action. As a result we have ceased our investigation and are closing this matter.

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

Sincerely,



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

SGL/peb

987234

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

Rose Ann Kwaks

[REDACTED]  
Newmarket, NH 03857

July 9, 2014

Jan 7, 15

COPY

+ CC

Re: Newmarket – Signs Vote NO Article 1.

Dear Ms. Kwaks:

The New Hampshire Attorney General's Office received a complaint on February 19, 2014 from Craig Dionne regarding political advertising to vote no on Article 1. Along with his complaint, Mr. Dionne provided a photograph of one of your signs. The basis of the complaint was that the sign did not contain the proper disclosure required by RSA 664:14. This letter follows an investigation conducted by the New Hampshire Attorney General's Office.

RSA 664:14, I, 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.

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

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*

Rose Ann Kwaks  
July 9, 2014  
Re: Vote No Article 1  
Page Two

*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).

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, as RSA 664:14 does not define the term “address,” this office has determined that a political advertisement satisfies the disclosure requirement if it lists an address, whether it be a domicile, mailing, website or email address, that allows someone to contact the person or entity responsible for the advertisement.

On May 27, 2014 you spoke with Investigator Paul Brodeur with the Attorney General’s Office. During that conversation you stated that the Newmarket Citizens for Responsible School Solutions had registered as a political committee with the NH Secretary of State but that neither the Secretary of State nor the sign printing company had advised you of the RSA 664:14 requirements.

Based on the findings of our investigation we have concluded that initially your signs were in violation of RSA 664:14, however, you were not aware of the required identifiers. Please be advised that any future political advertising must contain the required disclosures as specified above. We now consider this matter closed.

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

Sincerely,

PEB

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

PEB/peb  
pc: Craig Dionne

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

COPY

July 9, 2014  
Jun 7 15

Michael Farinola

[REDACTED]  
Hampton Falls, NH 03844

Re: Lincoln Akerman School Deliberative Session

Dear Mr. Farinola:

The New Hampshire Attorney General's Office received your complaint on January 31, 2014 regarding notification to voters that they needed to bring their ID. Along with your complaint you provided a copy of the emails. The basis of the complaint was that a person does not need to produce an ID but would be required to complete other applicable forms as designated in RSA 654:12. This letter follows an investigation conducted by the New Hampshire Attorney General's Office.

On February 6, 2014 I spoke with Mark Deblois, Principal of the Lincoln Akerman School and Holly Knowles. I cautioned both that if any voters were not allowed to vote because they did not have a positive ID that the entire session could be voided. They assured me that all qualified persons would be allowed to vote.

Based on the findings I have concluded that your concerns were valid however I have been assured that the required process will be followed. We now consider this matter closed.

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

Sincerely,

P B

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

SGL/pcb  
1003861

10#20141010718  
A 14

**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 8, 2014

COPY

Dr. Brian J. Blake  
Superintendent of Schools  
SAU #17

Kingston, NH 03848

+ cc

Re: Selectman Peter Broderick NH RSA 659:44-A

Dear Dr. Blake:

The New Hampshire Attorney General's Office received your email to Attorney LaBonte dated January 24, 2014 regarding Selectman Peter Spaulding reportedly influencing town employees to sign petition warrant articles. This letter follows an investigation conducted by the New Hampshire Attorney General's Office. RSA 659:44-a provides in pertinent 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. Any person who violates this section shall be guilty of a misdemeanor.

RSA 273-A:1 IX (a) is a person elected by popular vote therefore would define Selectman Broderick's position.

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

Donald Briggs, Chief of Police  
Karyn Maxwell  
Holly Ouellette, Deputy Town Clerk  
John Cogswell

Nelson Scaman, Fire Chief  
Melissa Fowler, Town Clerk  
Gail Ramsey  
Peter Broderick

Our investigation determined only one of the above felt somewhat obligated to sign but also expressed that the articles were for the good of the taxpayers therefore signed the petitions.

Dr. Brian J. Blake  
July 8, 2014  
Re: violation 659:44-A  
Page two

Investigator Brodeur spoke with Peter Broderick at length on February 3, 2014. Mr. Broderick readily admitted that he with assistance prepared the warrant articles and printed them out on his home computer. He confirmed that he spoke with the above persons and asked them to sign the petitions and that he was in the capacity of Health Officer some of those times. Mr. Broderick advised that his only purpose for the petitions was to make the citizens aware of various issues.

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 have closed this matter.

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

Sincerely,



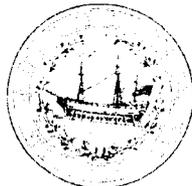
*for*  
Stephen G. LaBonte  
Assistant Attorney General  
Civil Bureau  
(603) 271-3650

SGI/peb  
pc: Peter Broderick

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

January 7, 2015

Susan Guetling

Hollis, NH 03049

Re: Town of Hollis

Dear Ms. Guetling:

The New Hampshire Attorney General's Office received your email on November 11, 2013 regarding a letter from the Supervisor of the Checklist to bring your license to prove you resided in Hollis, NH. This letter follows an investigation conducted by the New Hampshire Attorney General's Office.

Investigator Paul Brodeur with the Office of the Attorney General spoke with the following:

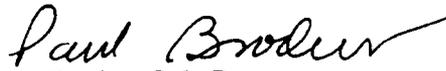
Nancy Jambard, Town Clerk  
Peggy Larkin, Chairperson of the Supervisor of the Checklist

Ms. Jambard explained the process of the Assessors sending a list of real estate transfers that take place to the Supervisors of the Checklist. Ms. Jambard advised that the Assessors made an error and sent a list of all the residents on Alsun Drive, Hollis, NH. Ms. Jambard advised that she received a number of phone calls from the residents of Alsun Drive and she told them to disregard the letter. Ms. Larkin gave the same explanation and advised that she had spoken with you and your name remained on the checklist.

Based on the findings of our investigation we have concluded that there was an error by the Assessors who had sent the list of Alsun Drive residents to the Supervisors of the Checklist therefore we will not be proceeding with any enforcement action. As a result, we have ceased our investigation and are closing this matter.

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

Sincerely,

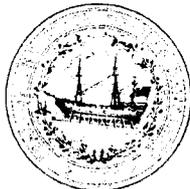
*for*   
Stephen G. LaBonte  
Assistant Attorney General  
Civil Bureau  
(603) 271-3650

SGL/peb  
1063450

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

January 7, 2015

**COPY**

\* 2 ccc

Karen Thoman

Nashua, NH 03062

Re: Nashua Ward 8 Video of election process

Dear Ms. Thoman:

The New Hampshire Attorney General's Office received a complaint on November 6, 2013 from Sylvia Gale regarding your video activity at Ward 8 and your interruptions of the voting process. The basis of the complaint was that you challenged voters and upset a Ward 8 Registrar to the point that she was in tears. This letter follows an investigation conducted by the New Hampshire Attorney General's Office.

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

Gene Anderson, Moderator	Margaret Anderson, Ward Clerk
Michael Warhola, Selectman	Juliette Warhola
Paul Garant, Deputy Registrar	Molly Dookran, Deputy Registrar
Patricia Piecuch, Deputy City Clerk	Angelina Ghiorzi

You brought four issues to our attention and our investigation revealed the following facts. A woman was outside the guard rail with a ballot and in conversation on her cell phone. Selectmen Warhola did approach the woman and determined that her discussion had nothing to do with the ballot. She was told to return to the booth to complete her ballot. Secondly a woman was given a ballot in error because she now resided in Ward 7. The Moderator approached the woman and she had not completed the ballot therefore she was directed to Ward 7. Thirdly you presumed that Ms. Dookran was telling a voter how to vote. It was determined that the woman had a question because the Moderator's position was blank. Ms. Dookran merely told her she could write in a name if she desired. And lastly you did not hear the announcement that the absentee ballots would be processed. Investigator Brodeur spoke with Ms. Anderson who advised that she had announced the commencement of the process. And he spoke with others that did hear the announcement.

Karen Thoman  
January 7, 2015  
Nashua Ward 8  
Page two

The Nashua policy, "Limited video and audio recording at the polls" has specific references to not interfere with a voter (RSA 659:37) or to coerce or intimidate a voter (RSA 659:40) in which case your actions were in violation of the policy.

After analyzing the facts as revealed by our investigation, we find that there were errors but no violations of state election laws by the voters. We highly recommend in the future that any issues that you witness should be brought to the attention of the Moderator for the issues to be resolved at the time of the occurrence.

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

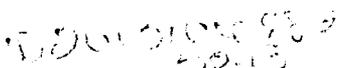
Sincerely,



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

SGL/peb

pc: Sylvia Gale  
Patricia Piecuch



**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 2, 2014~~

Jan 7, 15

COPY  
+ cc

Jennifer Kenney



Manchester, NH 03104

Re: Ward 2 Ballot Box

Dear Ms. Kenney:

The New Hampshire Attorney General's Office received your complaint on September 23, 2013 regarding the ballot box not accepting ballots. The basis of the complaint was that the Ward 2 worker unlocked the Accuvote machine and hand fed the ballot. He indicated they did not notify the Clerk's office of the malfunction. You also reported that women at City Hall told you there were no extras Accuvote machines and there were several issues. This letter follows an investigation conducted by the New Hampshire Attorney General's Office.

September 24, 2013 Investigator Paul Brodeur from the Office of the Attorney General spoke with Kevin Kincaid from the Manchester City Clerk's Office. Mr. Kincaid advised that all of the machines were serviced by LHS on August 9, 2013 and the test ballots were performed on all machines on August 27, 2013. Investigator Brodeur then spoke with JoAnn Ferruolo, Assistant City Clerk that oversees the election process. Clerk Ferruolo could not explain why the woman would have indicated there are no extra machines. There are extras and LHS is very responsive if more Accuvote machines are needed. Ms. Ferruolo also advised that the workers at the wards are very knowledgeable of the Accuvote machines and how to address routine issues. Ms. Ferruolo also advised that she was notified of the Ward 2 issue and that she had responded. She followed the instructions as directed by LHS and the machine operated flawlessly the remainder of the session.

Based on the findings of our investigation we have concluded that there were no procedural violations therefore we have ceased our investigation and are closing this matter.

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

Sincerely,

PB

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

SGL/peb  
pc: Asst. Clerk Ferruolo

11/4/13 2013/10/20/13  
11/4/13



**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

January 7, 2015

Kenneth Garry Jr.

[REDACTED]  
Middleton, NH 03887-6204

Re: Possession of official ballot prior to School Election

Dear Mr. Garry:

The New Hampshire Attorney General's Office received a complaint on February 28, 2014 from Attorney James O'Shaughnessy who represents the town of Farmington, NH regarding you possessing an official ballot for the Middleton School District on February 27, 2014. The basis of the complaint was that you possessed an official ballot prior to the March 11, 2014 election. This letter follows an investigation conducted by the New Hampshire Attorney General's Office.

Investigator Paul Brodeur with of the Office of the Attorney General spoke with Deborah O'Toole, Town Clerk of Middleton, NH. Ms. O'Toole advised that she had shown you the goldenrod colored ballot because of an error in your name in that it needed to include Junior. Ms. O'Toole presumes that she failed to retrieve the ballot and that you left the office with the official ballot. Fortunately because of the error on your name and other issues new ballots needed to be printed and they were duplicated on blue paper. Your possession of an official ballot prior to the March 11, 2014 could have caused extenuating problems.

Based on the findings of our investigation we have concluded that you improperly possessed an official ballot prior to the March 11, 2014 Middleton School District election. Fortunately new ballots were prepared therefore avoiding any issues. We now consider this matter closed.

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

Sincerely,

A handwritten signature in cursive that reads "Paul Brodeur".

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

SGL/pcb

pc: Atty. O'Shaughnessy  
1063994

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL

ANN M. RICE  
DEPUTY ATTORNEY GENERAL



*Jan 2, 15*  
June 11, 2014

*COPY*

Rhoda L. Staff

[REDACTED]  
Unity, NH 03773

Re: UNITY SCHOOL DISTRICT

Dear Ms. Staff:

The New Hampshire Attorney General's Office received your complaint dated March 25, 2013 regarding a warrant article for a new school in Unity when one was not needed. This letter follows a review of your concerns.

Based on the review of the election laws we have concluded that there are no statutes violated therefore we have ceased our review and this matter is closed.

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

Sincerely,

*SG*

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

SGL/peb

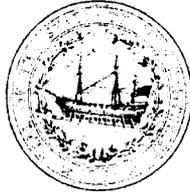
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*10/21/13 10:31 AM*  
*SG*

ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

January 7, 2015

**COPY**

+ 3 cc

Beverly Ober

Ashland, NH 03217

Re: Refusing to give the Moderator number of voters in attendance.

Dear Ms Ober:

The New Hampshire Attorney General's Office received a complaint dated March 4, 2013 regarding your refusal to advise the Moderator of the number of voters present during the Deliberative Session on February 1, 2013. This letter follows an investigation conducted by the New Hampshire Attorney General's Office. The New Hampshire State Constitution Part 2, Articles 32 and RSA 659:9 are the sections that govern the Moderator's authority and responsibilities, state in part:

. . . governed by a moderator, who shall, in the presence of the selectmen (whose duty it shall be to attend) in open meeting, receive the votes of all the inhabitants of such towns and wards present, and qualified to vote for senators; and shall, in said meetings, in presence of the said selectmen, and of the town or city clerk, in said meetings, sort and count the said votes, and make a public declaration thereof, with the name of every person voted for, and the number of votes for each person . . .

659:9 Moderator to Oversee Voting. – It shall be the duty of the moderator to secure the observance of the provisions of the following sections relating to the conduct of voting . .

Investigator Mark Myrdek spoke with Moderator Bobbie Hoerter, Attorney Steven Whitley and you regarding your refusal to give the number of voters to the Moderator. Attorney Whitley confirmed that he needed to ask for the number in that you refused to advise the Moderator of the number. Your recollection of this issue seemed to have been vague.

We need to advise you that the Moderator of a Town is responsible for making certain that elections are conducted in accordance with the New Hampshire laws. The Moderator shall preside at the town meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed, and may prescribe rules of proceeding.

Beverly Ober  
Page two

Based on the findings of our investigation we have concluded that your refusal delayed the processing of a secret ballot and we recommend in the future that you respond when asked for particulars. We do not anticipate that further enforcement action will be required. As a result, we have ceased our investigation and are closing this matter.

Sincerely,

*SB*

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

SGL/peb

pc: Moderator Hoerter  
Attorney Whitley  
Town Clerk Tucker

ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL

ANN M. RICE  
DEPUTY ATTORNEY GENERAL



January 7, 2015

**COPY**

Philip Schaefer

██████████  
Grantham, NH 03753-1278

Re: Distribution of Flyer

Dear Mr. Schaefer

The New Hampshire Attorney General's Office received your complaint dated January 25 2013 regarding an email that was distributed to the members of the Eastman Community Association indicating that distribution of flyers constituted trespassing. This letter follows an investigation conducted by the New Hampshire Attorney General's Office.

Investigator Mark Myrdek spoke with Police Chief Walter Mador and Brian Harding, Assistant General Manager of the Village District of Eastman. Investigator Myrdek confirmed that there was no rule that prohibited the distribution of flyers and that Mr. Harding had sent you an email explaining the misunderstanding.

Based on the findings of our investigation we have concluded that the error made by Mr. Harding was in error and therefore we will not be proceeding with any enforcement action. As a result, we have ceased our investigation and are closing this matter.

Sincerely,

*PB*

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

SGL/peb

1053563

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3.13*

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

January 6, 2015

Mike Lorrey

Enfield, NH 03753-1278

*COPY  
x cc*

Re: VILLAGE DISTRICT OF EASTMAN

Dear Mr. Lorrey:

The New Hampshire Attorney General's Office received your email to Elections dated January 22, 2013 regarding the possible irregularities while voting at the Village District of Eastman, NH. This letter follows an investigation conducted by the New Hampshire Attorney General's Office.

Investigator Mark Myrdek spoke with you to obtain the particulars regarding the questionable activity. Investigator Myrdek also spoke with William Webber, Manager of the District. Mr. Webber advised that he and Moderator David Miller were aware that the meeting would be of interest to a number of people therefore they were very cautious in preparing for and proceeding with the meeting. We were advised that there were 234 registered voters and that 209 checked in and were given ballots. Mr. Webber advised that Article 1 passed 110 to 99 equaling the 209 checked in voters. I noted in the minutes that if Article 1 did not pass that there would have been no need to proceed to Article 2. It is agreed by the parties that a number of people either left or did not vote for Article 2 with the results being 106 to 54 in favor.

Based on the findings of our investigation we have concluded that the process could have been more orderly but no laws were violated therefore we will not be proceeding with any enforcement action. We have recommended to Mr. Webber and future Moderators to organize the proceedings in a more orderly fashion. As a result, we have ceased our investigation and are closing this matter.

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

Sincerely,

Handwritten signature of Stephen G. LaBonte.

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

SGL/peb  
pc: William Webber

*20131124K9K*  
*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

January 6, 2015

Marian Schaefer

[REDACTED]  
Grantham, NH 03753-1278

copy  
+ cc

Re: VILLAGE DISTRICT OF EASTMAN

Dear Ms. Schaefer:

The New Hampshire Attorney General's Office received your email to Elections dated January 25, 2013 regarding the possible irregularities while voting at the Village District of Eastman, NH. This letter follows an investigation conducted by the New Hampshire Attorney General's Office.

Investigator Mark Myrdek spoke with Mike Lorrey to obtain the particulars regarding the questionable activity. Investigator Myrdek also spoke with William Webber, Manager of the District. Mr. Webber advised that he and Moderator David Miller were aware that the meeting would be of interest to a number of people therefore they were very cautious in preparing for and proceeding with the meeting. We were advised that there were 234 registered voters and that 209 checked in and were given ballots. Mr. Webber advised that Article 1 passed 110 to 99 equaling the 209 checked in voters. I noted in the minutes that if Article 1 did not pass that there would have been no need to proceed to Article 2. It is agreed by the parties that a number of people either left or did not vote for Article 2 with the results being 106 to 54 in favor.

Based on the findings of our investigation we have concluded that the process could have been more orderly but no laws were violated therefore we will not be proceeding with any enforcement action. We have recommended to Mr. Webber and future Moderators to organize the proceedings in a more orderly fashion. As a result, we have ceased our investigation and are closing this matter.

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

Sincerely,

Handwritten signature of Stephen G. LaBonte.

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

PEB/peb  
pc: William Webber

2 12 10 949  
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

January 7, 2015

COPY

James Gerding

Enfield, NH 03748

Re: Brenda St. Clair Domicile issue

Dear Mr. Gerding:

This office has completed its investigation as to whether Brenda St. Clair was domiciled in the Town of Enfield during the November 2012 election. Your complaint alleged that Ms. St. Clair has not been domiciled in Enfield and that she currently resides in the Town of Springfield. As a result of this allegation, this office conducted an investigation.

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

Brenda St. Clair  
Lloyd Hackeman  
Cynthia Collea  
Grace St. Clair

The findings of our investigation support the following relevant facts. Ms. St. Clair was evicted from 1520 Rte 4A, Enfield, NH on July 1, 2011. Ms. St. Clair did reside with her mother, Evelyn Goodspeed, in Springfield, NH for a time in 2011. Ms. St. Clair advised that she then resided with her sons and daughter-in-law at 1056 Rte 4A, Enfield, NH during the 2012 election time period.

Ms. St. Clair readily admitted that she voted in Enfield, NH in November 2012 and because of underlying issues forgot to change her address to 1056 Rte 4A, Enfield, NH. Investigator Brodeur confirmed with Ms. Collea and Grace St. Clair that there were underlying issues and that Brenda St. Clair was residing in Enfield, NH during the November 2012 elections.

RSA 654:1, I, provides in pertinent part 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

Page two  
James Gerding  
Re: Domicile of Brenda St. Clair  
January 7, 2015

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 Ms. St. Clair resided in Enfield, NH during November 2012. Based on the factual findings of our investigation and our analysis of the applicable law, it is our belief the Town of Enfield was Ms. St. Clair's domicile for voting purposes in November 2012 as such, we are closing our file without further action.

Sincerely,

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

SGL/peb

2013103904

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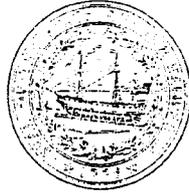
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ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL

ANN M. RICE  
DEPUTY ATTORNEY GENERAL



January 9, 2015

Keith A. Jeffery

[REDACTED]  
Merrimack, NH 03054-3451

Re: Wrongful Voting RSA 659:34

Dear Mr. Jeffery:

This letter is in response to your previous inquiry regarding your allegation that Alysha Tierney unlawfully registered and voted in Nashua when she resided with Rep. Latha Mangipudi during the 2012 General Election. This letter follows an investigation conducted by the New Hampshire Attorney General's Office.

In the course of the investigation Investigator Paul Brodeur with this office spoke with Ms. Tierney. Ms. Tierney advised that she resided with Rep. Mangipudi from May 2013 to late November 2013. At the time she was working for an organization known as "Organizing for America." As Ms. Tierney was assigned to the Keene area on election day she voted by absentee ballot. Rep. Mangipudi was likewise contacted, and confirmed the dates Ms. Tierney lived with her in Nashua.

In New Hampshire it is a felony to vote for any office or measure at an election if such person is not qualified to vote as provided in RSA 654:1. RSA 659:34, I. (a)(e), II. "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 durational 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 be domiciled before he or she can vote. *See* 14 N.H.P. Local Government Law § 1190.

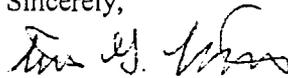
“In this State, ‘domicile’ is defined differently for voting purposes than for other purposes of the law.” *Every v. Supervisors of Madison Checklist*, 124 N.H. 824, 827 (1984). RSA 654:1, I, provides that:

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.

Our investigation revealed that Ms. Tierney moved to New Hampshire in May of 2012 to work for a political organization. While working and living in New Hampshire, she maintained a physical presence at the Mangipudi household in Nashua, which continued for approximately seven months. By living, working and registering to vote, while residing with Rep. Mangipudi, Ms. Tierney manifested intent to maintain this location as her single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government, thus establishing it as her domicile. Once established, the Mangipudi household remained her domicile until she moved in late November.

Based on the findings of our investigation we have concluded that Ms. Tierney's did not violate RSA 659:34 when she voted in Nashua during the 2012 General Election. As a result, we are closing this matter without further action.

Sincerely,



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

SGL/peb  
Cc: Representative Latha Mangipudi  
1063001

2013106941

«Matter Matter ID» 1145413

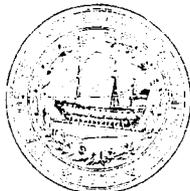
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ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL

ANN M. RICE  
DEPUTY ATTORNEY GENERAL



January 6, 2014

7 15

COPY

Russ Kott

Manchester, NH 03103

Re: Citizens for a Strong NH

Dear Mr. Kott:

The New Hampshire Attorney General's Office received your complaint dated November 19, 2013, regarding your concern of receiving a call when you are on the "Do Not Call List". This letter follows an investigation conducted by the New Hampshire Attorney General's Office. RSA 664:14-a III the statute which governs the placement of calls to any number on the federal do not call list, states in pertinent part:

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.

Investigator Paul Brodeur was able to confirm that Citizens for a Strong NH Inc. is a registered corporation with the NH Secretary of State. The Attorney for the Citizens for a Strong NH Inc., Mike B. Wittenwyler, submitted a copy of the transcript of the message read to you. The message was to contact Alderman At-Large Dan O'Neil and have him support a tax cap. The Secretary of State's office reviewed the message and felt this was an educational message rather than a request to vote or not vote for someone. Attorney Wittenwyler also advised that they always instruct the campaigns they represent to compare the names on any lists they obtain with the "Do Not Call" registry. We received no other complaints of this nature therefore it appears your number was missed and you were called in error.

While there is information that supports the allegations, we have concluded that more than likely it was an error that you were called and no enforcement action is contemplated. As a result, we have concluded our investigation and closed this matter.

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

Sincerely,

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

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

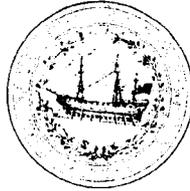
SGL/peb 987339

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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

Timothy Condon III  
[REDACTED]  
Grafton, NH 03240

~~July 9, 2014~~

Jan 7, 15

copy

Re: Kevin Barlow Voter Registration

Dear Mr. Condon:

The New Hampshire Attorney General's Office received your complaint on or about February 18, 2014 regarding a Kevin Barlow not being allowed to vote. The basis of the complaint was Mr. Barlow had appeared at the Grafton deliberative session and was told that he was not registered. This letter follows an investigation conducted by the New Hampshire Attorney General's Office.

Investigator Paul Brodeur spoke with you and Jeremy Olson on February 20, 2014 regarding the issues but never did receive any information from Kevin Barlow. Investigator Brodeur spoke with Town Clerk Bonnie Haubrich and Supervisor George Curran. The summary is that Mr. Barlow may have completed the necessary paperwork with Ms. Haubrich but because of a move of the clerk's office the only document that made it to the Supervisors was the domicile affidavit. The other explanation was that only the domicile affidavit was completed and Mr. Barlow was told to appear at the next Supervisors meeting or Election Day to complete the registration form and he would be allowed to vote. The fact is that Mr. Barlow did not appear at either session and did not vote.

Based on the facts of our investigation we have concluded that efforts were made by the Supervisors to have Mr. Barlow complete the necessary paperwork but that he did not appear to complete the process. As a result, we have ceased our investigation and are closing this matter.

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

Sincerely,

PB

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

SGL/pcb 1063848

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Matter ID/Client Sort Matter Description	Initials	Event Date	Notes
2014109371 / Department of JENKINS, JEFF Re; Illegal Mailing	PEB	1/12/2015 3:25 PM	Called Mr. Jenkins. He advised that he was not successful in his run for Selectman. I reminded him if he campaigns in the future to include identifiers on his material. He inquired about the Havenstein signs. I advised they stated "Walk Governor" but did not contain the words such as vote for etc. He asked a bout the timing seeing they will be signing up in the next couple weeks. Advised merely cleaning up files prior to the new year begining. CLOSED

# 3A.14

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Matter ID/Client Sort Matter Description	Initials	Event Date	Notes
2014109397 / Department of FREEMAN, IAN H Re: Vote using	PEB	1/12/2015 2:27 PM	Spoke to Sgt. Player. He advised Freeman convicted of all NHSP charges. Judge did not commit. He has suspended time believes it is 2 yrs. Advised Sgt. Freeman had named changed therefore no violation and the Sept. election the SOL expired. CLOSED.

35.14

ID# 2015112687  
2.15

**Brodeur, Paul**

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**From:** Ferruolo, JoAnn [JFerruolo@manchesternh.gov]  
**Sent:** Tuesday, January 13, 2015 3:41 PM  
**To:** Brodeur, Paul  
**Subject:** RE: KATSIKIDES

Done

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](mailto:jferruolo@manchesternh.gov)

**From:** Brodeur, Paul [<mailto:Paul.Brodeur@doj.nh.gov>]  
**Sent:** Tuesday, January 13, 2015 3:24 PM  
**To:** Ferruolo, JoAnn  
**Subject:** RE: KATSIKIDES

I presume you will be amending things in ElectioNet??

**From:** Ferruolo, JoAnn [<mailto:JFerruolo@manchesternh.gov>]  
**Sent:** Tuesday, January 13, 2015 3:17 PM  
**To:** Brodeur, Paul  
**Subject:** RE: KATSIKIDES

Thanks Paul

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](mailto:jferruolo@manchesternh.gov)

**From:** Brodeur, Paul [<mailto:Paul.Brodeur@doj.nh.gov>]  
**Sent:** Tuesday, January 13, 2015 3:11 PM  
**To:** Ferruolo, JoAnn  
**Subject:** KATSIKIDES

JoAnn: Matt reported a Charles James Katsikides as voting twice. I queried my data bases and found Charles and Elizabeth bought [REDACTED] in June of 2013. I reviewed the checklist and found James Charles Katsikides still listed at [REDACTED] I called James C. and asked if he voted Nov 2014. "I absolutely did. I showed the little old lady my license and she waived me through." Appears little old lady checked off the son rather than the father. CLOSED.

Paul. E. Brodeur, Investigator  
Department of Justice  
Office of the Attorney General  
33 Capitol Street  
Concord, NH 03301  
(603)271-3650  
fax (603)223-6245

91st Session FBINAA



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*The Right-To-Know Law (RSA 91-A) provides that most e-mail communications, to or from City employees and City volunteers regarding the business of the City of Manchester, are government records available to the public upon request. Therefore, this email communication may be subject to public disclosure.*

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

Matter #	Case Name	Investigator	Report Date
2015112688	RICHARD, JOSEPH EDWARD (RSA:659:34- Complainant- Matthe Normand)	Paul E. Brodeur	January 14, 2015

01/16/15 City Clerk NORMAND of Manchester, NH reported RICHARD had voted twice.

01/14/15 0910 hrs. at [REDACTED] Manchester, NH. The building was secure therefore called Joseph RICHARD AT 603-289-6950. RICHARD advised that he was at work at [REDACTED], Manchester, NH.

0950 hrs. met with: Joseph RICHARD  
DOB [REDACTED]  
[REDACTED] Manchester, NH 03109  
603-289-6950

Owner of J&M Detailing  
920 Second St., Manchester, NH  
603-289-6950

RICHARD advised that he voted for the first time in 2012 when he resided on Pleasant St., and voted at Ward 3 (Carol M Rines Center).

RICHARD didn't realize there were a number of Wards and returned to Ward 3 to vote in 2014. He went to the table for the "R"s and gave his name to a man. RICHARD showed his license that still had Pleasant St. address. He was then asked if he resided at [REDACTED] and he responded NO that he had moved to [REDACTED] in August 2014. The man then directed him to Ward 8 (Memorial High School).

RICHARD proceeded to Ward 8 and completed a new registration and domicile affidavit. He received a ballot and voted.

I showed RICHARD the copy of the registration and affidavit and he acknowledged those were the documents he completed at Ward 8.

Appears the ballot clerk at Ward 3 failed to erase the check mark next to the RICHARD name.

Email sent to Deputy Clerk Ferruolo explaining the above.

1148115

Page	1 of 1	pages	SIGNED Paul E. Brodeur	DATE 11/14/15
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# 3, 15

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

Matter #	Case Name	Investigator	Report Date
2015112686	KOSTAKIS, LORI ANN (RSA: 659:34-Complainant: Matthew Normand)	Paul E. Brodeur	January 14, 2015

01/06/15 City Clerk Normand of Manchester, NH reported that a Lori Ann Kostakis voted twice.

01/14/15 1018 hrs. met with:           Lori Ann KOSTAKIS  
  DOB 06/24/62  
  ██████████ 3<sup>rd</sup> flr, Manchester, NH 03103  
  603-661-4548

KOSTAKIS advised that she resided at ██████████ for 9 years. She obtained a non-diver ID and voted for the first time in 2012 at the Beech St. School.

October 1, 2014 she moved to ██████████ and figured when she was going to vote November 2014 that she would have to go to the Beech St. School again.

KOSTAKIS advised that she went to Beech St. School, gave her name and presented her non-driver ID that still has the ██████████ address. The person then asked if she lived at ██████████ KOSTAKIS responded NO that she had moved to ██████████. The person then directed her to St. Anthony polling location.

KOSTAKIS proceeded to St. Anthony's, registered and completed an affidavit because she did not have anything that showed her Clay St. address. KOSTAKIS advised that she was given a small piece of paper to present to the person handing out the ballots. She received a ballot and voted.

KOSTAKIS was shown the copy of the registration and she acknowledged that is the document she completed. City Hall could not locate the affidavit.

Appears the ballot clerk at Beech St. School did not erase the check mark when KOSTAKIS was directed to St. Anthony's.

KOSTAKIS is in the process of updating her non-diver ID.

Email sent to Deputy Clerk Ferruolo explaining the above.

1148133

Page	1	of	1	pages	SIGNED	DATE
					<i>Paul E. Brodeur</i>	1/14/15

# 115

ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

January 20, 2015

COPY

Kelli Barnaby  
City Clerk  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: SANDERSON, ERIC SCOTT

Dear Clerk Barnaby:

This is a follow-up letter to my email of December 30, 2014.

I spoke with the mother of Erik Scott Sanders again on January 13, 2015. She still has not had contact with Erik. I then contacted his former father-in-law, Algimantas Senuta and former sister-in-law, Audra Anderson. Audra was going to contact her sister, Daina Senuta and have her contact Erik in an effort to have him call me. None of these contacts have been successful.

It appears at this time we have exhausted our efforts to contact Erik Scott Sanders in an effort to determine if he had voted on November 4, 2014. I will advise you further if additional information is received.

Assuring you of our cooperation, I remain

Sincerely,

*PB*

Paul E. Brodeur  
Investigator  
Civil Bureau  
(603) 271-3650  
Fax: (603) 223-6245  
paul.brodeur@doj.nh.gov

PEB/peb

1D# 2014110217

112.14

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Matter ID/Client Sort Matter Description	Initials	Event Date	Notes
2013104879 / Department of AMERICANS FOR RESPONSIBLE	PEB	1/21/2015 10:06	1000 hrs. called 603-898-0259. I left message for Eileen Mashimo was calling about her complaint in 2013 re: Push Poll. Advised law states needs to be 2000 calls with 500 connected. Atty. Reese advised on 160 calls in NH. I left my tel. # if she wished to discuss further.

31.13

1/21/2015 10:08 AM

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Matter ID/Client Sort Matter Description	Initials	Event Date	Notes
2014108950 / Department of BOSIAK, ELIZABETH Re:	PEB	1/21/2015 11:24	1115 HRS spoke with John Klose 603-494-1000. I had called 1/12/15 but no response. Klose advised just returned from FL. Explained the 10' corridor but the Moderator can extend that if there is a safety issue. Effectively the Epsom corridor was in excess of 30' and felt that Boziak was well outside of the 10' corridor therefore not actionable. Klose is appreciative of the time and efforts invested in reviewing this matter.

28.14

1/21/2015 11:28 AM

ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

January 21, 2015

Daniel Brooks, Chairman  
Supervisors of the Checklist  
PO Box 124  
Freedom, NH 03836-0124

Re: Voter Declared Active by Deputy Clerk

Dear Supervisor Brooks:

Our office has reviewed your complaint regarding Deputy Town Clerk Sue Brown unlawfully entering the name a voter into ElectioNet without approval of the Supervisors of the Checklist.

When interviewed Sue Brown advised that she received documentation from Kyle Nason requesting to register and obtain an absentee ballot. She determined that Kyle Nason had previously been registered to vote in Freedom and wasn't certain how to proceed. Ms. Brown called the personnel at HAVA to seek advice. After a review of the HAVA journal entry entered at the time of the conversation, it is our belief that Ms. Brown mistakenly entered Kyle Nason's status as an "Active" voter, as opposed to "Pending Supervisor Approval."

We consider this matter resolved at this time.

Sincerely,

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

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

CC: Sue Brown, Deputy Town Clerk

2015112693  
4.15

1151261

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Matter ID/Client Sort Matter Description	Initials	Event Date	Notes
2015112890 / Secretary of State DINO SCALA (RSA:659:63-	PEB	1/26/2015 8:46 AM	1/23/15 Mr. Scala sent the below message that he had spoken to the Moderator directly and the matter is resolved.mmCLOSED.

I spoke with Dino on the phone this morning and we spoke about needed changes for the next election. Thank you for your help in this matter. I'll contact you if there are any further issues  
Thank you,  
Barry

5.15

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read 'Ann M. Rice', written over a horizontal line.

January 28, 2015

Kassy Montgomery

Keene, NH 03431

Re: Reportedly not allowed to vote

Dear Ms. Montgomery:

A Michael O'Brien from America Votes reported to our office that you were not allowed to vote.

Assistant Attorney General LaBonte spoke with you on November 4, 2014. You reported that you were told that you could lose your student loan from Vermont. Based on this statement you indicated that you left Ward 3 and did not vote.

I have spoken with the Supervisor of the Checklist, Heather Eakin. She is new to the position and had been corrected for making such a statement. She now realizes that she was relaying prior information where a student had registered in New Hampshire and the other state interpreted that the student had moved to New Hampshire. She now knows not to make any reference to losing any benefits by registering to vote in New Hampshire.

Supervisor Lakin and Moderator McKeon related a discussion they had with you where you raised concern that if you registered in New Hampshire that you would no longer be registered in Vermont. They are of the opinion that when you determined that fact that you elected not to vote on November 4, 2014. I have attempted to reach you several times but you have failed to respond. I was attempting to confirm their recollection of the incident.

I can be reached at 603-271-1222 if the above facts are not correct. At this time we will be closing this matter unless further facts are determined.

Sincerely,

Paul E. Brodeur  
Investigator  
Civil Bureau  
(603) 271-3650  
Fax: (603) 223-6245  
paul.brodeur@doj.nh.gov

PEB/peb

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

ANN M. RICE  
DEPUTY ATTORNEY GENERAL



Kassy Montgomery  
137 Saint Peter Street  
Windsor, VT 05404  
JOSEPH A. FOSTER  
ATTORNEY GENERAL

---

~~Heather Eakin~~  
124 Howard Street  
Apartment 1  
Keene, NH 03431

Lucinda McKeon  
22 Barrett Avenue  
Keene, NH 03431

ID# 2015112743

«Matter Matter ID» 1153297.doc

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

110.14

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Matter ID/Client Sort Matter Description	Initials	Event Date	Notes
2014111727 / Department of RIVERA, ELIEZER "ELI"	PEB	1/26/2015 3:41 PM	10/28/14 at 1411 hrs. PEB spoke with Rivera and discussed the violation of RSA 659:44-a. He immediately removed the link to the election page. After discussion with AAG Edwards closed.

112#2014111727

1/26/2015 3:42 PM

91.14

PLAINTIFF'S COPY

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.  
SOUTHERN DISTRICT

SUPERIOR COURT

Litchfield School District

v.

Jason Guerrette

Docket No. 226-2015-CV-00070

**ORDER ON EX PARTE PETITION FOR WRIT OF MANDAMUS**

Currently pending before the court is the Litchfield School District's petition for a writ of mandamus. The School District seeks an order directing the defendant, Jason Guerrette, in his capacity as the Litchfield School District Clerk, to prepare and sign the official ballot for the second session of the annual meeting. The court conducted an ex parte hearing on this matter on February 18, 2015. For the reasons set forth herein, the School District's petition for a writ of mandamus is GRANTED.

**Background**

The record reveals the following facts. The Litchfield School District "is a Senate Bill 2 (SB 2) jurisdiction, meaning that it has adopted the official balloting procedures for the town meeting form of government in RSA 40:13." Sullivan v. Town of Hampton Bd. of Selectmen, 153 N.H. 690, 691 (2006). "RSA 40:13 prescribes balloting procedures on all warrant issues put to voters," including annual school budgets." Id. The School Board develops an "operating budget" that is submitted to voters for approval. "The legislature amended RSA 40:13 in 2004 to provide for a 'default budget' if voters fail to adopt the proposed 'operating budget.'" Id. "The 'default budget' is calculated as the

prior year's budget, adjusted up or down by other obligations and reduced by one-time expenditures." Id. In this case, the School Board met on February 10, 2015, to review and revise the default budget. The School Board voted 4-0 to revise the default budget from \$21,076,023 to \$21,074,749 based on "relevant new information." See RSA 40:13, XI(b).

This revised default budget and the operating budget must be presented to voters at the School District's second annual meeting, which is currently scheduled for March 10, 2015. This also falls on the same day as the Town's election. Mr. Guerrette is the School District Clerk, and pursuant to statute, he is tasked with "prepar[ing] an official ballot" for use at the second annual meeting. See RSA 40:13, VIII. Mr. Guerrette, however, has "refused to prepare and sign the school district ballot for the second session of the Litchfield School District Annual Meeting." (Compl. ¶ 23.) In an e-mail dated February 11, 2015, Mr. Guerrette informed several district officials, including the superintendent, of his belief that the "default budget" had been calculated erroneously. He indicated that he would not sign and prepare the ballot out of "good conscience," as doing so would "endorse" the alleged error in the default budget calculation. (Pl.'s Ex. 1 at 1.)

The School Board, through private counsel and the New Hampshire Attorney General's Office, reached out to Mr. Guerrette imploring him to reconsider his stance. Assistant Attorney General Stephen LaBonte told Mr. Guerrette that he was obligated to prepare and sign the ballot or should otherwise resign. Mr. Guerrette chose to do neither, causing the School Board to bring this complaint for mandamus relief.

This complaint was filed today at 12:44 p.m. Approximately 30 minutes prior to the filing of the complaint, school officials informed Mr. Guerrette that they were "on their way to Court" to file the present action. The School Board even sent Mr. Guerrette an advanced copy of the complaint. Mr. Guerrette, however, still refused to prepare the ballots and instead asked to be put on the School Board's agenda for this evening.

Because the School Board sought ex parte relief, the court promptly scheduled a hearing at 2:00 p.m. Prior to the start of the hearing, the court attempted to contact Mr. Guerrette so that he could be present for the hearing. Court staff attempted to reach Mr. Guerrette on his cell phone and left two voicemails. The court staff also called his house but received no answer. At the start of the hearing, the court directed the superintendent to e-mail and call Mr. Guerrette from his personal cell phone. Mr. Guerrette did not respond to either of those communications, and did not return the court's phone calls. As a result, the hearing proceeded on an ex parte basis.

#### Analysis

"A writ of mandamus is used to compel a public official to perform a ministerial act that the official has refused to perform, or to vacate the result of a public official's act that was performed arbitrarily or in bad faith." Appeal of Morrissey, 165 N.H. 87, 93 (2013) (citation omitted). "This court will, in its discretion, issue a writ of mandamus only where the [School District] has an apparent right to the requested relief and no other remedy will fully and adequately afford relief." Id. at 93–94 (citation omitted). Mandamus has long been considered an "extraordinary writ." In re CIGNA Healthcare, Inc., 146 N.H. 683, 687 (2001) (citing Rockhouse Mt. Property Owners Assoc. v. Town of Conway, 127 N.H. 593, 602 (1986)).

Here, it is undisputed that the relevant, yet disputed, statutory language is found in RSA 40:13, VIII. That statute provides that:

The clerk of the local political subdivision shall prepare an official ballot, which may be separate from the official ballot used to elect officers, for all warrant articles. Wording shall be substantively the same as the main motion, as it was made or amended at the first session, with only such minor textual changes as may be required to cast the motion in the form of a question to the voters.

(Emphasis added). In interpreting a statute, the Court “first look[s] to the language of the statute itself, and, if possible, construe[s] that language according to its plain and ordinary meaning.” Appeal of Morrissey, 165 N.H. at 92 (citation omitted). “When the language of a statute is clear on its face, its meaning is not subject to modification.” Id. “Furthermore, [the Court] interpret[s] statutes in the context of the overall statutory scheme and not in isolation.” Id. The “goal is to apply statutes in light of the legislature’s intent in enacting them, and in light of the policy sought to be advanced by the entire statutory scheme. Id.”

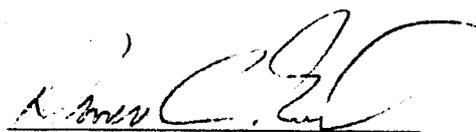
Although he was not present at the hearing, it is clear from Mr. Guerrette’s prior communications that he believes that this statute gives him the authority to reject ballots if he “believe[s] [it] to contain errors.” (Pl.’s Ex. 1 at 1.) The Court disagrees based on the unambiguous language of the statute, and instead finds that the statute requires Mr. Guerrette to prepare the ballot regardless of his disagreement over its content. It is well-established that “the word ‘shall’ is a command which requires mandatory enforcement.” Petition of Kalar, 162 N.H. 314, 322 (2011) (quotation omitted). Similarly, the word “prepare” references the ministerial act of producing a ballot to be used on election day. See McCaffrey v. City of Wilmington, No.: N12C-01-138 EMD, 2014 WL 6679176, at \*6 (Del. Super. Nov. 03, 2014) (“Examples of acts held to be

ministerial under ordinary circumstances [include] the preparation of ballots. . . ") (citation omitted); cf. Hill v. Goodwin, 56 N.H. 441, 452 (1876) ("The duty of the defendant, as town-clerk, to record the doings of the annual meeting as declared by the moderator, is purely a ministerial duty, involving the exercise of no judicial discretion whatever."). Reading the statute as a whole, Mr. Guerrette is afforded no discretion in the matter. Instead, he is required to: (1) prepare and issue the ballot; and (2) use wording on that ballot that is "substantively the same" as the motion passed by the School Board.

For the foregoing reasons, the School Board's petition for a writ of mandamus is GRANTED. Mr. Guerrette is ordered to prepare and sign the official ballot for the second session of the annual meeting by 12:00 p.m. on February 19, 2015. In the event Mr. Guerrette refuses to comply with this order or resign, he will be subject to contempt. Finally, the court notes that this order is issued on an ex parte basis. If Mr. Guerrette wishes to be heard on this matter, he shall notify the Clerk's office by telephone by 9:00 a.m. tomorrow (February 19th). A hearing will then be scheduled for 11:00 a.m. If no request for a hearing is received, this order shall convert to a final order.

**SO ORDERED.**

February 18, 2015



David A. Garfunkel  
Presiding Justice

A TRUE COPY ATTEST:  
Marshall L. Bullock  
CLERK

**Brodeur, Paul**

---

**From:** Brodeur, Paul  
**Sent:** Wednesday, March 04, 2015 9:45 AM  
**To:** [REDACTED]@gmail.com'  
**Cc:** Edwards, Anne M.; LaBonte, Stephen G  
**Subject:** Possible Shaheen Push Poll

Marty: we were able to determine that the call came from Capitol Resources, Inc. d/b/a/ Campaign HQ Calls. I have received a letter from Attorney Jason Torchinsky of Holtzman, Vogel, Josefiak PLLC located in Warrenton, VA. The letter states that 1,058 calls were made to NH residents with 627 calls connected. Attorney Torchinsky is very familiar with NH RSA 664:2 XVII and noted that there were less than 2,000 calls therefore not a push poll. This concludes our review.

Paul. E. Brodeur, Investigator  
Department of Justice  
Office of the Attorney General  
33 Capitol Street  
Concord, NH 03301  
(603)271-3650  
fax (603)223-6245  
91st Session FBINAA



ID# 2014111321  
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ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

March 4, 2015

Hon. Robert Cushing

[REDACTED]  
Hampton, N.H. 03842

Re: PACKing NH Complaint

Dear Representative Cushing,

The New Hampshire Attorney General's Office received your complaint on November 10, 2014 regarding political attack flyers distributed by PACKing NH. According to your complaint, PACKing NH registered as a political committee with the Secretary of State's Office on May 13, 2014, declaring that its purpose was to support the Second Amendment and that it would not be making any independent expenditure in support or opposition of any political candidate. The complaint goes on to say that on or about November 1, 2014, PACKing NH was responsible for distributing through the mail political attack ads against yourself and other candidates. The crux of your complaint was that at no time did Packing NH amend its purpose to include making independent expenditures. This letter follows an investigation conducted by this office.

RSA 664:3, I, requires that a "[political] committee . . . file an amendment to its registration within 14 days of any change in the . . . purpose of the committee." Our investigation revealed that on October 30, 2014 PACKing NH ordered and paid for the flyers in question, as well as the postage needed to distribute them. As a result, October 30, 2014 marks the date of the political committee's change in purpose, as it was the date of the independent expenditure was made. Our investigation further revealed that on November 12, 2014, thirteen days after changing its purpose, PACKing NH filed with the Secretary of State's Office a political committee registration amendment form indicating that it will be making independent expenditures.

Based on the results of our investigation we have concluded that no violation of RSA 664:3, I, has occurred. If you have any further questions, please do not hesitate to contact me.

Sincerely,

Handwritten signature of Stephen G. LaBonte in black ink.

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

Cc: Hon. J.R. Hoell

10#-2014111947

103.14

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

Matter #	Case Name	Investigator	Report Date
2015113568	TOWN OF CAMPTON (RSA 39:2) POLLING TIME HOURS	Paul E. Brodeur	March 16, 2015

OAG was notified that the Selectmen of Campton had published the wrong hours that voting would take place. There is a question if the hours were corrected prior to the election.

I spoke with: Hannah JOYCE, Town Clerk  
603-726-3223

JOYCE advised she believes it was March 3, 2015 that a candidate's wife came to Town Clerk and advised that the published warrant articles indicated that the elections would take place from 8:00AM to 7:00PM. The woman advised that her husband's campaign material stated 10:00AM to 7:00PM that are the normal voting hours in Campton, NH.

JOYCE advised that she called Deputy SOS SCANLON and he directed JOYCE to contact their Town Council, Laura Spector Morgan at the Mitchell Group. MORGAN advised JOYCE to have the Selectmen re-post the times and to post at the top "Corrected Hours". JOYCE advised that she notified Select Chair Charles WHEELER. JOYCE advised that she does not know what took place after that. JOYCE advised it appears they attempted to correct the time in that their Web site had the hours changed on the front page but not on the back page.

I spoke with: Anne Marie FOOTE, Admin. Asst. to the Selectmen  
603-726-3223 ext 101

FOOTE advised the confusion is because last year the hours were 8:00AM to 7:00PM because of the passing of Ray Burton.

FOOTE advised it was either March 4<sup>th</sup> or 5<sup>th</sup> that the Web site was corrected, all of the people that signed up for email notifications of upcoming events were sent a notice and there is a large electronic bill board on the corner at the Fire House that had the corrected hours of 10:00AM to 7:00PM.

I advised FOOTE that reportedly the front page of the warrant articles had the corrected time but the last page did not. She had no idea about that lack of correction.

FOOTE advised that she is not aware of anyone that appeared early that was not able to vote. She advised that there were in excess of 900 votes that day.

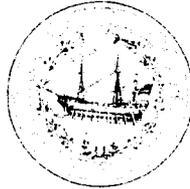
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Page	of	pages	SIGNED	DATE
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**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

April 7, 2015

Dennis Vachon  
1350 Province Road  
Strafford, NH 03884

Re: Strafford County Registry of Deeds

Dear Mr. Vachon:

Your letter regarding the 2014 Election for Register of Deeds has been referred to me for review, investigation and response.

I have interviewed or obtained documents from the following:

Commissioners:	Leo Lessard and	George Maglaras	
County Attorney	Thomas Velardi	County Administrator	Raymond Bower
County Sheriff	David Dubois	Rockingham Register	Cathy Stacey
Strafford Register	Catherine Berube	Retired Sheriff	Wayne Estes
County employees:	Janet Hilber	Patsy Taylor-Craw	
Abstractors:	Denise Couture	Scott Olsen	Christine Neville
My Campaign Store:	Jason Worrix		
	Duane Kimball	Kathy Doherty	

You identified four statutes within the NH RSA Chapter 664 that you felt had been violated. I inquired of the respective persons above about:

**“Political Committee” RSA 664:3**

None of the above persons indicated they were part of a “Political Committee” or knowing of a committee that existed on the part of Catherine Berube. Ms. Berube advised that she was not sought out to seek office and the decision was made by she and her husband. Ms. Berube advised that merely she and her husband, Francis X. Bruton III had discussions during the campaign. They did obtain some advice from Duane Kimball regarding the palm cards but that was the extent of his involvement and he did not charge for the consult.

Denis Vachon  
Page two

The only group that was identified was the Abstractors; Denise Couture, Scott Olsen and Christine Neville that developed an agenda of issues and brought them to the Strafford County Commissioners regarding issues not related to any election.

**“Political Expenditures” RSA 664:5 II.**

You had already furnished copies of the Berube and Lessard reports that were filed with the Secretary of State. Ms. Berube and Commissioner Lessard furnished documents that confirmed that the reported expenditures were the total for their campaigns.

There was an inference that Commissioner Leo Lessard may have contributed to the Berube campaign because of supplies and stamps purchased by him. Commissioner Lessard presented me with copies of the letters he had sent out, receipts for the paper and ink purchased at Staples, an invoice for the printing of his signs, an invoice for the printing of envelopes and receipts for the stamps purchased for his mailings.

The email, letter and flier you provided all were identified as those of Denise Couture. Ms. Couture furnished receipts from Staples for the paper and envelopes and the US Postal Service for 200 stamps that she purchased. You had inferred that lists were supplied to her for the emails and letters. Ms. Couture informed me that she obtained the names of the Democratic Committee Chairs from the Internet for the emails and the letters were sent to people and businesses she has dealt with over the past forty years as an Abstractor. I inquired of others and they all denied furnishing any lists to Ms. Couture. Ms. Couture also informed me that she prepared all of the material from her own sources and the only assistance was with the flier that her daughter assisted her with the Berube photo obtained from a web site.

Ms. Couture explained that the names of Commissioners Lessard and Maglaras at the end of the letter were merely for informational purpose in the event a recipient wanted to contact them to verify the information within the letter. Both Commissioners confirmed they did not sign the letter and that they had not seen the letter. Commissioner Lessard indicated the first time he saw the letter was the day I presented it to him for his review.

**Receipts and Expenditures RSA 664:6.**

Ms. Berube and Commissioner Lessard advised that the reports submitted to the Secretary of State were the total of the receipts and expenditures during their campaign.

**Political Advertising RSA 664:14.**

Ms. Berube furnished copies of the work orders and invoices from My Campaign Store. The work order for the August signs states, “Disclaimer Yes” but the invoice indicates No. I spoke with Jason Worrax at My Campaign Store who prepared the order. It is his recollection when preparing the work order that Ms. Berube indicated there would be a disclaimer but upon reviewing the proof she inadvertently forgot to include the

Dennis Vachon  
Page three

verbiage and approved the sign for printing. Ms. Berube recalls receiving notification shortly after the signs were posted that there was no disclaimer. She and her husband immediately prepared stickers with the proper information and proceeded to place the stickers on her signs. A second order for signs was placed in late September and those did have the proper disclaimer printed on the sign.

You raised a number of other issues. A number of them were personnel related therefore not responsive to an election issue. I did speak with Cathy Stacey and Leo Lessard about Kathy Doherty. Register Stacey indicated she often receives calls inquiring about the functions of a Register but indicated that she does not know a Kathy Doherty and did not recall speaking with her. Leo Lessard also indicated he does not know a Kathy Doherty. I spoke with Kathy Doherty who indicated she had never been approached to run for any office and with her current work schedule would not have considered running for any office. I spoke with Wayne Estes and he indicated that his decision to not run for Commissioners was based on his discussion with Commissioner Maglaras and not that he was encouraged to run for Register.

**Conclusion:** There was no "Political Committee"; the "Receipts and Expenditures" reports submitted to the Secretary of State by Ms. Berube and Commissioner Lessard are accurate and agreeably the initial "Political Advertising" did not have a disclaimer but that was corrected immediately.

Based on the findings of our investigation we have concluded that Ms. Berube and no one else intentionally violated any of the RSAs within the 664 Chapter during the campaign. As a result, we are closing this matter without further action.

Sincerely,



Paul E. Brodeur  
Investigator  
Civil Bureau  
(603) 271-3650  
Fax: (603) 223-6245  
paul.brodeur@doj.nh.gov

PEB/peb  
Cc: noted above

Leo Lessard  
Strafford County Commissioner

██████████ ██████████  
Milton, NH 03851

George Maglaros  
Strafford County Commissioner  
259 County Farm Road  
Dover, NH 03820

Thomas Velardi, Esq.  
County Attorney  
259 County Farm Road  
Suite 201  
Dover, NH 03820

Raymond Bower  
County Administrator  
259 County Farm Road  
Suite 204  
Dover, NH 03820

Sheriff David Dubois  
Strafford County Sheriff  
259 County Farm Road  
Suite 301  
Dover, NH 03820

Catherine Berube, Register  
Strafford County Registry of Deeds  
259 County Farm Road  
Suite 202  
Dover, NH 03820

Janet Hilber  
Strafford County Registry of Deeds  
259 County Farm Road  
Suite 202  
Dover, NH 03820

Patsy Taylor-Craw  
Strafford County Registry of Deeds  
259 County Farm Road  
Suite 202  
Dover, NH 03820

Wayne Estes

[REDACTED]  
Milton, NH 03851

Cathy Stacey, Register  
Rockingham County Register of Deeds

[REDACTED]  
Kingston, NH 03848

Denise Couture

[REDACTED]  
Somersworth, NH 03878

Scott Olsen

[REDACTED]  
Dover, NH 03820-5802

Christine Neville

[REDACTED]  
Rye, NH 03870

Duane Kimball

[REDACTED]  
Barrington, NH 03825

Jason Worrux  
My Campaign Store

[REDACTED]  
Louisville, KY 40222

Kathy Doherty

[REDACTED]  
Rochester, NH 03876

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

*COPY*

*July 2, 2014  
Jan 7, 15*

Bonnie J. Haubrich, Town Clerk  
Town of Grafton  
[REDACTED]  
Grafton, NH 03240

Re: Absentee ballots for Lois, Gladys and Freeman Johnson

Dear Ms. Haubrich:

The New Hampshire Attorney General's Office received your complaint March 11, 2013 regarding the signature and the ability of Gladys Johnson to consciously make voting decisions. This letter follows an investigation conducted by the New Hampshire Attorney General's Office.

On September 18, 2013 Investigator Paul Brodeur from the Office of the Attorney General along with Police Officer Norman Daignault of the Grafton Police Department visited the Johnson residents. Lois Johnson explained that she is the caretaker of Gladys and Freeman Johnson as they are both amputees and require constant care. Lois explained that there are times when Gladys requires assistance in signing paperwork but if well rested is able to write her name. Investigator Brodeur spoke directly with Gladys and asked current and prior timed questions. Gladys was able to respond to his questions therefore he is of the opinion that Gladys is aware of her surroundings and is able to make decisions independently.

Based on the findings of our investigation we have concluded that Gladys Johnson voted for the candidates and issues of her choosing at the time and barring any future changes her ballots should be accepted in future elections.

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

Sincerely,  
*PO*

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

PEB/peb  
1062018

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32.13*