

STATE OF NEW HAMPSHIRE

DEPARTMENT OF JUSTICE

SENATE COMMITTEE ON ELECTION LAW AND MUNICIPAL AFFAIRS

HOUSE COMMITTEE ON ELECTION LAW

Election Law Complaint Status Report

Submitted Pursuant to RSA 7:6-c

Reporting Period July 1, 2020, to December 31, 2020

Issued August 26, 2022

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INTRODUCTION

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

Pursuant to RSA 7:6-c, II, (a), the Attorney General hereby submits to the New Hampshire House of Representatives and the Senate this report on the status of all complaints of alleged violations of election laws received between July 1, 2020, and December 31, 2020.¹ This report is divided into three parts. Section I, pursuant to RSA 7:6-c, II (b), includes a summary of complaints received from July 1, 2020, to December 31, 2020, and a categorization of complaints received by type of complaint and month received as required by RSA 7:6-c, II (b). Section II lists all complaints received prior to this reporting period which remain open. Finally, Section III contains an index of matters that have been closed during the reporting period, and pursuant to RSA 7:6-c, II (c), attached hereto are the closure letters, settlement agreements, cease-and-desist orders, and other official communications that describe the results of each complaint that has been investigated or an explanation of why the complaint was closed without an investigation.

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

I.

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

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

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

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

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

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

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

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

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

A. Number of Complaints Received Per Month

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

B. Complaints Received by Type of Complaint

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

II.

**INVESTIGATIONS OPEN PRIOR TO THE
REPORTING PERIOD**

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

III.

INDEX OF CLOSURE LETTERS/COMMUNICATIONS

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

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

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