

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 January 1, 2021, to June 30, 2021

Issued September 1, 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 from January 1, 2021, to June 30, 2021.<sup>1</sup> This report is divided into three parts. Section I, pursuant to RSA 7:6-c, II (b), includes a summary of complaints received from January 1, 2021, to June 30, 2021, 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 that remain open as of the publication date of this report. Finally, Section III contains an index of matters that have been closed during the reporting period or subsequently, 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.

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<sup>1</sup> The Attorney General is submitting three status reports within a week, 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,. This means, for example, that a matter opened 2021 and closed in 2022, will be listed as “Closed” in the report covering the applicable period in 2021.

I.

**SUMMARY OF COMPLAINTS RECEIVED FROM January 1, 2021, to June 30, 2021**

<b>Complaint Against</b>	<b>Complainant</b>	<b>Date of complaint</b>	<b>Allegations</b>	<b>Status</b>	<b>Bates No.</b>
Alleged Wrongful Voting	Richard Hendl	1/13/2021	RSA 654:1 and RSA 659:34, I(a) and (e), Alleged Wrongful Voting	Closed on 11/9/2021	000129-000132
Alleged Wrongful Voting	Richard Hendl	1/13/2021	RSA 654:1 and RSA 659:34, I(a) and (e), Alleged Wrongful Voting	Closed on 11/9/2021	000133-000135
Alleged Wrongful Voting	Matthew Normand	1/29/2021	RSA 659:34, I(a), (b), (e), Alleged Wrongful Voting	closed on 9/1/2021	000115-000118
Alleged Wrongful Voting	Matthew Normand	2/4/2021	RSA 659:34, Alleged Wrongful Voting	Closed on 12/10/2021	000140-000141
Alleged Wrongful Voting	Matthew Normand	2/4/2021	RSA 659:34, Alleged Wrongful Voting	Closed on 12/10/2021	000142-000143
Alleged Wrongful Voting	Anonymous	11/23/2020	RSA 654:1 and RSA 659:34 I(a), (e), Alleged Wrongful Voting	Closed on 10/28/2021	000121-000122
Pittsfield School District Superintendent	James Adams	3/1/2021	RSA 659:44-a, Alleged Illegal	Closed on 8/24/2021	000112-000114

			Campaign Activity		
Woodsville Fire District	Town of Haverhill	3/2/2021	RSA 659:44-a, Alleged Illegal Campaign Activity	Closed on 4/13/2021	000028-000033
Milford Police Department	Kevin Kleber	3/3/2021	RSA 659:44-a, Alleged Illegal Campaign Activity	Closed on 7/8/2021	000060-000077
Hanover High School	Daniel Richards	3/3/2021	RSA 659:44-a, Alleged Illegal Campaign Activity	Closed on 3/24/2021	000025-000027
Friends of Pelham	S. Amy Spencer, Esq.	3/4/2021	RSA 664:14, Alleged Campaign Finance Violation	Closed on 2/11/2022	000146-000147
Westmoreland Mailer re Firehouse	Olivia Belanger/Keene Sentinel	3/2/2021	RSA 664:14, Alleged Illegal Campaign Activity	Closed on 6/7/2021	000057-000059
Town of New Ipswich	Bob Romeril	3/9/2021	RSA 657:15, RSA 659:50, RSA 659:53 ER&F	Open	
Plaistow Signs (Peck and Fowler)	Ty Vitale	3/5/2021	RSA 664:21, Alleged Illegal Campaign Activity	Closed on 1/28/2022	000144-000145

Town of Ashland	Andrew Fitch	3/9/2021	RSA 658:24, ER&F	Closed on 6/7/2021	000049-000050
New Hampshire Young Democrats, Ashley Marcoux	Matthew Poulin	3/12/2021	RSA 659:40, Alleged Illegal Campaign Activity	Closed on 3/24/2021	000023-000024
Deb Paul, Sara Loughlin	Laura Morin	3/5/2021	RSA 664:16, Alleged Illegal Campaign Activity	Closed on 9/23/2021	000119-000120
Timothy Tsantoulis	Gianna Valentino	3/9/2021	RSA 664:14, Alleged Illegal Campaign Activity	Closed on 11/8/2021	000127-000128
Town of Haverhill	Matthew Bjelobrk	3/8/2021	RSA 659:44, RSA 664:17, Alleged Illegal Campaign Activity	Closed 8/19/2022	000152-000170
Alleged Wrongful Voting	Ned McElroy	1/29/2021	RSA 659:34-a, Alleged Wrongful Voting	Closed on 6/14/2021	000084-000086
Alleged Wrongful Voting	Ned McElroy	1/29/2021	RSA 659:34-a, Alleged Wrongful Voting	Closed on 6/14/2021	000087-000088
Alleged Wrongful Voting	Norman Silber	3/8/2021	RSA 659:27, Alleged Wrongful Voting	Closed on 6/28/2021	000102-000103

Kevin Federico and Milford Residents	Paul Bagley	3/7/2021	RSA 664:2, 3, 6, 14, 21, Alleged Illegal Campaign Activity	Closed on 6/28/2021	000099-000101
David Testa	Chris Canfield	11/12/2020	RSA 659:43, RSA 652:16(h), Alleged Illegal Campaign Activity	Closed 5/24/2022	000148-000149
Town of Hudson		2/11/2020	RSA 658:9, ER&F	Closed 4/27/2022	000051-000056
Dennis Wagner	Littleton Police Department	11/3/2020	RSA 659:43, RSA 652:16(h), Alleged Illegal Campaign Activity	Closed 5/24/2022	000150-000151
Town of Allenstown	Jennifer Bailey	4/1/2021	RSA 654:7, RSA 654:12, ER&F	Closed on 6/28/2021	000104-000107
Jason Johnson (Milford Area Communication Center)	Mark Fougere	4/5/2021	RSA 659:44-a, Alleged Illegal Campaign Activity	Open	
Ruth Mooney		3/9/2021	RSA 659:43, Alleged Illegal Campaign Activity	Closed on 12/6/2021	000136-000139
Alleged Wrongful Voting	Rep. Rosemarie Rung	4/10/2021	RSA 659:34, I(e), RSA 657:24, Alleged Wrongful Voting	Closed on 11/8/2021	000125-000126

NH GOP Candidate, Craigslist	NHGOP Ex Dir Joe Sweeney	4/13/2021	RSA 659:40-a, Alleged Illegal Campaign Activity	Open	
Alleged Wrongful Voting	Eliza Grant	4/23/2021	RSA 659:34, I(a), (e), Alleged Wrongful Voting	Open	
Alleged Wrongful Voting	Louise Curtin	5/27/2021	RSA 659:34, I(a), (e), Alleged Wrongful Voting	Closed on 11/8/2021	000123-000124
City of Manchester	SoS referral	6/10/2021	RSA 666:2, ER&F	Open	
Edward McElroy	Sean Tole	6/14/2021	RSA 659:40, II, Alleged Illegal Campaign Activity	Open	

**A. Number of Complaints Received Per Month**

<b>Month/ year</b>	<b>Number of Complaints</b>
January 2021	3
February 2021	3
March 2021	18
April 2021	9
May 2021	0
June 2021	3
<b>TOTAL:</b>	<b>36</b>



**B. Complaints Received by Type of Complaint**

<b>Type of Complaint</b>	<b>RSA Violations</b>	<b>Number of Complaints</b>
Alleged Wrongful Voting	RSA 654:1 (domicile); RSA 654:2 (temporary absence); RSA 657:24 (Misuse of Absentee Ballot); RSA 659:27 (Challenge Voter Affidavit); RSA 659:34 (Wrongful Voting/registration); RSA 659:34-a (Voting In More Than One State);	13
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 664:21 (Identification of Signs)	17
Alleged Election Official Misconduct		0
Alleged Campaign Finance Violation	RSA 664:14 (mailer)	1
Election Review & Follow-Up		5
<b>TOTAL:</b>		<b>36</b>

**II.**

**INVESTIGATIONS OPEN PRIOR TO THE  
REPORTING PERIOD**

<b>Alleged Violation</b>	<b>Date Opened</b>	<b>Date Closed</b>	<b>Bates No.</b>
Wrongful Voting RSA 659:34 – Dismissed without prejudice by the court due to competency order pursuant to RSA 135:17-a	11/15/16	8/12/22	000182- 000184
Wrongful Voting RSA 659:34 – Guilty Plea	7/18/18	4/22/22	000171- 000176
Wrongful Voting RSA 659:34 – Guilty Plea	1/7/19	5/4/22	000177- 000181
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

<b>Alleged Violation</b>	<b>Date Closed</b>	<b>Bates Page Number</b>
RSA 659:34 Wrongful Voting	January 5, 2021	000001
RSA 659:34 Wrongful Voting	January 6, 2021	000002
RSA 659:44 Electioneering	January 11, 2021	000003
RSA 659:34 Wrongful Voting	January 14, 2021	000004
RSA 659:34, I(a),(e) Wrongful Voting	January 26, 2021	000005
RSA 659:34 Wrongful Voting	February 8, 2021	000006-000007
RSA 659:34 Wrongful Voting	February 18, 2021	000008-000009
RSA 664:21 Political Advertising	February 26, 2021	000010-000014
RSA 659:34 Wrongful Voting	March 11, 2021	000015-000017
RSA 659:34 Wrongful Voting	March 23, 2021	000018-000021
RSA 659:20 Voting Assistance	March 24, 2021	000022
RSA 659:40 Voter Suppression	March 24, 2021	000023-000024
RSA 659:43 Electioneering	March 24, 2021	000025-000027
RSA 659:44 Electioneering	March 26, 2021	000028-000033
RSA 657:4 Political Mailing	March 26, 2021	000034-000036
RSA 659:34 Wrongful Voting	May 13, 2021	000037-000041
RSA 658:9 Polling Location	June 7, 2021	000042-000048
RSA 659:58 Duty of Election Official	June 7, 2021	000049-000050
RSA 658:9 Polling Location	June 7, 2021	000051-000056
RSA 664:14 Political Advertising	June 7, 2021	000057-000059
RSA 659:44-a Political Advertising	June 7, 2021	000060-000077
RSA 659:53 Delivery of Absentee Ballot	June 7, 2021	000078-000079
RSA 659:44-a Electioneering	June 7, 2021	000080-000081
COVID - mask	June 7, 2021	000082-000083
RSA 659:34 Wrongful Voting	June 14, 2021	000084-0000864
RSA 659:34 Wrongful Voting	June 14, 2021	000089-000092
RSA 659:34 Wrongful Voting	June 14, 2021	000093-000095
COVID – alternative voting area	June 14, 2021	000096-000098
RSA 664:14 Political Advertising	June 28, 2021	000099-000101
RSA 659:27 Challenged Voter	June 28, 2021	000102-000103
RSA 654:7, II Challenged Voter	June 28, 2021	000104-000107
RSA 664:6 Campaign Finance	June 28, 2021	000108-000109
RSA 659:34 Wrongful Voting	June 28, 2021	000110-000111

RSA 659:44-a Political Advertising	August 24, 2021	000112-000114
RSA 659:34 Wrongful Voting	September 1, 2021	000115-000118
RSA 664:16 Political Advertising	September 23, 2021	000119-000120
RSA 659:34 Wrongful Voting	October 28, 2021	000121-000122
RSA 659:34 Wrongful Voting	November 8, 2021	000123-000124
RSA 659:34 Wrongful Voting	November 8, 2021	000125-000126
RSA 664:14 Political Advertising	November 8, 2021	000127-000128
RSA 659:34 Wrongful Voting	November 9, 2021	000129-000132
RSA 659:34 Wrongful Voting	November 9, 2021	000133-000135
RSA 659:44 Electioneering	December 6, 2021	000136-000139
RSA 659:34 Wrongful Voting	December 10, 2021	000140-000141
RSA 659:34 Wrongful Voting	December 10, 2021	000142-000143
RSA 664:14 Political Advertising	January 28, 2022	000144-000145
RSA 664:2 Political Advertising	February 11, 2022	000146-000147
RSA 659:43 Electioneering	May 24, 2022	000148-000149
RSA 659:43 Electioneering	May 24, 2022	000150-000151
RSA 659:44 & 664:17 Electioneering	August 19, 2022	000152-000170
RSA 659:34 Wrongful Voting	April 22, 2022	000171-000176
RSA 659:34 Wrongful Voting	May 4, 2022	000177-000181
RSA 659:34 Wrongful Voting	August 12, 2022	000182-000184

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