

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

January 31, 2019

Honorable Melanie Levesque  
Chair, Senate Committee on Election Law and Municipal Affairs  
Legislative Office Building, Room 102  
107 North Main Street  
Concord, NH 03301

Honorable David Cote  
Chair, House Committee on Election Law  
Legislative Office Building, Room 308  
107 North Main Street  
Concord, NH 03301

Dear Senator Levesque and Representative Cote:

Enclosed please find the Election Law Complaint Status Report submitted pursuant to RSA 7:6-c for the reporting period May 25, 2018 – December 31, 2018. Assistant Attorney General Matthew Broadhead, who leads the Election Law Unit, is prepared to respond to any questions you may have. He can be reached at 603-271-3650 or [Matthew.Broadhead@doj.nh.gov](mailto:Matthew.Broadhead@doj.nh.gov).

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Gordon J. MacDonald".

Gordon J. MacDonald  
Attorney General

Enclosure

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 May 25, 2018 to December 31, 2018

Prepared by:

Gordon J. MacDonald  
Attorney General  
Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
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 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 staffed by one full-time attorney, Assistant Attorney General Matthew T. Broadhead and one full-time elections investigator, Chief Investigator Richard Tracy.

These changes have enabled this Office to dedicate more resources toward investigating, enforcing, and prosecuting violations of the State’s laws pertaining to elections, lobbying and campaign finance. For instance, during the 2018 Primary and General Election, this Office was, for the first time, able to conduct a systematic review of campaign finance reports pursuant to RSA 664:19. Additionally, over the past year we have measured a significant increase in the number of election-related complaints filed with this Office. In 2018, this Office opened 108 cases or investigations, which is an increase from 65 cases in 2017. In the past year, this Office has fielded over 400 calls and emails on our Election Hotline and email account, resulting in an average of approximately 10 election-related inquiries per week. Additionally, this Office fielded 375 combined election-day calls during the March town elections, the State Primary, and the State General Election.

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 since our last report dated May 24, 2018. This report

is divided into three parts. Section I, pursuant to RSA 7:6-c, II (b), includes a summary of complaints received since May 25, 2018, 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.

I.

**SUMMARY OF COMPLAINTS RECEIVED SINCE MAY 25, 2018**

<b>Complaint Against</b>	<b>Complainant</b>	<b>Date of complaint</b>	<b>Allegations</b>	<b>Date Closed</b>
Town of Orford	Monahan, Kelly Jean	6/12/2018	RSA 644:14, I	10/8/2018
Alleged Wrongful Voting	Curran, George	6/13/2018	RSA 659:34	
Prospect Mountain Teachers Association	Rep. Barbara Comtois	6/15/2018	RSA 664:14	6/19/2018
Demers, Blaisdell & Prasol	Howe, Christopher	5/29/2018	RSA 15:6	
Americans for Prosperity Foundation	Rep. Matthew Scruton, et al	6/25/2018	RSA 664	7/26/2018
Conway School Board	Eustis, Frank	7/2/2018	14 <sup>th</sup> Amendment	7/18/2018
Fleming, Grace	State of NH	7/18/2018	RSA 659:34	Criminal Matter Filed
Fleming, John	State of NH	7/18/2018	RSA 659:34	Criminal Matter Filed
McKinnon, Spencer	State of NH	7/18/2018	RSA 659:34	Criminal Matter Filed
Alleged Wrongful Voting	State of NH	7/18/2018	RSA 659:34	
Friends of Jenn Alford-Teaster	Sweeney, Joseph	7/18/2018	Alleged Campaign Finance Violation	9/28/2018
Alleged Wrongful Voting	State of NH	7/18/2018	RSA 659:34	
Alleged Wrongful Voting	State of NH	7/18/2018	RSA 659:34	
Alleged Wrongful Voting	State of NH	7/19/2018	RSA 659:34	
Friends of Andy Sanborn	Sherri Hastings Lucy	7/19/2018	RSA 664:16-a	7/31/2018
Friends of Jenn Alford-Teaster	Sweeney, Joseph	7/25/2018	Alleged Campaign Finance Violation	8/9/2018
Tom Sherman for State Senate Committee	Sweeney, Joseph	7/25/2018	Alleged Campaign Finance Violation	8/30/2018
Alleged Theft of Voting Data	NH Democratic Party & Secretary of State	8/8/2018		
Portsmouth Planning Board	Brighton, Mark	8/8/2018	Residency Issues	8/20/2018

Unknown	Greyes, Natch	8/15/2018	Stolen Campaign Signs	8/27/2018
Marchand 2018	Zelin, Gerald	8/23/2018	RSA 638:1	8/24/2018
John Doe	Pierce, David	8/27/2018	RSA 664	
Andy Sanborn	Several	8/28/2018	Negative Election Postcard Mailings	12/14/2018
Sullivan, Maura	Streck, Gene	8/27/2018	RSA 655:4, 655:3-8	8/28/2018
Wilton Selectmen Williams & Fish	Smith, Ruth Ann	9/5/2018	Alleged Disparaging Remarks	9/13/2018
Senate Candidate David Boutin	Rep. JR Hoell	9/6/2018	RSA 664	
Copp, Anne	Laport-Belanger, Donna	9/10/2018	RSA 664:17	11/19/2018
Ponce De Leon, Marcus	State of NH	9/11/2018	RSA 664:14	10/2/2018
Lindsay Elizabeth Tausch	Rung, Rosemary	9/21/2018	RSA 664:6	9/25/2018
Town of Langdon	Stallings, Debra	9/11/2018	Polling Hours Listed Incorrectly	9/27/2018
Google	Barnaby, Kelli	9/27/2018	National Voter Registration Day Ad Incorrect for NH	9/28/2018
Community Outreach Group Committee	Wescott, Nicholas	9/27/2018	RSA 664-3	
City of Concord Ward 8	Russell, Joe	9/11/2018	Selective ID Usage	9/28/2018
Town of Londonderry	Siekman, Tammy	9/11/2018	RSA 659:43, II	9/28/2018
US Vote Foundation	Meade, Liz	9/19/2018	Voter Registration Efforts	9/24/2018
Ted Cruz Republican for Senate Campaign	Mudge, John	9/20/2018	RSA 642:1, RSA 666:6, RSA 664:14	10/3/2018
John Doe	Cordero, Anne	10/1/2018	RSA 659:44	10/5/2018
Friends of Chris Sununu & Americans for Prosperity	Buckley, Raymond	10/2/2018	Alleged Campaign Finance Violations	
Gray Cynoweth Campaign	NH Republican Senate Committee	10/3/2018	RSA 664	
John Doe	Rep. Stephen Shurtleff	10/1/2018	Email Letters Voter Registration Intent	
Secretary of State	NH Democratic Party	10/8/2018	Improper Ballots	10/29/2018
Starr, David	Grenier, Paul	10/18/2018	Alleged Campaign Finance Violation	10/25/2018
Nicklos, Linda	Secretary of State	10/18/2018	Election	10/25/2018

			Registration Complaint	
Planned Parenthood	Jay, Christopher	10/26/2018	Alleged Campaign Finance Violation	
Americans for Prosperity Foundation	Howard, James	10/29/2018	Campaign Finance Violation	
Friends of Chris Sununu	Granite State Progress	11/1/2018	Alleged Campaign Finance Violation	
Alleged Wrongful Voting	Hebert, Cheryl	11/5/2018	RSA 659:34	
Finkelstein, Amy	Piecuch, Tricia	11/6/2018	RSA 657:24	
John Doe	Joyce, Bill	11/6/2018	RSA 659:40, II	
Alleged Wrongful Voting	Murphy, Dennis	11/8/2018	RSA 659:34; RSA 659:40	
Mercer, Clinton	Young, Wendy	11/7/2018	RSA 664:4	
Town of Merrimack	Leighton, Christie	11/6/2018	RSA 664:4	
Spiller, Amanda	Greenfield Town Clerk & Moderator	11/6/2018	RSA 657:24	
Kettering, Kenneth	Tardif, Thomas	11/14/2018	RSA 659:43, II	
Village District of Eidelweiss	J.M. Bureau, B. Copeland, A. Leiser	11/5/2018	Board of Commissioners Complaints	11/26/2018
Alleged Wrongful Voting	Houghton, Nancy	11/9/2018	RSA 659:34	
Sullivan, Andrew	Rep. Valerie Fraser	11/8/2018	Notary Complaint	
Alleged Wrongful Voting	Naile, Ed	11/19/2018	RSA 659:34	
Alleged Wrongful Voting	Naile, Ed	11/19/2018	RSA 659:34	
Town of Seabrook Selectmen	Dow, Mary Jane	11/19/2018	Conflict of Interest Complaint	12/3/2018
Matteson, Steve	Connolly, Susan	11/17/2018	Alleged Voter Fraud	11/30/2018
Alleged Wrongful Voting	McGrail, Melanie	11/6/2018	RSA 659:34	
Alleged Wrongful Voting	Anderson, Lynda	11/29/2018	RSA 659:34	11/30/2018
Alleged Wrongful Voting	Normand, Matthew	11/27/2018	RSA 659:34	12/10/2018
Common Sense for NH PAC	Bates, David	11/30/2018	RSA 664:19	
Town of Newton	Dezmelyk, Robert	11/26/2018	RSA 659:45	
Alleged Wrongful Voting	Little, Patricia	12/13/2018	RSA 659:34	
Alleged Wrongful	Little, Patricia	12/13/2018	RSA 659:34	

Voting				
Alleged Wrongful Voting	Little, Patricia	12/13/2018	RSA 659:34	
Alleged Wrongful Voting	Normand, Matthew	12/13/2018	RSA 659:34	
Traffic Issues 2018 General Election	Several	11/6/2018		
Alleged Wrongful Voting	Williams, Bryan	12/19/2018	RSA 659:34	



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

<b>Month/ year</b>	<b>Number of Complaints</b>
May 2018	2
June 2018	3
July 2018	13
August 2018	7
September 2018	12
October 2018	9
November 2018	22
December 2018	6
<b>TOTAL:</b>	<b>74</b>

### B. Complaints Received by Type of Complaint

Type of Complaint	RSA Violations	Number of Complaints
Alleged Wrongful Voting	RSA 659:34 (Wrongful Voting); RSA 659:34-a (Voting In More Than One State); RSA 654:12 (Domicile and Qualified Voter Affidavit Investigations); RSA 659:13, IV (b) (Challenge Voter Affidavits); RSA 657:24 (Misuse of Absentee Ballot); RSA 659:38 (Forgery/Removing of Ballots)	24
Alleged Illegal Campaign Activity	RSA 664:14 (political advertising disclosure requirements); RSA 664:16 (identification of political advertising) RSA 664:16-a (push polling); RSA 664:17 (placement and removal of political advertising); RSA 659:44 (electioneering at polling place RSA 659:44-a (Electioneering by public employee); RSA 659:40 (voter intimidation/suppression/bribery); RSA 655:8 (qualifications of candidate)	17
Alleged Campaign Finance Violation	RSA 664: 1 through 13	15
Alleged Election Official Misconduct	Constitutional Voting Rights Violations; Disability Rights Violations (HAVA/ADA); RSA 641:7 (tampering with public Records); Polling Location Complaints; Warrant Article Complaint RSA 643:3, I (Abuse of Office); RSA 654:27 (Maintaining the Checklist); ; RSA 654:29; (Certification of the Checklist); RSA 660:27 (Meeting of Presidential Electors); RSA 669:1 RSA 669:3 (Town Meetings); RSA 671 (School District Elections).	15
Notarial Acts Complaints	RSA 456-B:2	2
Lobbyist Complaint	RSA 15	1
<b>TOTAL:</b>		<b>74</b>

## II.

### INVESTIGATIONS OPEN PRIOR TO THE REPORTING PERIOD, WHICH REMAIN OPEN

<b>Alleged Violation</b>	<b>Date Opened</b>
Wrongful Voting RSA 659:34 (ongoing investigation)	04/01/2016
Wrongful Voting RSA 659:34 (ongoing investigation)	04/01/2016
Wrongful Voting RSA 659:34 (ongoing investigation)	05/16/2016
Michael Lewis: Wrongful Voting RSA 659:34 (Indicted)	11/10/2016
Wrongful Voting RSA 659:34 (ongoing investigation)	11/22/2016
Campaign Finance RSA 664:3, I	11/03/2017
Campaign Finance RSA 664	02/16/2018
Alleged Election Official Misconduct: Wrong Ballots issued to Polling Location	02/27/2018
Town Election Irregularities (RSA 669:58; RSA 659:24)	3/14/2018
Misuse of Absentee Ballot RSA 657:24	03/17/2018
Theft of Ballots RSA 659:38 (ongoing investigation)	03/22/2018
Alleged Domicile Fraud	04/16/2018
False Documents, Names or Endorsement, Political Advertising RSA 666:6, 666:7-a; 664:14-b	04/30/2018

### III.

#### A. SUMMARY OF COMPLAINTS CLOSED WITH NO INVESTIGATION

Reason for Closing the Matter	Number of Complaints
Statute of Limitations Expired	31
Complaint Did Not State An Election Law Violation	8
Insufficient Evidence to Proceed With Investigation	39

#### B. INDEX OF CLOSURE LETTERS/COMMUNICATIONS


Alleged Violation	Date Closed	Bates Page Number
RSA 659:35	May 25, 2018	000001
RSA 659:34 I	May 25, 2018	000002
Town of Campton Polling Time Hours RSA 39:2	May 25, 2018	000003
RSA 664:17	May 25, 2018	000004
Absentee Ballots RSA 657:24	June 8, 2018	000005 - 000007
RSA 659:35	May 29, 2018	000008
Forgery RSA 638:1	June 8, 2018	000009 - 000018
RSA 657:24	June 8, 2018	000019 - 000021
Unlawful Political Signs	June 19, 2018	000022 - 000023
RSA 659:34 Wrongful Voting	June 25, 2018	000024
RSA 659:34 Wrongful Voting	June 25, 2018	000025 - 000026
School District Annual Meeting RSA 40:4	July 3, 2018	000027 - 000032
RSA 659:34 Wrongful Voting	July 12, 2018	000033 - 000034
RSA 659:34 Wrongful Voting	July 12, 2018	000035 - 000036
RSA 659:34 Wrongful Voting	July 12, 2018	000037 - 000038
14 <sup>th</sup> Amendment to U.S. Constitution Violation	July 18, 2018	000039 - 000041
RSA 664:3	July 26, 2018	000042 - 000060
RSA 664:16-a Pushpoll	July 31, 2018	000061
RSA 659:34 Wrongful Voting	August 7, 2018	000062
Citizen Zoning Petition	August 24, 2018	000063
Missing Lawn Campaign Signs	August 27, 2018	000064
RSA 664:5, VI	August 9, 2018	000065
RSA 638:1	August 24, 2018	000066 – 000067
RSA 655:4	August 28, 2018	000068 - 000069
Campaign Finance Violation	August 30, 2018	000070
RSA 455:16	September 21, 2018	000071 - 000073
Manchester Ward 6 Polling Location	September 24, 2018	000074 - 000085

Voter Registration Efforts	September 24, 2018	000086
RSA 664:6	September 25, 2018	000087 - 000089
Election Day Polling Hours on ElectioNet	September 27, 2018	000090 - 000091
RSA 659:43, II	September 28, 2018	000092 – 000093
Voter Registration Efforts	September 28, 2018	000094 – 000095
RSA 664:6 Campaign Finance	September 28, 2018	000096 - 000097
RSA 664:14	October 2, 2018	000098 - 000099
RSA 642:1	October 3, 2018	000100 - 000108
RSA 659:44	October 5, 2018	000109
RSA 659:102	October 5, 2018	000110 - 000112
Alleged Wrongful Voting	October 8, 2018	000113 - 000115
RSA 659:34 Wrongful Voting	October 8, 2018	000116
RSA 659:34 Wrongful Voting	October 8, 2018	000117
RSA 659:34 Wrongful Voting	October 8, 2018	000118
Political Expenditure Reports	October 8, 2018	000119
RSA 659:44	October 8, 2018	000120
RSA 664:14	October 9, 2018	000121
RSA 659:44-a	October 9, 2018	000122
RSA 659:34 Wrong Voting	October 9, 2018	000123
Absentee Voter Errors	October 19, 2018	000124 - 000125
Voter Registration Issue	October 25, 2018	000126 - 000128
Campaign Finance Report	October 25, 2018	000129 - 000130
RSA 664:17 Electioneering Zone	November 19, 2018	000131 - 000133
Campaign Finance Report	November 21, 2018	000134
RSA 659:44	November 26, 2018	000135 - 000136
RSA 664:14	November 30, 2018	000137 - 000138
RSA 664:14	November 30, 2018	000139 - 000140
RSA 659:34 Wrongful Voting	November 30, 2018	000141
RSA 659:34 Wrongful Voting	November 30, 2018	000142 - 000145
RSA 664:14	November 30, 2018	000146 - 000147
RSA 659:34 Wrongful Voting	December 3, 2018	000148
RSA 659:34 Wrongful Voting	December 10, 2018	000149 - 000152
Selective ID Usage	December 28, 2018	000153
RSA 664:14	December 11, 2018	000154 - 000155
RSA 664:14, I	December 14, 2018	000156 - 000160
RSA 664:14	December 17, 2018	000161 - 000165
Alleged Notary/JP Complaint	December 18, 2018	000166 - 000169
RSA 659:34 Wrongful Voting	August 1, 2018	000170 - 000172
Placement and Removal of Political Signage RSA 664:17	December 18, 2018	000173 - 000175

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

# Events Note to File

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 (RSA: 659:35-  
Complainant - Linda Horan)

2014111950 5/25/2018 Note to File  
1:26 PM

This matter cannot be pursued pursuant to Rideout v. Gardner,  
First Circuit No 15-2021, decided Sept. 28, 2016. RSA 659:35,  
I ruled unconstitutitonal

# Events Note to File

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[REDACTED] (RSA 659:34 I-  
Complainant Londonderry Police  
Departme

2014112118

5/25/2018

Note to File

1:36 PM

Closed due to legal analysis. Insufficient evidence to prosecute for felony and statute of limitations has run on civil penalties and misdemeanor. Unable to establish that voter was temporarily away from Hudson or domiciled in Londonderry. RSA 654:1, 2.



# Events Note to File

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TOWN OF CAMPTON (RSA  
39:2) POLLING TIME HOURS

2015113568

5/25/2018

Note to File

2:34 PM

The error regarding the posting of the hours of the election was the result of a clerical mistake. No evidence of criminal misconduct, and no prior or subsequent complaints against the Town of Campton on this. The file will be closed with no further action.

# Events Note to File

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██████████ (RSA 664:17- 2015113916 5/25/2018 Note to File  
Complainant- Francis 3:23 PM  
McFarland)

The statute of limitations for issuing civil penalties or pursuing criminal prosecution in connection with RSA 664:17 has now expired. RSA 664:21, VI (b). We are therefore closing our file on this matter without any further action.

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

June 8, 2018

Nancy Martin, Town Clerk  
Roberta Oeser, Selectman  
Town of Rindge  
30 Payson Hill Road  
Rindge, NH 03461

**Cease and Desist Order**

Complainant: Holly Koski, Roniele Hamilton  
Respondent: Nancy Martin, Roberta Oesar  
Subject: Warning for violation of RSA 657:24 & RSA 629:3 (relative to the process of creating new official ballots after the supply has been exhausted)

Dear Ms. Martin, Ms. Oeser:

This office received a complaint alleging that Ms. Martin, the Rindge town clerk, violated state law when, after the Town ran out of official absentee ballots, she issued copies of the ballots to voters without first initialing or signing them. It was further alleged that because the absentee ballot copies that lacked the clerk's endorsement, they should have been rejected by the moderator on the day of the election. Another complaint alleged that Ms. Oeser, a selectman and candidate appearing on the ballot for re-election, was improperly photocopying blank absentee ballots on March 12, 2018 at the town offices. Our office investigated.

Ms. Martin stated that on March 12, 2018, the day before the town election, she ran out of official absentee ballots due to an unexpectedly high volume of requests. Ms. Martin indicated that this was the first time that she had ever encountered this circumstance. She assigned three individuals, including Ms. Oeser, to assist her with copying blank absentee ballot materials, so that she could continue to attend to her duties as clerk.

The town clerk is responsible for preparing and issuing absentee ballot materials "in such quantities as [she] may deem necessary." RSA 669:27. New Hampshire law provides that "[i]f the supply of ballots shall become exhausted before the closing of the polls, it shall be the duty of the town or city clerk to cause unofficial ballots to be prepared as provided in RSA 658:35." RSA 659:24. The town clerk shall "cause unofficial ballots to be prepared, as far as possible, in

form of the official ballots" (RSA 658:35) and the ballots must contain her "official endorsement" (RSA 659:24). In such circumstances, town election officials are directed to adhere to the following procedure:

Photocopies should be made of an unused official ballot. Each photocopy ballot should be authenticated by the clerk or designee by signing his or her name or initials prior to being issued to the voter, to distinguish any such unofficial ballots from fraudulently created ballots. RSA 659:24. Keep an accurate record of the number of unofficial ballots created and the number put into use as election day ballots.

N.H. Election Procedure Manual, § X, p. 104 (2016-2017). Ms. Martin admitted that she failed to endorse each absentee ballot copy before issuing them to approximately eighty-eight (88) voters. Although Ms. Martin kept a record of how many completed ballots were returned, she did not keep an adequate record detailing how many copies of absentee ballots were created. Based on the foregoing, we have concluded that Ms. Martin's actions failed to adhere to the State's guidance as outlined in the NH Election Procedure Manual and that she violated RSA 659:24 and RSA 658:35.

Despite this error, Ms. Hamilton's assertion in her complaint that these ballots should have been rejected on election day is incorrect. *See* RSA 659:24 ("No ballot without the official endorsement shall be allowed to be deposited in the ballot box.") The purpose of this prohibition under RSA 659:24 is to permit the rejection of fraudulently copied ballots, while allowing copies that were genuinely issued by the clerk. If Ms. Martin had followed the outlined procedure, any ballot that did not contain the clerk's original endorsement could have been fraudulently created and, therefore, subject to rejection. This bar, however, does not apply in this instance where every copied absentee ballot issued by the clerk contained the same technical defect.

The New Hampshire Supreme Court has concluded that "[s]tatutes regulating the form of ballots are generally regarded as directory rather than mandatory." *Opinion of Justices*, 114 N.H. 711, 713, (1974); quoting *Keene v. Gerry's Cash Mkt., Inc.*, 113 N.H. 165 (1973). Such statutes "provide a convenient and uniform method for voting, but should not be applied to disenfranchise voters because of technical irregularities." *Id.* (emphasis added). In this instance, an election official's error cannot serve as the basis to invalidate an otherwise qualified voter's ballot. Therefore, the Town properly accepted and counted the absentee ballots, despite the technical error by the town clerk.

As for Ms. Oeser's actions, she explained that she traveled to Town Hall on March 12, 2018, in order to speak with Ms. Martin. Once there, Ms. Martin requested Ms. Oeser's help in copying the absentee ballots because the office was overwhelmed with absentee voters. Ms. Oeser appeared on the ballot as an uncontested candidate for selectman.

The town clerk is required to prepare official ballots, absentee voting materials, and to deliver the same in sealed boxes to the polling location on election day. RSA 669:23; RSA 669:27; RSA 658:30. By contrast, selectmen do not have any duties relating to handling or

issuing absentee or unmarked ballots. See RSA 658:1, RSA 669:2; RSA 658:9. Selectmen participate in the tabulation of election results after the polls have closed. 658:60. If a selectman appears on the ballot as a candidate for office, she "shall disqualify [herself] from election duties relating to the tabulation of votes." 659:58.

There is no express prohibition against Ms. Oesar's conduct under these circumstances. However, since Ms. Oesar appeared on the ballot as a candidate, she could not have handled marked ballots. 659:58. For the same reasons that underpin this law, a selectman appearing on the ballot should avoid handling and copying unmarked ballots, even if under the direction of the town clerk, in order to avoid the appearance of impropriety. The best safeguard to avoid any such appearance in this instance would have been for the clerk to sign or initial the copies of absentee ballots prior to issuing them. In that way, any fraudulently copied ballots that were placed into circulation would have been easily detected at the polls.

**In light of our conclusion that Ms. Martin violated RSA 659:24 & RSA 658:35 by failing to endorse copied absentee ballots, she is hereby ordered to cease and desist any and all activities which violate these provisions in the future.** Please be advised that continued failure to comply with our State's election laws may result in this Office taking action by pursuing criminal prosecution, civil penalties, or seeking removal from office.

Sincerely,



Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

CC: Holly Koski, Roniele Hamilton

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

May 29, 2018

Wendy Miller  
Via Email to:

[REDACTED]

Re:

[REDACTED]

RSA: 659:35

Dear Ms. Miller:

The Attorney General's Office has reviewed your complaint dated March 17, 2015, regarding [REDACTED] publishing a picture of his completed ballot. Pursuant to *Rideout v. Gardner*, 838 F.3d 65 (1<sup>st</sup> Cir. 2016), RSA 659:35 was ruled unconstitutional. Because Mr. [REDACTED] alleged conduct is similar to the issue addressed in *Rideout*, we are unable to pursue criminal or civil penalties in connection with this complaint. Accordingly, our file will be closed.

Sincerely,

A handwritten signature in black ink, appearing to read "MTB", written over a white background.

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650

000008

THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
SUPERIOR COURT

Merrimack Superior Court  
163 North Main St./PO Box 2880  
Concord NH 03302-2880

Telephone: 1-855-212-1234  
TTY/TDD Relay: (800) 735-2964  
<http://www.courts.state.nh.us>

RETURN FROM SUPERIOR COURT – HOUSE OF CORRECTIONS

Case Name: State v. Carl Gibson  
Case Number: 217-2015-CR-00625

Name: Carl Gibson

Charging document: Complaint

Offense: Forgery - misdemeanor      Charge ID: 1504277C      RSA: 638:1      Date of Offense: May 14, 2015  
Disposition: Guilty/Chargeable By: Plea

A finding of GUILTY/CHARGEABLE is entered.

Conviction: Misdemeanor

Sentence: see attached

June 08, 2018

Date

Hon. Richard B. McNamara

Presiding Justice

Tracy A. Uhrin

Clerk of Court

MITTIMUS

In accordance with this sentence, the Sheriff is ordered to deliver the defendant to the Merrimack County House of Corrections. Said institution is required to receive the Defendant and detain him/her until the Term of Confinement has expired or s/he is otherwise discharged by due course of law.

Attest: \_\_\_\_\_

Clerk of Court

SHERIFF'S RETURN

I DELIVERED THE DEFENDANT TO THE Merrimack County House of Corrections and gave a copy of this order to the Superintendent.

\_\_\_\_\_

Date

\_\_\_\_\_

Sheriff

J-ONE:  State Police     DMV

C:  Dept. of Corrections     Offender Records     Sheriff     Office of Cost Containment  
 Prosecutor James C. Vara, ESQ     Defendant     Defense Attorney Michael J. Iacopino, ESQ  
 Sex Offender Registry     Other \_\_\_\_\_     \_\_\_\_\_ Dist Div. \_\_\_\_\_

THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
SUPERIOR COURT

Merrimack Superior Court  
163 North Main St/PO Box 2880  
Concord NH 03302-2880

Telephone: 1-855-212-1234  
TTY/TDD Relay: (800) 735-2964  
<http://www.courts.state.nh.us>

RETURN FROM SUPERIOR COURT

Case Name: **State v. Carl Gibson**  
Case Number: **217-2015-CR-00625**

Name: Carl Gibson, [REDACTED]  
[REDACTED]

Charging document: Indictment

Offense:	Charge ID:	RSA:	Date of Offense:
Bribing; Intimidation; Suppression	1082424C	659:40	May 14, 2015
Bribing Voter Suppression	1143866C	659:40,III	May 14, 2015

Disposition: Nolle Pros

Date: June 08, 2018

Action taken: By Prosecutor

**nolle pros pursuant to plea deal**

Matthew Broadhead, Esq

J-ONE:  State Police  DMV

C:  Dept. of Corrections  Offender Records  Sheriff  Office of Cost Containment  
 Prosecutor James C. Vara, ESQ  Defendant  Defense Attorney Michael J. Iacopino, ESQ  
 Other \_\_\_\_\_  \_\_\_\_\_ Dist Div. \_\_\_\_\_



THE STATE OF NEW HAMPSHIRE  
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RETURN FROM SUPERIOR COURT

Case Name: **State v. Carl Gibson**  
Case Number: **217-2015-CR-00625**

Name: **Carl Gibson,** [REDACTED]  
[REDACTED]

Charging document: Complaint

<b>Offense:</b> False Documents, Names or Endorsement	<b>Charge ID:</b> 1147598C	<b>RSA:</b> 666:6	<b>Date of Offense:</b> May 14, 2015
---	-------------------------------	----------------------	---

Disposition: Nolle Pros

Date: June 08, 2018

Action taken: By Prosecutor

**Nolle pros pursuant to plea deal**

Matthew Broadhead, Esq

J-ONE:  State Police  DMV

C:  Dept. of Corrections  Offender Records  Sheriff  Office of Cost Containment  
 Prosecutor James C. Vara, ESQ  Defendant  Defense Attorney Michael J. Iacopino, ESQ  
 Other \_\_\_\_\_  \_\_\_\_\_ Dist Div. \_\_\_\_\_

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

*6/8/15  
note Gibson's  
pursuant to  
plea deal  
AMPS*

MERRIMACK, SS.

OCTOBER 2015 TERM

At the Superior Court, holden at Concord, within and for the County of Merrimack aforesaid,  
on the 16th day of October in the year of our Lord two thousand and fifteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon oath, present that

Carl R. Gibson



of Concord, in the County of Merrimack, on or about the fourteenth day of May in the year  
of our Lord two thousand and fifteen at Concord in the County of Merrimack aforesaid, with  
force and arms, did commit the crime of

*Attempted Suppression*  
RSA 629:1; RSA 659:40, III (b)

Carl R. Gibson did, with the purpose that a crime of voter suppression be committed, issue a  
fraudulent press release purporting to be from New Hampshire House of Representatives  
Candidate Yvonne Dean-Bailey, alleging that Yvonne Dean-Bailey was dropping out of the  
special election in Rockingham District 32, which he knew to be false, this act constituted a  
substantial step toward the commission of the crime of voter suppression, in violation RSA  
659:40, III (b), in that he was attempting to induce another person(s), namely the voters of  
Rockingham District 32, to refrain from registering to vote or from voting by providing  
information that he knew to be false or misleading.

contrary to the form of the Statute, in such case made and provided, and against the peace  
and dignity of the State.

*Stephen G. LaBonte*

Stephen G. LaBonte  
Assistant Attorney General

2015  
OCT 16 PM 1 17  
SUPERIOR COURT

029170

This is a true bill.

*[Signature]* *[Signature]*

Foreperson

Name: Carl R. Gibson



RSA: RSA 629:1, Class B Felony

MC90 #217 15 CR 625  
CHG ID# 443866

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

6/8/16  
note  
presumptive  
for deal  
MWB

MERRIMACK, SS.

OCTOBER 2015 TERM

At the Superior Court, holden at Concord, within and for the County of Merrimack aforesaid, on the 16th day of October in the year of our Lord two thousand and fifteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon oath, present that

Carl R. Gibson



of Concord, in the County of Merrimack, on or about the fourteenth day of May in the year of our Lord two thousand and fifteen at Concord in the County of Merrimack aforesaid, with force and arms, did commit the crime of

*Suppression*  
RSA 659:40, III (c)

Carl R. Gibson did, attempt to induce another person(s), namely the voters of Rockingham District 32, to refrain from registering to vote or from voting at the proper place or time by providing information that he knew to be false or misleading about the manner of an election; in that Carl R. Gibson knowingly released a fraudulent email issued as a press release purporting to be from New Hampshire House of Representatives Candidate Yvonne Dean-Bailey. The press release alleged that Yvonne Dean-Bailey was dropping out of the special election in Rockingham District 32, which he knew to be false, thereby leaving the impression that the manner of the election was uncontested.

contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.

Stephen G. LaBonte  
Assistant Attorney General

This is a true bill.

Foreperson

Name: Carl R. Gibson



RSA: RSA 659:40, III (c), Class B Felony

MCSC #217 15 CR 625  
CHG ID# 1082424

2015 OCT 16 PM 1 17

SUPERIOR COURT

029170

000013

029170

THE STATE OF NEW HAMPSHIRE

MERRIMACK SUPERIOR COURT

RSA 638:1, I (b)

2015 OCT 23 PM 3 55

*6/6/15  
note prosec  
pursuant to plea deal  
MBS*

INFORMATION

To the Superior Court holden at Concord, within and for the County of Merrimack aforesaid, on the 23rd day of October in the year of our Lord two thousand and fifteen, comes now the Attorney General in the name and on behalf of the State of New Hampshire upon information and complains that

Carl R. Gibson



of Concord in the County of Merrimack aforesaid on or about the 14<sup>th</sup> day of May, two thousand and fifteen did commit the crime of False Documents, Names or Endorsements, contrary RSA 666:6, in that

Without authority, Carl R. Gibson did, by false representation assign the name of another person to a means of communication for the purpose of influencing votes, in that Carl R. Gibson emailed a press release to the media, which falsely purported to be issued by Yvonne Dean-Bailey, stating that Ms. Dean-Bailey was dropping out of the upcoming special election for the New Hampshire House of Representatives, and did so for the purpose of influencing votes

against the peace and dignity of the State.

Stephen G. LaBonte  
Assistant Attorney General

Class A Misdemeanor

MCSC #217 2015 OR 625  
CHG ID# 1147598C

AFFIDAVIT OF PAUL E. BRODEUR

Under oath, I certify that

I, Paul E. Brodeur, have formerly been employed as an investigator with the New Hampshire Department of Justice.

I was working in this capacity on May 21, 2015, when Carl R. Gibson ( [REDACTED] ) was placed under arrest for the offense of False Documents, Names or Endorsement contrary to RSA 666:6.

The attached document is a true and accurate copy of the original Notice of Intent to Seek Class A Misdemeanor Penalties, signed by me and served in hand on Carl R. Gibson upon his arrest;

Dated: 10/17/15

Signed under the pains and penalties of perjury,

Paul E Brodeur

Signature of Affiant

PAUL E BRODEUR

Print Name of Affiant

State of NEW HAMPSHIRE

(County) of HILLSBOROUGH

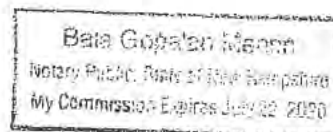
This instrument was acknowledged and signed and sworn to (or affirmed) before me on 10-17-2015 by PAUL E BRODEUR

Paul G. Mun

(Signature of notary public, justice of the peace, or other officer authorized to perform notarial acts)

Title:

My commission expires:



**THE STATE OF NEW HAMPSHIRE**  
**JUDICIAL BRANCH**  
 http://www.courts.state.nh.us

Court Name: Merrimack Superior Court

Case Name: State v. Carl Gibson

Case Number: 217-2015-CR-00625  
 (if known)

Charge ID Number: 1504277C

**HOUSE OF CORRECTIONS SENTENCE**

Plea/Verdict: <b>Guilty</b>	Clerk: <b>Tracy A. Uhrin</b>
Crime: <b>Forgery, RSA 638:1 (b)</b>	Date of Crime: <b>05/14/2015</b>
Monitor: <u>K Fleck</u>	Judge: <b>Hon. Richard B. McNamara</b>

A finding of GUILTY/TRUE is entered.

This conviction is for a  Felony  Misdemeanor  Violation of Probation

- The defendant has been convicted of Domestic Violence contrary to RSA 631:2-b or of an offense recorded as Domestic Violence. See attached Domestic Violence Sentencing Addendum.
- The defendant has been convicted of a misdemeanor, other than RSA 631:2-b or an offense recorded as Domestic Violence, which includes as an element of the offense, the use or attempted use of physical force or threatened use of a deadly weapon, and the defendant's relationship to the victim is:
- (1) Current or former spouse  (2) Parent  (3) Guardian  (4) Child in common  
 OR Cohabiting or cohabited with victim as a  (5) spouse  (6) parent  (7) guardian  
 OR A person similarly situated to  (8) spouse  (9) parent  (10) guardian

1. The defendant is sentenced to the House of Corrections for a period of \_\_\_\_\_

2. This sentence is to be served as follows:

- Stand committed  Commencing \_\_\_\_\_
- Consecutive weekends from \_\_\_\_\_ PM Friday to \_\_\_\_\_ PM Sunday beginning \_\_\_\_\_
- \_\_\_\_\_ of the sentence is suspended during good behavior and compliance with all terms and conditions of this order. Any suspended sentence may be imposed after hearing at the request of the State. The suspended sentence begins today and ends \_\_\_\_\_ years from  today or  release on \_\_\_\_\_.
- (Charge ID Number)

\_\_\_\_\_ of the sentence is deferred for a period of \_\_\_\_\_.

The Court retains jurisdiction up to and after the deferred period to impose or terminate the sentence or to suspend or further defer the sentence for an additional period of \_\_\_\_\_.

Thirty (30) days prior to the expiration of the deferred period, the defendant may petition the Court to show cause why the deferred commitment should not be imposed. Failure to petition within the prescribed time will result in the immediate issuance of a warrant for the defendant's arrest.

Other: \_\_\_\_\_

3. The sentence is  consecutive to \_\_\_\_\_  
 (Charge ID Number)

concurrent with \_\_\_\_\_  
 (Charge ID Number)

4. Pretrial confinement credit: \_\_\_\_\_ days.

5. The court recommends to the county correctional authority:
- Work release consistent with administrative regulations.
- Drug and alcohol treatment and counseling.
- Sexual offender program.
- \_\_\_\_\_

If required by statute or Department of Corrections policies and procedures, the defendant shall provide a sample for DNA analysis.

THE STATE OF NEW HAMPSHIRE

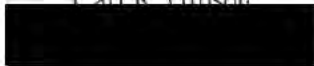
MERRIMACK, SS.

RSA 638:1, 1 (b)  
JUNE TERM 2018

INFORMATION

To the Superior Court holden at Concord, within and for the County of Merrimack aforesaid, on the 6<sup>th</sup> day of June in the year of our Lord two thousand and eighteen, comes now the Attorney General in the name and on behalf of the State of New Hampshire upon information and complains that

Carl R. Gibson



of Concord in the County of Merrimack aforesaid on or about the 14<sup>th</sup> day of May, two thousand and fifteen did commit the crime of Forgery, contrary RSA 638:1, 1 (b), in that

Carl R. Gibson did, with a purpose to defraud others, make, complete, execute, issue or publish a writing so that it purported to be the act of another, in that Carl R. Gibson, emailed a press release to the media, which falsely purported to be issued by Yvonne Dean-Bailey, and falsely stating that Ms. Dean-Bailey was dropping out of the upcoming special election for the New Hampshire House of Representatives

against the peace and dignity of the State.

*Plea: Guilty  
Date: 6-8-18  
Judge: RB McNamara  
Dep Clerk: K Frazier  
Monitor: L Mitchell*

Matthew T. Broadhead  
Assistant Attorney General

Class B Misdemeanor

*(44)*

MOSC #217 15 CR 605  
CHG ID# 1504277C

Case Name: State v. Carl Gibson

Case Number: 217-2015-CR-00625

HOUSE OF CORRECTIONS SENTENCE

**PROBATION**

- 6. The defendant is placed on probation for a period of \_\_\_\_\_ year(s), upon the usual terms of probation and any special terms of probation determined by the probation/parole officer.  
Effective:       Forthwith       Upon Release \_\_\_\_\_  
The defendant is ordered to report immediately to the nearest Probation/Parole Field Office.
- 7. Subject to the provisions of RSA 504-A:4, III, the probation/parole officer is granted the authority to impose a jail sentence of 1 to 7 days in response to a violation of a condition of probation, not to exceed a total of 30 days during the probationary period.
- 8. Violation of probation or any of the terms of this sentence may result in revocation of probation and imposition of any sentence within the legal limits for the underlying offense.

**OTHER CONDITIONS**

- 9. Other conditions of this sentence are:
  - A. The defendant is fined \$ 1,200.00, plus statutory penalty assessment of \$ 288.00
    - The fine, penalty assessment and any fees shall be paid:  Now       By \_\_\_\_\_ OR
    - Through the Department of Corrections as directed by the Probation/Parole Officer. A 10 % service charge is assessed for the collection of fines and fees, other than supervision fees.
    - \$ \_\_\_\_\_ of the fine and \$ \_\_\_\_\_ of the penalty assessment is suspended for \_\_\_\_ year(s).  
A \$25.00 fee is assessed in each case file when a fine is paid on a date later than sentencing.
  - B. The defendant is ordered to make restitution of \$ \_\_\_\_\_ to \_\_\_\_\_
    - Through the Department of Corrections as directed by the Probation/Parole Officer. A 17% administrative fee is assessed for the collection of restitution.
    - At the request of the defendant or the Department of Corrections, a hearing may be scheduled on the amount or method of payment of restitution.
    - Restitution is not ordered because: \_\_\_\_\_
  - C. The defendant is to participate meaningfully and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer.
  - D. The defendant's  license       privilege to operate in New Hampshire is revoked for a period of \_\_\_\_\_ effective \_\_\_\_\_
  - E. Under the direction of the Probation/Parole Officer, the defendant shall tour the  
 New Hampshire State Prison       House of Corrections
  - F. The defendant shall perform \_\_\_\_\_ hours of community service and provide proof to  
 the State or  probation within \_\_\_\_\_ of today's date.
  - G. The defendant is ordered to have no contact with \_\_\_\_\_  
either directly or indirectly, including but not limited to contact in-person, by mail, phone, e-mail, text message, social networking sites and/or third parties.
  - H. Law enforcement agencies may  destroy the evidence  return evidence to its rightful owner.
  - I. The defendant is ordered to be of good behavior and comply with all the terms of this sentence.
  - J. Other: \_\_\_\_\_

6/8/14

Date

Carol B. McSweeney  
Presiding Justice



**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

June 8, 2018

Nancy Martin, Town Clerk  
Roberta Oeser, Selectman  
Charlie Eicher, Moderator  
Daniel Anair, Chief of Police  
Town of Rindge  
30 Payson Hill Road  
Rindge, NH 03461

Complainants: Holly Koski, Roniele Hamilton  
Respondents: Nancy Martin, Roberta Oeser, Charlie Eicher, Daniel Anair  
Subject: Alleged violations of RSA 657:24; RSA 629:3 (soliciting others to unlawfully obtain absentee ballots); and RSA 666:2, I (knowingly receiving an illegal vote)

Dear Ms. Martin, Ms. Oeser, Mr. Eicher, Chief Anair:

This Office received several complaints about certain statements made by each of you regarding the availability of absentee ballots prior to the March 13, 2018, town election. For the following reasons, we have concluded that your statements did not violate the law.

In the days leading up to the election, the National Weather Service issued Winter Storm and Blizzard Warnings for nearly the entire State. The weather forecasts projected statewide snow accumulation of up to eighteen (18) inches. On March 6 and March 12, 2018, this Office issued statements informing local election officials that New Hampshire law does not authorize the postponement of elections.

On March 11, 2018, two days before the election, Ms. Oeser sent a text message to an unknown number of recipients which stated: "[w]ith another large snow storm forecast for Tuesday, you can still get an absentee ballot tomorrow at the town office. Please make sure you help any elderly or those hesitant to get out in bad weather to go to the town office to vote!" The same day, Mr. Eicher, the moderator for the Town of Rindge, posted the following on Facebook: "If you know of anyone who is concerned about being able to get to the polls Tuesday because of snow, please remind them that there is still time to file an absentee ballot on Monday." On March 12, 2018, the town clerk, Ms. Martin, posted the following message on the "Town of Rindge" Facebook account: "NOTICE!! Due to inclement weather for Tuesday, March 13<sup>th</sup>, you

**000019**

may stop by the town clerk's Office today [...] to get an absentee ballot. You must be a registered voter." In another post on Facebook, Rindge Police Chief Anair posted the following message on March 12, 2018: "If you are worried about getting out and about tomorrow, please file an absentee ballot today. Please allow yourself some extra time tomorrow."

Although these statements are vague and imprudent because they could have caused confusion among voters, they do not constitute criminal misconduct for the following reasons.

Upon arriving at Town Hall, voters requesting absentee ballots were directed by the town clerk to complete the state-issued absentee ballot request form. On the form, the absentee voter is required to select one of the four lawful reasons that an individual may request an absentee ballot: (1) anticipated absence on election day; (2) observance of a religious commitment; (3) inability to vote in person due to a disability; and (4) an employment obligation that prevents a person from being able to appear at the polls in person on election day. RSA 657:1 & 4. The form contains the following statement in bold and conspicuous font: "Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor." RSA 657:4. As this office has previously concluded, because voters were directed to complete the state-issued absentee ballot request form, "the onus [is placed] on the individual voter to decide whether he or she qualifies for an absentee ballot." *See AG letter to Raymond Buckley, re: Hon. Theodore Gatsas* (December 7, 2017).

Under the law in effect at the time, the mere possibility of a blizzard was not, by itself, a lawful reason to request an absentee ballot. However, a winter weather event may be a factor in determining whether a voter will be absent from town, unable to travel to the polls because of a disability, or unable to "appear at any time during polling hours ... because of an employment obligation." The term "employment" includes "the care of children and infirm adults, with or without compensation." RSA 657:1.

RSA 657:24 provides, in pertinent part, that "[a]nyone who votes or attempts to vote [by absentee ballot] who is not entitled to vote by absentee ballot...shall be guilty of a misdemeanor." Further, a person who conspires with another to violate this law may be guilty of a misdemeanor. RSA 629:3. To reach the level of criminal conspiracy, one must engage in an overt act to conspire with or solicit someone to vote by absentee ballot for a reason that is unlawful. It is also a misdemeanor for a selectman, town clerk, or moderator to "knowingly receive ... any illegal vote." RSA 666:2, I

None of the statements issued by the town officials above constitute an overt act to conspire with or solicit someone to vote unlawfully. Further, we have received no credible evidence that any voter unlawfully obtained an absentee ballot or cast an illegal vote during the Rindge town election on March 13, 2018. Further, there is no evidence that any of the voters who voted by absentee ballot on March 12, 2018, did so as a result of any of the above messages, rather than arriving at Town Hall on their own volition. As such, there is no evidence of any that RSA 657:24, RSA 629:3, or RSA 666:2 were violated.

In order to avoid any future complaints or investigations into potential misconduct, this office advises that town officials should, in any communication about the availability of absentee

Town of Rindge  
Page 3 of 3

ballots, include a reference to the actual text of the statute or, at a minimum, indicate the lawful reasons that a voter may request an absentee ballot. This office will not be taking any further action on this complaint and our file will now be closed.

Sincerely,

A handwritten signature in black ink, appearing to read 'MTB', with a stylized flourish at the end.

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

CC: Holly Koski  
Roniele Hamilton

**000021**

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

Matter #	Case Name	Investigator	Report Date
2018132331	Prospect Mountain Teachers Association and Prospect Mountain High School	Richard C. Tracy	June 19, 2018

On June 14, 2018 I spoke with State Representative Barbara COMTOIS regarding unlawful political signs that had been posted in Barnstead asking the voters of Barnstead to vote "yes" for the teachers' contract.

State Representative Barbara COMTOIS  
107 White Oak Road,  
Center Barnstead, NH 03225-3087  
H# (603) 635-3188, C# (603) 833-8897 or W# (603) 882-6777

REP COMTOIS contacted the Attorney General's Office to report that two organizations in town posted unlawful political advertisement signs that did not contain the proper language. REP COMTOIS reported that the signs did not contain the name of the organization or individual who was responsible for the signs nor did it have an address or contact information.

REP COMTOIS reported that there are two sets of signs in town that were encouraging voters to vote "Yes" for the new teachers' contract. One set was blue and white and the other set was red & yellow. REP COMTOIS did not know who was responsible for placing the signs on route 28 and other roads in town. REP COMTOIS suspects that it might be the teachers association. REP COMTOIS stated there are signs posted that encourage voters to vote "No" on the teachers' contract however REP COMTOIS believes that the vote no signs contain the proper language. I asked REP COMTOIS if she knew how to get in touch with the Barnstead Teachers Association (BTA). REP COMTOIS replied that she did not, but did know someone in town who she could obtain that information from and get back to me with it. I did not hear back from REP COMTOIS.

On June 15, 2018 I attempted to speak with Barnstead Police Chief Paul POIRIER, when I learned that he was traveling out of State for his daughter's wedding. Chief POIRIER advised me to contact the PD directly and ask for his assistant TRISH. I was able to make contact with TRISH, who informed me that the PD had received complaints regarding the unlawful signs. TRISH stated that she had received a photo of one of the signs from one of the Mount Prospect Teacher Association (MPTA) members, Andrea CARUSO. The photo reportedly depicts that the MPTA took corrective action to add the required information to the sign. I viewed the photo that shows the following message added to the sign "Paid for by MPTA" it does not have an address or website.

On June 15, 2018 I spoke with DEBBIE, the SAU 86 Administrative Assistant (603) 435-1510. I asked Debbie if she could help me with obtaining contact information for the MPTA and BTA.

Page	1	of	2	pages	SIGNED		DATE	6-19-18
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**000022**

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

Matter #	Case Name	Investigator	Report Date
2018132331	Prospect Mountain Teachers Association and Prospect Mountain High School	Richard C. Tracy	June 19, 2018

DEBBIE wasn't able to give me the information I was seeking however she advised me that she would inquire and get back to me.

A short time later I received a call from the Barnstead Elementary Principal, Tim RICE, (603) 269-5161 ext. 301, who advised me that the MPTA is responsible for the blue & white vote "YES" signs and that a small group of parents are responsible for the red & white vote "YES" signs. I explained the law to PRINCIPAL RICE, who told me that he would contact both groups and explain the steps they needed to take to make the signs legal. I pointed out that just adding "Paid for by MPTA" is not sufficient that they need to add an address and or website to the sign.

During the course of the investigation I learned that the vote "NO" signs did not contain an address or website. The sign did contain the following information, "Paid for by Kris Furtney and Brett Tiede". (See attached photo)

On June 15, 2018 I followed up with REP COMTOIS, I told her that PRINCIPAL RICE was taking steps to notify the MPTA and Barnstead parents loosely organized group of the information that is needed to make the signs lawful. I pointed out and explained to REP COMTOIS that the vote "NO" signs were not lawful. REP COMTOIS told me that she would reach out to the vote "NO" group and explain to them that they need to add an address or website to the sign to make them lawful.

During the course of my conversations with PRINCIPAL RICE and REP COMTOIS, they both stated that they had received reports that signs were reportedly removed from their posted location and were now missing. I explained that as of this time I did not remove nor did I order the removal of any signs. I suggested that if signs are missing they should suggest to the respective organizations that they report their loss to the local police department. In addition, I contacted TRISH at the police department when I explained to Trish that I did not remove nor did I order the removal of any signs. I later spoke with Officer Ryan with the Barnstead Police Department. I pointed out the two RSA's that pertain to this matter, RSA 664:14 Signature, Identification and Lack of Authorization and RSA 664:17 Placement and Removal of Political Advertising. Officer Ryan stated that he had a report on file regarding this matter.

On June 19 I requested a copy of Officer Ryan's police report.

*Per Report, no further action needed*  
-MOTB

Page 2 of 2 pages	SIGNED 	DATE 6-19-18
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**000023**

# Events Note to File

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John Doe, Plymouth, NH -  
Wrongful Voting

2018131672 6/25/2018 Note to File  
2:28 PM

The secretary of state mailed an address verification letter to [REDACTED] of [REDACTED] in [REDACTED] which was returned as undeliverable. Investigator Tracy spoke with the landlord of the unit, who recalled leasing the apartment to someone with a similar name. Reviewing the registration form revealed that the voter's name was spelled incorrectly in ElectionNet. The correct spelling was "[REDACTED]" not "[REDACTED]." The voter's domicile was verified and the matter will be closed.

ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

June 25, 2018

Eaton W. Tarbell, III, Esq.  
Tarbell & Brodich, PA  
45 Centre Street  
Concord, NH 03301

Complainants: Jean Liepold  
Respondent: [REDACTED]  
Subject: Alleged violations of RSA 659:34 (wrongful voting)

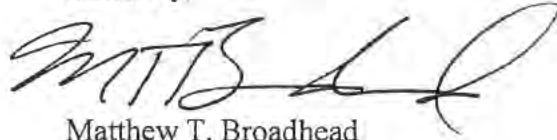
Dear Attorney Tarbell:

I write in reference to your client, [REDACTED], who is the subject of a complaint we received on September 19, 2017. The complaint alleged that Mr. [REDACTED] voted using the address of [REDACTED] during the November 8, 2016 General Election despite not having lived at that address since 2012. Richard Tracy, the Chief Investigator at the Department of Justice, conducted an investigation.

Penny Palmer, Deputy Clerk for the Town of Grantham, confirmed that [REDACTED] voted in town from 2012 through 2016. He did not vote in any other town during this time period. On the General Election checklist for November 8, 2016, [REDACTED] is marked as having voted in person and his address was listed as [REDACTED]. In connection with this investigation, Investigator Tracy interviewed [REDACTED], who is the owner property located at [REDACTED]. Mr. [REDACTED] confirmed that he leased this property to Mr. [REDACTED] from July 1, 2013 through mid-December 2016. There is no evidence that Mr. [REDACTED] maintained any other physical address other than his [REDACTED] address in November 2016.

Mr. [REDACTED]'s physical presence in Grantham and his voting history all lead to the conclusion that he was domiciled in Grantham during the 2016 General Election. As such, Mr. [REDACTED] did not violate RSA 650:34, I (e) because he was domiciled in and qualified to vote in Grantham. We note that pursuant to RSA 659:34, I (f), it is unlawful for a voter to provide false information to the supervisor of the checklist when checking in to vote. Here, however, there is insufficient evidence to support a finding that Mr. [REDACTED] provided any false statement. We cannot exclude the possibility that his address was not changed on the checklist as a result of an election-official error. Therefore, we are closing our file without any further action. If you have any additional questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'MTB' followed by a stylized flourish.

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

CC: Jean Liepold (via electronic mail)



THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.  
SOUTHERN DISTRICT

SUPERIOR COURT  
226-2018-CV-176

ELIZA LeCOURS

v.

ANDREW MASON, ET AL

ORDER ON MOTION TO DISMISS

The plaintiff, Eliza LeCours, filed a complaint with the Court on April 9, 2018. (See Court Index #1). In this complaint, the plaintiff made the following requests for relief:

“Requesting to file an appeal to the Superior Court to have them authorize the Secretary of State to do an official recount of the Article 1 ballots on the Hollis-Brookline Cooperative School District’s Annual Meeting... Approve an appeal so that the Secretary of State of New Hampshire performs an official recount of the Article 1 ballots to include the “spoiled” ballots, thereby respecting voter intent.”

In response to this complaint, the defendants, the Hollis-Brookline Cooperative School District (District) and Andrew Mason (Moderator) filed an Answer (Court Index #6) and a Motion to Dismiss (Court Index #7). A hearing on the merits, as well as the Defendant’s Motion to Dismiss, was held on June 1, 2018. After considering the applicable law, the offers of proof, and the arguments of counsel, the Court grants the Defendants’ Motion to Dismiss.

Background

The plaintiff is a resident of Hollis, New Hampshire. The Hollis-Brookline Cooperative School District is a New Hampshire school district located in Hollis, New Hampshire. The Town of Hollis is part of the Hollis-Brookline Cooperative School District.

On March 15, 2018, the school district convened its Annual Meeting. As evidenced by an extensive and exhaustive PowerPoint presentation, the Moderator explained the rules governing the operation of the meeting, the voting process, and the ballot procedures. In fact, there were 49 separate slides in the Moderator's presentation.

The Moderator also explained each warrant article to the legislative body. He gave an overview of Article 1 relating to athletic field development. This particular article sought to appropriate \$1,660,000.00 for the installation of an athletic field with an authorization to issue and negotiate bonds or notes. Pursuant to RSA 40:4-a, a vote on Article 1 was conducted by secret yes/no ballots vote for a period of approximately three hours on March 15, 2018 and March 16, 2018. The vote was announced by the Moderator at about 2:00 a.m. on March 16, 2018. The vote carried with 537 yes votes and 264 no votes. The Moderator also announced that there were 10 spoiled ballots that were not counted as part of the vote. A recount was requested by numerous citizens and scheduled for March 22, 2018 at a reconvened session of the school district annual meeting.

At this particular meeting, the Moderator went over the process for conducting a recount. He appointed a group of registered voters to conduct the recount in a designated area and ordered a recount of Article 1. As a result of this vote, the article did not receive approval from the legislative body. The Moderator asked the counters and observers to explain to the legislative body the recounting process. It was at this point that the counters indicated that their mission was to determine voters' intent. A heated discussion ensued between the legislative body and the Moderator. District

legal counsel was also involved in this exchange.<sup>1</sup> A voter motion to overrule the Moderator's ruling regarding the recount process was made and the Moderator requested that the legislative body vote for one of the following procedures for conducting the second recount:

1. Change the meeting rules to allow for a determination of voter intent; or
2. Keep the meeting rules in place providing that any torn or unmarked ballots will not be counted.

The motion to overrule the Moderator and keep the meeting rules in place was adopted by nearly 75% of the voters present (323-109).

A second recount was then conducted by the Moderator. This recount resulted in the Article being approved by the legislative body by a vote of 535 to 266. At some point in the meeting, a voter moved to reconsider the Article 1 recount vote. This motion to reconsider failed at the meeting. The annual meeting was continued for two future dates. No further action was taken at the meeting as it relates to Article 1. The annual meeting concluded on April 3, 2018.

#### Legal Analysis

When ruling on a Motion to Dismiss, the Court must discern whether the allegations stated in the plaintiff's complaint "are reasonably susceptible of a construction that would permit recovery." Plourde Sand & Gravel Co. v. JGI E., Inc., 154 N.H. 791, 793 (2007) (quotation omitted). The Court should "assume all facts pled in the plaintiff's writ are true, and . . . construe all reasonable inferences drawn from

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<sup>1</sup>District Counsel received advice from the Attorney General's office on determining voter intent. See Exhibit 1. The plaintiff admits that RSA 659:34 "may not apply." (Objection at 2).

those facts in the plaintiff's favor." Id. (quotation omitted). But, the Court need not "assume the truth of statements . . . that are merely conclusions of law." Gen. Insulation Co. v. Eckman Constr., 159 N.H. 601, 611 (2010). The plaintiff must support his legal conclusions and claims with "predicate facts." Id. at 612. The Court should test these facts against the applicable law and deny the Motion to Dismiss "[i]f the facts as alleged would constitute a basis for legal relief." Berry v. Watchtower Bible & Tract Soc'y. Of N.Y., Inc., 152 N.H. 407, 410 (2005); Starr v. Governor, 148 N.H. 72, 73 (2002). "In conducting this inquiry, [the Court] may also consider documents attached to the plaintiff's pleadings, documents the authenticity of which are not disputed by the parties, official public records, or documents sufficiently referred to in the writ." Ojo v. Lorenzo, 164 N.H. 717, 721 (2013) (quotation, internal quotation marks, ellipses and brackets omitted).

The plaintiff requests that this Court order the Secretary of State to conduct an "official recount" of the second recount conducted on March 22, 2018 at the school district annual meeting. Under New Hampshire law, school districts are required to comply with RSA 33:8 for any bonds exceeding \$100,000.00. These type of bonds require a 2/3 ballot vote of all voters present and voting at the annual meeting. Id. Notes on warrant articles for bonds over \$100,000.00 require a secret yes/no ballot. Additionally, under RSA 40:4-a, the Moderator is obligated to conduct a recount of secret yes/no ballots upon the request of five (5) voters, provided that the vote margin is not more than 10% of the total vote cast. Importantly, a secret yes/no ballot on a bond issue at a school district annual meeting is not an "official ballot."

It is quite clear that the Secretary of State does not have the authority to conduct a recount of an Article passed at an annual school district meeting. The Secretary of State's authority is limited to State general elections where the difference in votes is less than 20% of the total votes cast. RSA 660:1. The Secretary of State does not have authority to recount the bond votes made at the March 22, 2016 annual meeting. The Motion to Dismiss is granted because the plaintiff has failed to allege facts that constitute a basis for legal relief. Berry, 152 N.H. at 410. There is not any legal or factual basis for the relief requested in the pending complaint.

The Court also rules that it does not have jurisdiction over this "appeal" of a vote on an Article passed at an annual school district meeting. The Moderator of a school district meeting has all the power and duties of a Moderator at a town meeting. RSA 197:19; See also, RSA 40:4. In essence, the Moderator is statutorily obligated to "preside in 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; but such rules may be altered by the town." RSA 40:4. The Moderator's rules as prescribed at a meeting must stand provided they are not contrary to any statute. Exeter v. Kenick, 104 N.H. 168, 171 (1962). A Moderator's rulings as to specific voting methods govern in light of the extensive statutory powers given to the moderator under RSA 40:4, unless the town itself votes to reverse the Moderator. Id.

In this case, the Moderator exercised his authority under RSA 40:4 and RSA 40:4-a, 1 (b) to conduct two recounts of the secret ballots on Article 1. Both recounts were conducted in compliance with the applicable statutes. The voters at the meeting adopted specific rules regarding the second recount. Additionally, prior to these votes,

the Moderator explained all the rules governing the meeting. The Court is not aware of any statutes that allow the second recount to be challenged outside of the annual school district meeting. From the initial vote through both recounts, the Moderator followed the rules adopted by the legislative body. A final motion to reconsider the second recount failed by a vote of the legislative body. Neither the plaintiff or any other voter challenged the recount on Article 1 during the remainder of the meeting which finally concluded on April 3, 2018.

The legislature has not set forth a process for challenging this type of recount in the Superior Court as it has done for other recounts. See RSA 40:4-c, I; RSA 40:4-d; and RSA 671:32. An appeal avenue to the Superior Court simply does not exist under RSA 40:4-a. The Motion to Dismiss is granted because there is not a statutorily authorized appeal to this Court of the recount conducted at the annual school district meeting.

Since the Court has dismissed the plaintiff's complaint for failure to state a claim, the Court will not address the standing issue raised by the defendants. There simply is not a need to address this particular issue since the Court has ruled upon the substantive grounds for the motion to dismiss.<sup>2</sup>

So ordered.

7-3-18  
Date

  
Charles S. Temple  
Presiding Justice

CST/trn

<sup>2</sup> The Court assumed standing for purposes of this Order. However, the complaint does not allege a specific injury or impairment of rights beyond her status as a resident/taxpayer. See Duncan v. State, 166 N.H. 630, 647 (2014).

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

July 12, 2018

[REDACTED]

Re: Wrongful Voting, RSA 659:34

Dear [REDACTED]

On the day of the November 8, 2016, General Election, you completed and signed a domicile voter affidavit indicating that your domicile for voting purposes was the [REDACTED] Hospital [REDACTED]. Subsequently, pursuant to RSA 654:12, V, the Department of State mailed a verification letter to that address and it was returned as "undeliverable." The Department of State referred this matter to our office for further investigation pursuant to RSA 654:12, V.

Richard Tracy, the Chief Investigator at the Department of Justice, interviewed you in connection with this matter. You acknowledged that you lived at [REDACTED] New Hampshire. [REDACTED]

You indicated that you lived in [REDACTED] prior to and after your brief admission [REDACTED]. You stated that on Election Day, at the [REDACTED] staff "made it known to the patients that they were welcome to vote [REDACTED]. Further, the staff arranged for transportation for you and other patients to a polling location in [REDACTED] where you registered to vote and completed the domicile voter affidavit. The affidavit indicated that the [REDACTED] was your domicile address. In three prior elections, the 2012 Primary and General Elections and the 2014 General Election, you voted in [REDACTED].

In New Hampshire, in order to vote in a town, ward, or unincorporated place you must be domiciled there. A "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." RSA 654:1, I (emphasis added). A resident does not lose their place of domicile during a temporary absence if they intend to return to their place of domicile. See RSA 654:2, I. The plain and ordinary meaning of the word "temporary" means "[l]asting for

a time only; existing or continuing for a limited (usually short) time.” Black’s Law Dictionary (8th ed. 2004). A “voter can only have one domicile for voting purposes.” RSA 654: 2 I.

Outside of your brief stay at [REDACTED] you have not maintained any physical presence in [REDACTED] let alone a continuous one. Other than casting a vote in [REDACTED] during the 2016 General Election, there is no evidence that you have taken any other step or manifested any intent to designate [REDACTED] more than any other place, as your location for participating in domestic, social, and civil activities relevant to democratic self-government.

As a result, we have concluded that you were domiciled in [REDACTED], not [REDACTED] during the 2016 General Election. Your presence at [REDACTED] amounted to a mere “temporary absence” since you intended to return to [REDACTED] after being discharged. Be advised that your actions could have constituted a violation of RSA 659:34, I (e) which prohibits “vot[ing] for an office or measure at an election if such person is not qualified to vote as provided in RSA 654.”

While a [REDACTED] you should have voted in [REDACTED] via absentee ballot due to your absence from town. RSA 657:1. However, Investigator Tracy noted that you did not seem to fully understand the absentee ballot process.

Due to the presence of mitigating factors including your admission to [REDACTED] the confusion caused by [REDACTED] staff, and the confusion you had about the absentee ballot process, we are not taking any further action on this matter. In the future, if you are away from your domicile during an election please review RSA 657:1 to determine if you are eligible to vote by absentee ballot. If you have any additional questions, please do not hesitate to contact me..

Sincerely,



Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit



ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

July 12, 2018

[REDACTED]

Re: Wrongful Voting, RSA 659:34

Dear [REDACTED]

On the day of the November 8, 2016, General Election, you completed and signed a domicile voter affidavit indicating that your domicile for voting purposes was [REDACTED] Hospital [REDACTED]. Subsequently, pursuant to RSA 654:12, V, the Department of State mailed a verification letter to that address and it was returned as "undeliverable." The Department of State referred this matter to our office for further investigation pursuant to RSA 654:12, V.

Richard Tracy, the Chief Investigator at the Department of Justice, interviewed your wife in connection with this matter. She acknowledged that you lived at [REDACTED], New Hampshire; however, prior to Election Day you were admitted to [REDACTED] Hospital located [REDACTED]. She indicated that you lived in [REDACTED] prior to and after your admission to the [REDACTED] Hospital. On Election Day, Hospital staff encouraged you and others to vote [REDACTED] during the November election and even arranged for transportation to the polls. Further, she stated that during a prior conversation with you, you indicated you completed the domicile voter affidavit at the polling location [REDACTED] where you registered to vote. The affidavit indicated that the [REDACTED] Hospital [REDACTED] was your domiciled address. Since approximately 2006, you voted in [REDACTED] during municipal, state, and presidential elections. Also, following your release from [REDACTED] you, once again, resumed voting in [REDACTED].

In New Hampshire, in order to vote in a town, ward, or unincorporated place you must be domiciled there. A "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

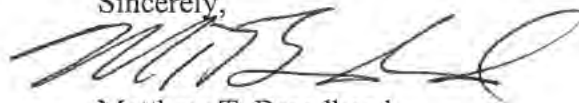
democratic self-government.” RSA 654:1, I (emphasis added). A resident does not lose their place of domicile during a temporary absence if they intend to return to their place of domicile. See RSA 654:2, I. The plain and ordinary meaning of the word “temporary” means “[l]asting for a time only; existing or continuing for a limited (usually short) time.” Black’s Law Dictionary (8th ed. 2004). A “voter can only have one domicile for voting purposes.” RSA 654: 2 I.

Outside of your brief stay at [REDACTED] you have not maintained any physical presence in [REDACTED] let alone a continuous one. Other than casting a vote in [REDACTED] during the 2016 General Election, there is no evidence that you have taken any other step or manifested any intent to designate [REDACTED] more than any other place, as your location for participating in domestic, social, and civil activities relevant to democratic self-government.

As a result, we have concluded that you were domiciled in [REDACTED] not [REDACTED] during the 2016 General Election. Your presence at the [REDACTED] amounted to a mere “temporary absence” since you intended to return to [REDACTED] after being discharged. Be advised that your actions could have constituted a violation of RSA 659:34, I (e) which prohibits “vot[ing] for an office or measure at an election if such person is not qualified to vote as provided in RSA 654.” While a [REDACTED] you should have voted in [REDACTED] via absentee ballot due to your absence from town. RSA 657:1.

Due to the presence of mitigating factors including your admission to [REDACTED] the confusion caused by [REDACTED] and the confusion you had about the absentee ballot process, we are not taking any further action on this matter. In the future, if you are away from your domicile during an election please review RSA 657:1 to determine if you are eligible to vote by absentee ballot. If you have any additional questions, please do not hesitate to contact me.

Sincerely,



Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit

ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

July 12, 2018

[REDACTED]

Re: Wrongful Voting, RSA 659:34

Dear [REDACTED]:

On the day of the November 8, 2016, General Election, you completed and signed a domicile voter affidavit indicating that your domicile for voting purposes was the [REDACTED] Hospital [REDACTED]. Subsequently, pursuant to RSA 654:12, V, the Department of State mailed a verification letter to that address and it was returned as "undeliverable." The Department of State referred this matter to our office for further investigation pursuant to RSA 654:12, V.

Richard Tracy, the Chief Investigator at the Department of Justice, interviewed you in connection with this matter. During the interview, you stated that you lived at [REDACTED] NH until January of 2018. When asked why you had voted in [REDACTED] on November 8, 2016 for the Presidential election, you stated you were admitted to the [REDACTED] Hospital at the time of the election. You registered and voted in person in [REDACTED] at the encouragement of a male employee at the Hospital. The male employee helped to arrange for travel to the polls along with a group of 15 or so patients. Once at the polling station, you registered to vote with the assistance of a poll worker who told you that you would receive something from the State at a later date to verify that you voted. You told Investigator Tracy that you never received anything in the mail from the State regarding voting matters.

In New Hampshire, in order to vote in a town, ward, or unincorporated place you must be domiciled there. A "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." RSA 654:1, I (emphasis added). A resident does not lose their place of domicile during a temporary absence if they intend to return to their place of domicile.

See RSA 654:2, I. The plain and ordinary meaning of the word “temporary” means “[l]asting for a time only; existing or continuing for a limited (usually short) time.” Black’s Law Dictionary (8th ed. 2004). A “voter can only have one domicile for voting purposes.” RSA 654: 2 I.

Outside of your brief stay at [REDACTED] you have not maintained any physical presence in [REDACTED] let alone a continuous one. Other than casting a vote in [REDACTED] during the 2016 General Election, there is no evidence that you have taken any other step or manifested any intent to designate [REDACTED] more than any other place, as your location for participating in domestic, social, and civil activities relevant to democratic self-government. It is also clear that your admission to the hospital was temporary and you had an obvious intent to return to [REDACTED] upon your discharge. Although you relied on the knowledge of a male hospital worker and received guidance from poll station volunteers, it did not establish your domicile in [REDACTED] for voting purposes.

As a result, we have concluded that you were domiciled in [REDACTED], not [REDACTED] during the 2016 General Election. Your presence at the [REDACTED] amounted to a mere “temporary absence” since you intended to return to [REDACTED] after being discharged. Be advised that your actions could have constituted a violation of RSA 659:34, I (e) which prohibits “vot[ing] for an office or measure at an election if such person is not qualified to vote as provided in RSA 654.” While at [REDACTED] you should have voted in [REDACTED] via absentee ballot due to your absence from town. RSA 657:1. However, Investigator Tracy noted that you did not seem to fully understand the absentee ballot process.

Due to the presence of mitigating factors including your admission to [REDACTED] the confusion caused by [REDACTED] staff, and the confusion you had about the absentee ballot process, we are not taking any further action on this matter. In the future, if you are away from your domicile during an election please review RSA 657:1 to determine if you are eligible to vote by absentee ballot. If you have any additional questions, please do not hesitate to contact me.

Sincerely,



Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

July 18, 2018

Frank Eustis  
[REDACTED]

Re: Alleged 14<sup>th</sup> Amendment to the U.S. Constitution Violation

Dear Mr. Eustis:

The Election Law Unit has received and reviewed your complaint. This Unit enforces the election laws of the State of New Hampshire and prosecutes elections officials, candidates, and individuals who violate those laws. Your complaint does not raise an allegation of misconduct that would violate our State's election laws, and therefore our office will not be opening an investigation into this matter.

The information you provided us will be kept in our files to help us monitor trends or issues raised in the conduct of our State's elections and may help determine future priorities in the Unit's enforcement efforts and legislative recommendations.

Thank you for bringing these concerns to our attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew T. Broadhead".

Matthew T. Broadhead  
Assistant Attorney General  
Civil Bureau  
(603) 271-1392  
Fax: (603) 271-2110  
matthew.broadhead@doj.nh.gov

MTB/kh

ELECTION LAW COMPLAINT FORM

State of New Hampshire

Use this form to report a violation of Title III of the Help America Vote Act of 2002, or any New Hampshire Election laws

COMPLAINANT INFORMATION

Name FRANK EUBANK Home Phone [redacted] Work Phone [redacted]
Address [redacted] County [redacted] Cell Phone [redacted]
City [redacted] State NH Zip Code [redacted]
Email Address [redacted]

PERSON, CANDIDATE, POLITICAL COMMITTEE, ELECTION OFFICIAL, TOWN, CITY, OR VILLAGE DISTRICT AGAINST WHOM COMPLAINT IS BROUGHT

Name School Board CONWAY Home Phone [redacted] Work Phone [redacted]
Address TOWN CONWAY County [redacted] Cell Phone [redacted]
City SCHOOL COMMITTEE State [redacted] Zip Code [redacted]
Email Address [redacted]

STATEMENT OF FACTS

Location of Violation [redacted]
Date and Time of Violation [redacted]

Please explain the basis for your complaint. If necessary, attach additional sheets.

See letter

Names and phone numbers of witnesses or other victims: [redacted]

State or Federal Statute you believe was violated (if known) [redacted]

SIGNATURE

By signing and filing this complaint, you are stating under penalty of law that the information you are providing is true and correct to the best of your knowledge.

Signature [Signature] Date 7/2/18

Below For Federal Title III Complaints ONLY:

THE STATE OF NEW HAMPSHIRE

On the [redacted] day of [redacted], 20 [redacted] before me, [redacted] (Print name of Notary Public/Justice of the Peace), the undersigned officer, appeared [redacted] (Print name of person whose signature is being notarized) (known to me) (or satisfactorily proven)(circle one) to be the person whose name appears above, and s/he subscribed his/her name to the foregoing complaint and swore that the facts contained in this Affidavit are true to the best of his/her knowledge and belief.

My Commission expires: [redacted]

Notary Public/Justice of the Peace (seal)

## Summary of Complaint

Eleven years ago, contracts were negotiated between the school board of Conway, New Hampshire and the school boards of the sending towns (Albany, Bartlett, Chatham, Eaton, Hart's Location, and Jackson) Under the contracts, all of the high school students, and in some cases elementary students were all obligated to attend schools operated by the Conway school board. Over the past 11 years, enrollment has declined to the extent that we taxed without representation; voters of the sending towns find ourselves with rising administration and education expenses which have reached an enormous sum which find our taxes rising significantly. An example, we find ourselves being obligated to maintain and repair school buildings which should have been closed a long time ago. There are three elementary schools in Conway, none of which should remain open. At any time, failure of administrators to maintain properties is simply solved by putting a million dollar or more 20 year bond on the taxpayers of Conway and the sending towns. Only voters of Conway get a vote-a voter of Conway can vote to tax sending towns. This has been done several times in the past three years. Every argument made is countered by those who say: Remember the contracts. Now as I see it and other citizens of the sending towns see it, the contracts are a vehicle for denying voters of the sending towns their FOURTEENTH AMENDMENT rights under the Constitution of the United States. These contracts should be declared null and void. If contracts are then negotiated, they should not exclude the rights of the sending towns to vote against 20 year bonds which only encourage school administrators to be slothful.

Under the existing school contracts, school choice for parents and students is denied and they can not take advantage of the recently passed school choice passed by the New Hampshire legislature.

Copies of the contracts are in the office of the Commissioner of Education in Concord. My colleague, [REDACTED] can provide you with copies of the original contracts. His telephone number is [REDACTED]

William Marvel who writes for the Conway Daily Sun has statistics on school enrollment decline and administration soaring costs.

Sincerely,

Eugene M. Long, Jr., M.D.  
[REDACTED] New Hampshire

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

July 26, 2018

The Honorable Matthew Scruton  
195 Ten Rod Road  
Rochester, NH 03867

The Honorable Philip Bean  
PO Box 660  
Hampton, NH 03842

The Honorable Sean Morrison  
98 Hamilton Drive  
Epping, NH 03042

The Honorable Mark Proulx  
76 Janet Court  
Manchester, NH 03103

The Honorable Michael McCarthy  
34 Terry Street  
Nashua, NH 03064

The Honorable Marty Bove  
3 Tinkham Lane  
Londonderry, NH 03053

The Honorable Jason Janvrin  
PO Box 462  
Seabrook, NH 03874

Re: Americans for Prosperity Complaint  
RSA 664:3

Dear Representatives Scruton, Morrison, McCarty, Janvrin, Bean, Proulx, & Bove:

Our office has carefully reviewed your complaint dated June 25, 2018, which alleged that Americans for Prosperity Foundation ("AFP") violated state and federal laws when it issued flyers to many of your constituents in May and June of 2018. The flyers at issue are attached as Exhibit 1. By way of background, when our office receives a complaint, we first review it in order to determine whether the allegations, if true, would constitute a violation of state law. We note that our office does not have jurisdiction to address the alleged federal law violations in your complaint.

With respect to the state law allegations, your complaint alleges that AFP's flyers "promote the success or defeat of a candidate or candidates or measure or measures" and therefore AFP should be required to register as a political committee under New Hampshire law. See RSA 664:2, III; RSA 664:3, I and II. After receiving your complaint, we provided AFP with the opportunity to respond to your allegations. In its rebuttal letter, attached as Exhibit 2, AFP acknowledges that it is a 501(c)(4) organization established to "educate and mobilize the public



on the benefits of a free and open society” and that it is “permitted to engage in lobbying and grassroots lobbying to advance its non-profit mission.” AFP asserts that its actions do not constitute an “expenditure” under New Hampshire law because the mailers “do not promote the success or defeat of a candidate” and, further, that its activities constitute issue advocacy which is protected speech under the First Amendment of the United States Constitution, citing to *Buckley v. Valeo*, 424 US 1 (1976).

An organization is required to register as a political committee if it “promotes the success or defeat of a candidate or candidates or measure or measures.” RSA 664:2, III (a) through (c). Even if an organization is not predominately organized for this purpose, it must still register as a political committee if it “makes expenditures that total \$5,000 or more in a calendar year.” RSA 664:2, III (d) (emphasis added). “Expenditure” means the “distribution of money or thing of value...for the purpose of promoting the success of a candidate or candidates or measure or measures.” RSA 664:2, IX; *see also* RSA 664:2, XI (expenditures also include payments for “the development and distribution of a communication that expressly advocates the election or defeat of a clearly identified candidate or candidates or the success or defeat of a measure or measures”).

Similarly, an entity is required to register as a “political advocacy organization” if it “spends \$5,000 or more in a calendar year to pay for a communication that is functionally equivalent to express advocacy because...such communication is likely to be interpreted by a reasonable person only as advocating the election or defeat of a clearly identified candidate or candidates or the success or defeat of a measure or measures[.]” RSA 664:2, XXII; RSA 664:3-a.

Here, the flyers in question clearly do not qualify as independent expenditures since they do not “expressly advocate” for a candidate’s election or defeat. Moreover, the flyers do not advocate for or against any “measure” since SB 11 (2017), the so-called “Right to Work” bill referenced in the flyers, is not a constitutional amendment or question that will appear on the ballot for the upcoming elections. *See* RSA 664:2, XI (A “measure” is “any constitutional amendment or question which is submitted or intended to be submitted to a popular vote at an election.”) Thus, the critical question is whether the flyers advocate or promote “the success or defeat of a candidate or candidates.”

In 2015, our office previously addressed a complaint about AFP’s flyers which were similar to the ones at issue here. *See* Exhibit 3, AAG LaBonte letter dated November 12, 2015. The communication on the flyers in this instance are almost identical to the ones addressed in the prior complaint in that they discuss an elected official’s vote on a particular bill and instructed recipients to contact the representative. *Compare* Exhibits 1 & 3. In 2015, we concluded that the flyers were subject to varying interpretations and therefore AFP was not required to register as a “political advocacy organization.” RSA 664:2, III (a), (d), & IX.

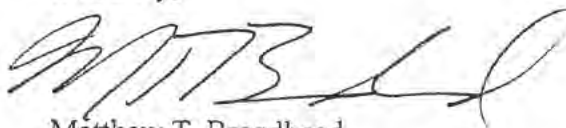
In our 2015 letter, we noted three factors in determining whether a flyer could be construed as advocating for the success or defeat of a candidate. We found that where the flyer (1) discussed the voting record of an incumbent elected official, (2) did not identify the elected official as a candidate for re-election, and (3) did not reference either the primary or general

election, the flyer would not constitute advocacy for or against a candidate under RSA 664. These factors are all present and applicable to the flyers at issue here.

We also note that since our office reached this conclusion in 2015, the Legislature has not amended RSA 664 to make it applicable to these types of communications. Therefore, we conclude here, as we did previously in 2015, that AFP is not required to register as a political committee under the circumstances presented here. Because we conclude that AFP is not required to register under the application of state law, we express no opinion on AFP's constitutional argument.

Based on the foregoing analysis, there is no basis to proceed with an investigation or enforcement action in this matter. If any of you have any questions please do not hesitate to contact me.


Sincerely,



Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

CC: Steven M. Mairella, Esq. (counsel for AFP)  
Enclosures

# EXHIBIT 1



# WHY IS YOUR REPRESENTATIVE RESTRICTING WORKER FREEDOMS?

340 Granite St, 1st Floor  
Manchester, NH 03102

NON-PROFIT ORG.  
POSTAGE  
PAID  
AMERICANS  
FOR PROSPERITY

Matthew Scruton

## REP. MATTHEW SCRUTON VOTED AGAINST GIVING GRANITE STATE WORKERS OUR RIGHT-TO-WORK!



Rep. Matthew Scruton voted against:

- Freedom to join a union or not
- Freedom to refuse payment to a union
- Saving more of our hard earned money

**CALL REP. MATTHEW SCRUTON AT 603-941-4956 AND TELL  
HIM NEW HAMPSHIRE WORKERS DESERVE MORE FREEDOM,  
AND DEMAND THAT HE SUPPORTS RIGHT-TO-WORK!**

1. GB 11 (2017), Roll Call #41

**GOVERNOR  
SUNUNU  
SUPPORTS  
WORKER RIGHTS  
— IN THE  
GRANITE STATE!**



**CALL 603-271-2121 AND TELL  
GOVERNOR SUNUNU TO KEEP  
FIGHTING FOR WORKER RIGHTS  
FOR ALL GRANITE STATERS.**

240 Granite St., 1st Fl.  
Manchester, NH 03102

John Woodburn  
5 Carleton Rd.  
Hampton, NH 03842-2053



**BUT WHAT HAS REP. PHILIP BEAN  
DONE FOR US?**

**Rep. Philip Bean voted to side with union  
bosses instead of with Governor Sununu!**

**Rep. Philip Bean voted against:**

- X Freedom to join a union or not**
- X Freedom to refuse payment to a union**
- X Saving more of our hard earned money**

**CALL REP. PHILIP BEAN AT 603-502-7755.**

**TELL HIM NEW HAMPSHIRE WORKERS DESERVE MORE FREEDOM  
AND TO STAND WITH GOV. SUNUNU AND SUPPORT RIGHT-TO-WORK.**

This advertisement has been paid for by Americans for Prosperity and has not been authorized by a political party.



**BUT WHAT HAS REP. JASON JANVRIN DONE FOR US?**

Rep. Jason Janvrin voted to side with union bosses instead of with Governor Sununu.

Rep. Jason Janvrin voted against:

- X Freedom to join a union or not
- X Freedom to refuse payment to a union
- X Saving more of our hard earned money



CALL REP. JASON JANVRIN AT 603-944-7449.

**TELL HIM NEW HAMPSHIRE WORKERS DESERVE MORE FREEDOM, AND TO STAND WITH GOV. SUNUNU AND SUPPORT RIGHT-TO-WORK.**

This advertisement has been paid for by Americans for Prosperity and has not been authorized by a candidate.

**REP. JASON JANVRIN VOTED AGAINST GIVING GRANITE STATE WORKERS OUR RIGHT-TO-WORK!**



Rep. Jason Janvrin voted against:

- Freedom to join a union or not
- Freedom to refuse payment to a union
- Saving more of our hard earned money

**CALL REP. JASON JANVRIN AT 603-944-7449 AND TELL HIM NEW HAMPSHIRE WORKERS DESERVE MORE FREEDOM, AND DEMAND THAT HE SUPPORTS RIGHT-TO-WORK!**

L. 58 11 (09/07, Rev) Coll #41



## BUT WHAT HAS REP. MARK PROULX DONE FOR US?

Rep. Mark Proulx voted to side with union bosses instead of with Governor Sununu.<sup>1</sup>

Rep. Mark Proulx voted against:

- X Freedom to join a union or not
- X Freedom to refuse payment to a union
- X Saving more of our hard earned money



1. SUN 11/20/09, Roll Call #61

**CALL REP. MARK PROULX AT 603-669-7179.**

**TELL HIM NEW HAMPSHIRE WORKERS DESERVE MORE FREEDOM, AND TO STAND WITH GOV. SUNUNU AND SUPPORT RIGHT-TO-WORK.**

This advertisement has been paid for by Americans for Prosperity and has not been authorized by a candidate.

## REP. MARK PROULX VOTED AGAINST GIVING GRANITE STATE WORKERS OUR RIGHT-TO-WORK!



Rep. Mark Proulx voted against:

- Freedom to join a union or not
- Freedom to refuse payment to a union
- Saving more of our hard earned money

**CALL REP. MARK PROULX AT 603-669-7179 AND TELL HIM NEW HAMPSHIRE WORKERS DESERVE MORE FREEDOM, AND DEMAND THAT HE SUPPORTS RIGHT-TO-WORK!**

1. SUN 11/20/09, Roll Call #61

# BUT WHAT HAS REP. SEAN MORRISON DONE FOR US?



**BUSINESS  
CLOSED**



Rep. Sean Morrison voted to side with union bosses instead of with Governor Sununu.<sup>1</sup>

Rep. Sean Morrison voted against:

- X Freedom to join a union or not
- X Freedom to refuse payment to a union
- X Saving more of our hard earned money

**CALL REP. SEAN MORRISON AT 603-275-7494.**

**TELL HIM NEW HAMPSHIRE WORKERS DESERVE MORE FREEDOM  
AND TO STAND WITH GOV. SUNUNU AND SUPPORT RIGHT-TO-WORK**

This advertisement has been paid for by Americans for Prosperity and has not been authorized by a candidate.

1. SB 11 (20)



# EXHIBIT 2



## AMERICANS FOR PROSPERITY

1310 N. Courthouse Rd. Ste. 700 | Arlington, VA 22201 | p: (703) 224-3201

July 10, 2018

VIA E-MAIL AND REGULAR MAIL

Mr. Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
33 Capitol Street  
Concord, NH 03301  
[Matthew.broadhead@doj.nh.gov](mailto:Matthew.broadhead@doj.nh.gov)

Dear Mr. Broadhead,

This responds to your letter dated June 27, 2018 addressed to Mr. Greg Moore, New Hampshire State Director, Americans for Prosperity (AFP). In your letter you request a reply to an allegation from 7 state representatives that AFP has wrongfully failed to register as a political committee in New Hampshire.

Please be advised that AFP has not registered as a political committee in New Hampshire because we are not a political committee pursuant to New Hampshire law.

AFP is a 501(c)(4) non-profit corporation that has been operating since 2004 to educate and mobilize the public on the benefits of a free and open society. AFP is properly registered with the state of New Hampshire as a foreign non-profit corporation and is in good standing as of the date of this letter, in full compliance with New Hampshire law. As a 501(c)(4) organization, AFP is permitted to do an unlimited amount of lobbying and grassroots lobbying to advance its non-profit mission, including grassroots lobbying of the New Hampshire legislature regarding proposed legislation.

All of the advertisements cited in the complaint letter are lawful issue advocacy communications asking New Hampshire citizens to contact their certain state representatives to support Right to Work legislation. The legal distinction between grassroots issue advocacy and "political expenditures and contributions" is well-established in both federal law (Buckley v. Valeo, 424 U.S. 1 (1976), see also Stenson v. McLaughlin, 2001 U.S. Dist. LEXIS 14167) and state law (New Hampshire Revised Statutes, chapter 664).

The mail pieces in question discuss the representative's most recent vote against Right to Work, the benefits of the bill they voted against, and the direct contact information for those representatives urging the public to contact those representatives to ask them to support future right to work legislation. Nowhere in the mailers does there appear any language expressly advocating support or opposition to the legislators, any discussion of any candidacy or political party, nor is there any language discussing the character, qualifications, or fitness for office of any of the named individuals. In order to be considered an expenditure under RSA 664 (IX) or (XI), these mailers would need to be promoting the "success or defeat of a candidate or candidates." The mailers were designed and sent months before the primary election, and weeks before the deadline to simply declare as a candidate. AFP did not know who would even be appearing on the September or November ballots at the time these mailers were sent out.

In sum, had the complaining legislators attempted even a cursory review of applicable law, they would have recognized the entirely frivolous and spurious nature of their complaint.

AFP would request that your office include a copy to us of any future correspondence to the complainants.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Mairella', with a long horizontal flourish extending to the right.

Steven M. Mairella, Esq.  
Senior Associate Counsel  
Americans for Prosperity

# EXHIBIT 3

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

November 12, 2015

W. Gordon Allen



Re: Americans for Prosperity Complaint

Dear Mr. Allen:

The letter is in response to your complaint regarding certain mailings sponsored by Americans for Prosperity (hereinafter "AFP") sent in September of 2014. Your complaint alleges the following:

Based on cost estimates exceeding \$5,000, in the aggregate, for the electioneering mailings (two per candidate) that Americans for Prosperity sent to voters to defeat "clearly identified candidate(s)" (RSA 664:2, XX.) in the September 9, 2014 primary in three House Districts (opposing James E. Devine in Rockingham 4; opposing James C. Webb in Rockingham 6; and opposing Mark L. Proulx in Hillsborough 44) – with these mailed communications being "functionally equivalent to express advocacy" (RSA 664:2, XXI.) – it appears Americans for Prosperity (AFP) violated the following provisions of RSA 664:

The complaint then goes on to allege that AFP failed to register with the secretary of state as a "political advocacy organization" and subsequently failed to file "an itemized statement of receipts and expenditures" by the required deadlines.

Along with the complaint you provided copies of two mailings sent by AFP to what appears to be a residence in Sandown. The first mailing, attached here as Exhibit A-1 (front) and Exhibit A-2 (back), discusses what is alleged to be State Representative James Devine's position on the issue of "right to work." The mailing ultimately asks the reader to "[c]all State Representative James Devine at (603) 887-3569 and ask him why he supported the union bosses instead of bringing more jobs and higher wages to New Hampshire."

The second mailing, attached here as Exhibit B-1 (front) and Exhibit B-2 (back), alleges that Representative Devine will not sign AFP's pledge to oppose higher tax rates on working

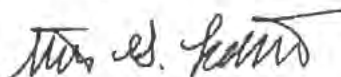
families. The mailing eventually asks the reader to "[c]all State Representative James Devine at (603) 887-3569 and ask him why he won't support lower taxes and less wasteful spending."

Pivotal the question of whether AFP is required to register with the secretary of state as a "political advocacy organization," and thereafter file itemized statements of receipts and expenditures," is whether either of the subject mailings is "functionally equivalent to express advocacy." The relevant statute, RSA 664:2, XII, states in pertinent part that a communication is "functionally equivalent to express advocacy because, when taken as a whole, such communication is likely to be interpreted by a reasonable person *only* as advocating the election or defeat of a clearly identified candidate or candidates or the success or defeat of a measure or measures, taking into account whether the communication involved mentions a candidacy or a political party, or takes a position on a candidate's character, qualifications, or fitness for office." (*Emphasis added*). Where the legislature included the term "only" within the statute, the subject mailings will be considered "functionally equivalent to express advocacy," if the substance of the mailings can be interpreted no other way than as advocating the election or defeat of Representative Devine.

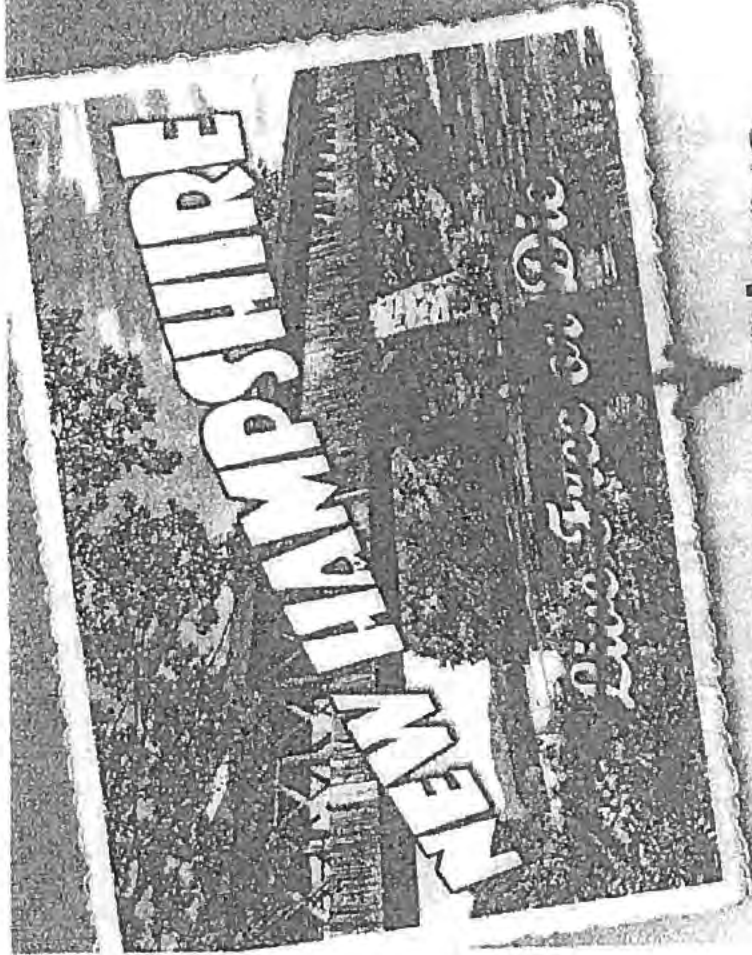
Neither mailing identifies Representative Devine as a candidate for re-election or his political party, nor do they mention either the state primary or general election. Although the mailings can be interpreted as an attack on Representative Devine's position on the specific issues of "right to work" and AFP's tax pledge to oppose higher tax rates on working families, they do not necessarily take a position as to his character, qualifications, or fitness for office. Where the mailings were received the day before the state primary election, it is possible that they could be interpreted as advocating the defeat of Representative Devine at that election, however, I do not believe that is the only likely interpretation. The mailings could just as likely be viewed as an attempt to pressure Representative Devine to bring his positions on those respective issues more in line with AFP's political ideals.

Based on the analysis above, we concluded that there is no cause to proceed with an enforcement action in this matter. If you have any questions please do not hesitate to call me at the number listed below.

Sincerely,



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



**New Hampshire  
is changing its  
state motto.**

Americans for Prosperity  
711 Wilson Blvd., Suite 150  
Arlington, VA 22201

Postage  
51¢ CBMS  
US Postage  
PAID  
San Jose, CA 951  
Permit 1554



AUTOMATIC DIGIT 03873 36544

Georgia Devine  
54 Hampstead Rd  
Sandown, NH 03873-2413

**Join a Union of Starve.**

PERIOD. BOOKLET-6898  
**EXHIBIT**  
A-1

# James Devine puts union bosses ahead of New Hampshire families.

## Forcing workers to join unions

State Representative James Devine sided with union bosses and special interests when he voted against the Fight to Work bill.

Instead of siding with working families and giving workers the freedom to choose to join a union or not, James Devine forced workers to pay union dues even if they don't agree with what the union bosses do with their money.

## Costing New Hampshire thousands of jobs

Politician James Devine doesn't understand that New Hampshire needs more well-paying jobs. That's why he blocked a law that would have created 4,000 to 6,000 new jobs over the next two years.

Instead of bringing thousands of jobs and increased wages to New Hampshire families, James Devine put union bosses and their political power first.

**State Representative James Devine supports policies that help union bosses and hurt working families.**

**Call State Representative James Devine at (603) 887-3569 and ask him why he supported the union bosses instead of bringing more jobs and higher wages to New Hampshire.**

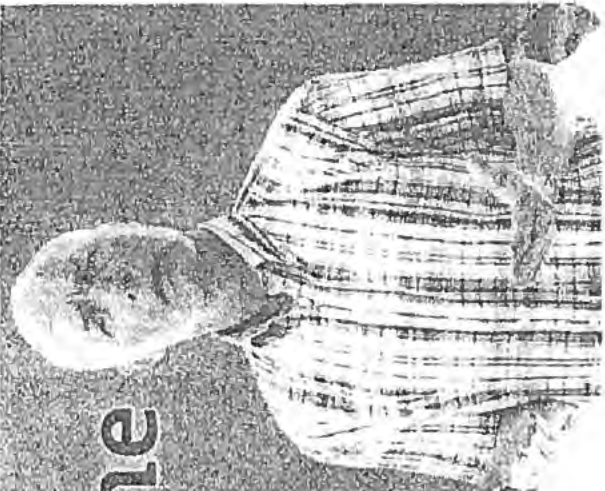
This advertisement has been paid for by Americans for Prosperity and has not been authorized by any candidate.

REP 3/23 (2/13/2013, roll call 26)  
www.nhfreedomfight.com/news/102213-469/andy-right-to-work-wf-would-mean.html

EXHIBIT  
A-2  
PENGAID 800-601-6789



# Why won't James Devine support LOWER TAXES and LESS SPENDING?



Americans for Prosperity  
211 William Blvd. Suite 137  
Sudbury, MA 01972



\*\*\*\*\*AUTO\*\*5-DIGIT 03873 36283

Georgia Devine  
54 Hampstead Rd  
Sandown, NH 03873-2413

PAID  
First Class  
U.S. Postage  
PAID  
SAY LEE CO. UT  
PERMIT NO. 4

FENGAD 800-657-6288  
EXHIBIT  
B-1



# James Devine HAS NOT SIGNED the Taxpayer Protection Pledge.

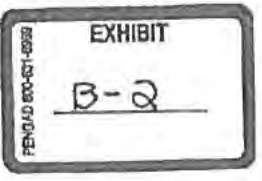
## James Devine WON'T support lower taxes.

James Devine has not signed Americans for Prosperity's Taxpayer Protection Pledge, which promises to oppose higher tax rates on working families. Politicians like James Devine should realize that high taxes hurt New Hampshire families and set back on fixed incomes.

James Devine won't take a stand for lowering taxes and government spending. By not signing the pledge, James Devine opens the door for:

- ⊙ HIGHER taxes on working families.
- ⊙ MORE government spending.
- ⊙ EXPANSION of programs like Obamacare in New Hampshire.
- ⊙ FORCING good jobs to leave our communities.

Call State Representative James Devine at (603) 887-3569 and ask him why he won't support lower taxes and less wasteful spending.



# Events Note to File

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Friends of Andy Sanborn  
(Senator) Pushpoll, RSA  
664:16-a

2018132753 7/31/2018 Note to File  
2:15 PM

We received a complaint from a NH resident on July 13, 2018 alleging that she received a phone call that she believed was a potical advertisement under the guise of a survey, also commonly referred to as a push-poll. She said that the poll said unflattering things about Eddie Edwards, a Republican candidate for the First Congressional District, while it said flattering things about NH State Senator Andy Sanborn, who is running against Edwards in the Primary Election. Chief Investigator Richard Tracy was assigned and conducted an investigation. Tracy spoke with Sanborn, who indicated they had performed calls, but referred further questions to Ross Berry, his campaign manager. Berry informed Investigator Tracy that the call in question was performed between July 10-12, 2018 and that it reached 400 connected calls and each call was scheduled to last longer than 16 minutes. He provided Tracy with documentation that confirmed these facts.

RSA 664:2, XVIII "push polling" is defined, in pertinent part, as a call that: (a) supports or opposes a candidate by telephone (b) asks questions relative to opposing candidates which states, implies, or conveys information about canidate's character, status, political stance or record, and (c) for congressional candidates, conducts a call in a manner which is likely to be construed by the voter as a survey and the call consists of "more than 2,000 connected calls that last less than 2 minutes."

Push-polls that meet this definition are subject to the restrictions set forth in RSA 664:16-a.

Based on the information provided to our office by Mr. Ross, the calls in question reached only 400 individuals, and lasted longer than 16 minutes. Thus, these series of calls do not meet the statutory definition of a push-poll and therefore are not under the statutory purview of RSA 664:16-a. The complainant and respondent were notified of this analysis and the matter will now be closed.

# Events Note to File

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[REDACTED] -  
Wrongful Voting

2018131821 8/7/2018 Note to File  
4:24 PM

A supervisor of the checklist of Salem, Melissa Sorcinelli, called on May 8, 2018, to discuss a situation where she believed a non-citizen is registered to vote and voted in prior elections. She wanted to know what to do. Chief Investigator Richard Tracy spoke with her. She related that [REDACTED] registered to vote in 2000 in the town of Salem and voted in 2008 and 2010. [REDACTED] admitted to Sorcinelli that he had a permanent green card, leading Sorcinelli to believe that he is not a US Citizen.

On May 8, 2018, Tracy communicated with USICE Special Agent Timothy Stevens who explained that [REDACTED] has been in removal/deportation proceedings for approximately 6 years and his case is scheduled to be heard in 2021. Stevens explained that [REDACTED] overstayed his visit in 1990, in that he never left. [REDACTED] later married an American and gained permanent status in the United States. Stevens stated that they learned that he illegally voted in 2008 and 2010, which is part of the reason that [REDACTED] is in the removal proceedings process.

The statute of limitations on this matter has expired and we cannot take any enforcement action for the alleged wrongful voting. Sorcinelli indicated that she would send a 30 day notice of removal from the checklist based upon [REDACTED] statements to her under RSA 654:36-a.

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

August 24, 2018

*Via email only:*

Doug Roberts  
[REDACTED]

Re: Windham - Citizen Zoning Petition

Dear Mr. Roberts:

I write in response to the complaint that you filed dated April 2, 2018 regarding Citizens Zoning Petitions submitted in the Town of Windham in advance of the March Town Elections. This office has conducted a careful review of your complaint as well as the response from Bernard Campbell, Windham's town counsel. Based on our review of the facts and applicable law, our office has declined to open an investigation and will not be taking any further action on this matter.

The information you provided us will be kept in our files to help us monitor trends or issues raised in the conduct of our State's elections and may help determine future priorities in the Unit's enforcement efforts and legislative recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew T. Broadhead".

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

Enclosure

CC: Bernard H. Campbell, Esq.

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

August 27, 2018

Natch Greyes



Re: Alleged Missing Lawn Signs

Dear Mr. Greyes:

I write in response to the complaint that you filed on August 15, 2018 regarding missing campaign signs. This office has conducted a careful review of your complaint. Please be advised that this Unit receives many complaints and requests to begin an investigation into alleged violations of New Hampshire election laws and therefore must exercise discretion in deciding whether or not to conduct an investigation into civil or criminal misconduct.

Unfortunately, our office has declined to open an investigation into this matter. The information you provided us will be kept in our files to help us monitor trends or issues raised in the conduct of our State's elections and may help determine future priorities in the Unit's enforcement efforts and legislative recommendations. You may wish to contact your local police department in regards to this matter.

Sincerely,

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

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

MTB/kh

cc: Paul J. Smith, Littleton Police Chief  
Travis Austin, Hebron Police Chief

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

August 9, 2018

Joseph Sweeney  
[REDACTED]

Re: Friends of Jenn Alford-Teaster Complaint, RSA 664:5, VI

Dear Mr. Sweeney:

On July 25, 2018, you filed a complaint alleging that the Friends of Jenn Alford-Teaster accepted a \$100.00 contribution from a foreign national in violation of RSA 664:5, VI. The contribution in question was made by [REDACTED] who, according to the political committee's finance report, listed a [REDACTED] address. Chief Investigator Richard C. Tracy spoke with you and Jenn Alford-Teaster about this matter. At Chief Investigator Tracy's request, Mr. [REDACTED] produced a copy of his United States passport to both Ms. Alford-Teaster and to this Office. Chief Investigator Tracy crosschecked the information provided by Mr. [REDACTED] with a law enforcement database and concluded that the information from both sources matched.

A United States citizen is not barred from contributing to a political committee merely because the individual lives abroad. Political committees are prohibited from making any expenditure or using any contribution that is made "[b]y a foreign national as defined in 52 U.S.C. section 30121(b) and 11 C.F.R. section 110.20(a)(3), for any purpose." RSA 664:5, VI. A United States citizen is not a "foreign national." *See* 11 C.F.R. § 110.20(a)(3)(iii) (A "[f]oreign national shall not include any individual who is a citizen of the United States.").

Having confirmed that Mr. [REDACTED] is a citizen of the United States, this Office has concluded that the Friends of Jenn Alford-Teaster committee has not violated RSA 664:5, VI. This matter will be closed without any further action.

Sincerely,

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

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit

cc: Jenn Alford-Teaster

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

August 24, 2018

Gerald M. Zelin



Re: Marchand for Governor (Gerald M. Zelin complainant)  
Alleged Forged Signature on Campaign Finance Reports (RSA 638:1)

Dear Mr. Zelin:

On Monday, August 20, 2018, you filed a complaint against Steve Marchand's gubernatorial campaign, alleging that his political committee falsified the signature of its Treasurer, Nancy Pearson, on campaign finance reports dated March 28, 2017, June 7, 2017, and August 14, 2017. We have reviewed your complaint for violations of state law only, as our office does not have jurisdiction over the alleged federal law violations in your complaint.

Richard Tracy, the Chief Investigator at the Department of Justice, interviewed Ms. Pearson in connection with your complaint. Ms. Pearson reported that after Mr. Marchand's 2016 campaign effort, Ms. Pearson believed that she was no longer the Treasurer of his political committee. However, prior to the filing of the March 28, 2017, campaign finance report, Ms. Pearson stated that she was informed by Mr. Marchand's committee that she was in fact still the Treasurer. At that time, Ms. Pearson expressed to Mr. Marchand that she no longer had the time to perform that role. Nevertheless, Ms. Pearson consented to remain as Mr. Marchand's Treasurer for while he attempted to find her replacement.

Ms. Pearson was aware of and authorized the political committee to file each of the above referenced reports listing her as Treasurer. Specifically, with respect to the June 7, 2017 report that contains a handwritten signature, Ms. Pearson provided to Investigator Tracy a copy of an e-mail exchange between herself and [REDACTED] a campaign employee. In the June 7, 2017 e-mail, Ms. Pearson expressly authorized [REDACTED] to sign her name on the form and indicated that she left Mr. Marchand a voicemail advising the same.



Gerald Zelin  
Page 2 of 2

Having concluded that there is no conduct which evidences a “purpose to defraud” another, (*see* RSA 638:1), we will not be taking any further action on this matter. Should you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,



Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

cc: Steve Marchand

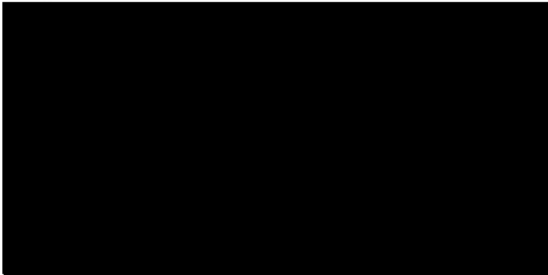
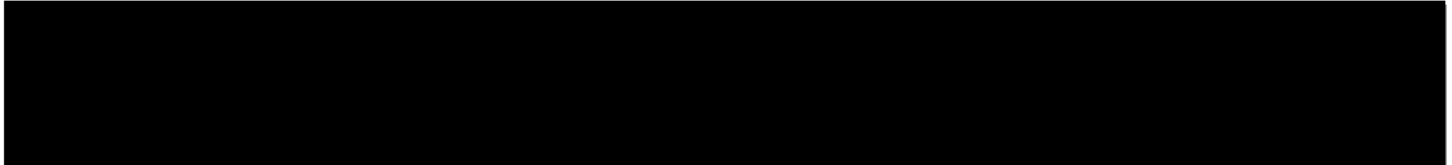
**Broadhead, Matthew T**

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**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:**  
**Attachments:**



**Importance:** High



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**From:** Broadhead, Matthew T  
**Sent:** Tuesday, August 28, 2018 12:02 PM  
**To:** Boffetti, James  
**Cc:** Smith, Jean; Tracy, Richard; Hollins, Karin  
**Subject:** FW: Election Complaint re Maura Sullivan (complainant:Streck)  
**Importance:** High

Jim,

With this email, I am referring the attached complaint to the attention of the Ballot Law Commission which has jurisdiction over this matter. Relevant statutes are: RSA 655:4 and Article 1, section 2 of the U.S. Constitution. *See also generally* RSA 655:3 – 8.

-Matt

Matthew T. Broadhead  
Assistant Attorney General  
New Hampshire Department of Justice  
33 Capitol St.  
Concord, NH 03301  
Tel. (603) 271-3650  
Fax (603) 271-2110

---

**From:** Tekin, Jill  
**Sent:** Tuesday, August 28, 2018 11:55 AM

**To:** Broadhead, Matthew T  
**Subject:** election complaint from Streck

Sincerely,  
Jill Tekin  
Legal Assistant  
Attorney General's Office  
Civil Bureau  
33 Capitol Street  
Concord, NH 03301-6397  
Phone No: (603) 271-1264  
Fax No: (603) 271-2110  
[jill.tekin@doj.nh.gov](mailto:jill.tekin@doj.nh.gov)

STATEMENT OF CONFIDENTIALITY

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

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

August 30, 2018

Joseph Sweeney  
[REDACTED]

Re: Tom Sherman for State Senate (2018 Campaign Finance Violation)

Dear Mr. Sweeney:

On July 25, 2018, you filed a complaint alleging that the Tom Sherman for State Senate accepted a \$250.00 contribution from a foreign national in violation of RSA 664:5, VI. The contribution in question was made by [REDACTED] who, according to the political committee's finance report, listed a [REDACTED] address. Chief Investigator Richard C. Tracy spoke with you, Jonathan George, Tom Sherman's campaign manager, and Antoinette Bush with the United States Department of State about this matter. On August 29, 2018, Chief Investigator Tracy's received written verification from the United States Department of State that a United States Passport was issued to [REDACTED].

A United States citizen is not barred from contributing to a political committee merely because the individual lives abroad. Political committees are prohibited from making any expenditure or using any contribution that is made "[b]y a foreign national as defined in 52 U.S.C. section 30121(b) and 11 C.F.R. section 110.20(a)(3), for any purpose." RSA 664:5, VI. A United States citizen is not a "foreign national." See 11 C.F.R. § 110.20(a)(3)(iii) (A "[f]oreign national shall not include any individual who is a citizen of the United States.").

Having confirmed that Mr. [REDACTED] is a citizen of the United States, this Office has concluded that the Tom Sherman for State Senate committee has not violated RSA 664:5, VI. This matter will be closed without any further action.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew T. Broadhead".

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit

cc: Tom Sherman

**000070**

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 21, 2018

Elaine Tobias

Re: **Notice of Intent to Pursue Civil Penalties and Removal of Commission  
Violation of RSA 455:16; Misconduct by Justice of the Peace**

Dear Ms. Tobias:

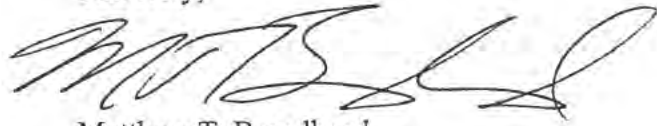
This Notice of Intent is being provided to you in connection with the statements that you made to Todd Flanagan, an Investigator at our office, on March 30, 2018. You admitted that you have been a Justice of the Peace for six (6) years and that you have reviewed approximately five (5) affidavits per month from various officers from the State Police, Walpole Police Department, Claremont Police Department and the Atkinson Police Department. You further admitted that, prior to that interview, that you have never actually administered an oath or affirmation as required in RSA 456-B.

A person is subject to a civil penalty of up to \$1,000 if she holds a commission of justice of the peace and "negligently or recklessly makes a notarial act... when... [she] did not actually receive the oath or affirmation of the person." RSA 455:16, I (d). The \$1,000 penalty could be assessed for each instance where you failed to receive the oath or affirmation. Please accept this as a notice that our office intends seek civil penalties and a petition to relieve you of your commission as a Justice of the Peace.

However, pursuant to RSA 455:16, III (b), our Office is authorized to "negotiate, and to settle with such suspected violators without court action[.]" **If you voluntarily resign and surrender your commission as a Justice of the Peace within 14 days of your receipt of this letter, our Office will not take any further action on this matter.** Please submit your resignation in writing to the Secretary of State's office with a copy of the same to my attention. Should you fail to do so, our Office will proceed with this enforcement action. If you have any questions, please do not hesitate to contact me.

**000071**

Sincerely,

A handwritten signature in black ink, appearing to read 'MTB', with a large, stylized flourish extending to the right.

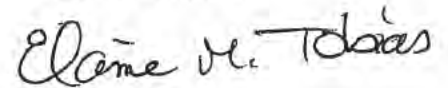
Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

September 28, 2018

Attention:  
Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit

I, Elaine M. Tobias as of this date September 28, 2018, hereby resign and surrender my commission as a Justice of the Peace in the State of New Hampshire. I have already notified the Policing Communities I worked with that I will not be signing anymore of their paperwork as a Justice of the Peace.

Elaine M. Tobias

A handwritten signature in cursive script that reads "Elaine M. Tobias". The signature is written in black ink and is positioned to the right of the typed name.

000073

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 24, 2018

Emily Gray Rice, City Solicitor  
Office of the City Solicitor  
City of Manchester  
One City Hall Plaza  
Manchester, NH 03301

Re: Manchester Ward 6 Polling Place Location

Dear Attorney Rice:

This letter follows up on the attached correspondence between our offices dated July 31, 2017, August 18, 2017 and September 14, 2017, with respect to our efforts to work toward a permanent solution for the Ward 6 polling place location. The purpose of this letter is to memorialize our understanding of the resolution of this matter.

To summarize, in January of 2017, the City of Manchester was notified by St. Pius X Parish that its building was no longer available for use during elections. The City does not own a suitable facility within the boundaries of Ward 6 and was unable to locate a suitable alternative rental facility. As you indicated in your letter dated August 18, 2017, the City identified McLaughlin Middle School (hereinafter "McLaughlin") as a temporary polling location until such time that the ward boundary lines could be adjusted. The City asserts that RSA 39:1-b permits this. The school is currently located in Ward 8 and is a few hundred feet from the Ward 6 boundary line. Based upon the City's representations, it is possible to adjust the boundary lines to add McLaughlin to Ward 6 without changing any voters' wards.

It has since been explained to our Office that the City desires to continue to use McLaughlin as the Ward 6 polling location for the indefinite future since there is no suitable alternative within the ward. Therefore, in order to reduce voter confusion, the City explains that it would be unreasonable to change the polling location for a year, only to return to McLaughlin after the ward boundary line is adjusted.

At the next city-wide election in November 2019 or at the next city-wide special election, whichever comes first, the City agreed to propose a charter amendment on the ballot that would permit the ward boundary lines to be adjusted by ordinance. If adopted by the voters, the City intends to immediately initiate the process of adjusting the Ward 6 boundary line so that it

**000074**



Emily Rice, Esq.

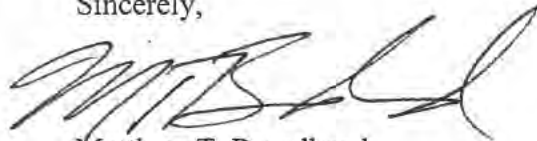
Page 2 of 2

includes McLaughlin. In the interim, the City will continue to use McLaughlin as its Ward 6 polling location and will provide public transportation services to voters who need it between St. Pius X Parish and McLaughlin during the November 6, 2018 General Elections, as it did during the September 11, 2018 Primary Election.

Every inhabitant in the State of New Hampshire has “an equal right to vote in any election” and is considered an “inhabitant for the purposes of voting in the town, ward, or unincorporated place where he has his domicile.” N.H. Const. Pt. 1, Art. 11; RSA 654:1. “All meetings of the voters for the election of county, state, or United States officers, who are voted for by the people, shall be held *in their respective wards* at the time legally appointed for those elections respectively.” RSA 44:7 (emphasis added). We note that neither our office nor any court has addressed whether RSA 39:1-b is applicable to city wards or to the facts presented here. The action being taking by our Office in this matter should not be construed as an endorsement of the City’s interpretation of RSA 39:1-b.

Nevertheless, in light of the City’s position, cooperation, and its efforts, this Office will not take any further action on this matter, provided that the conditions outlined above continue to be satisfied. The position of this Office is tailored to the unique circumstances presented here and should not be relied upon by any other election official. Should the City fail to adjust the Ward 6 boundary line before the Presidential Primary Election in 2020, this Office may take further action in order to enforce RSA 44:7.

Sincerely,



Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

Enclosures

000075

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

September 14, 2017

Emily Gray Rice, Interim City Solicitor  
Office of the City Solicitor  
City of Manchester  
One City Hall Plaza  
Manchester, NH 03301

Re: Manchester Ward 6

Dear Emily:

Thank you for your letter dated August 18, 2017 relative to Manchester's Ward 6 and the State's concerns relative to the location of its polling place. We appreciate the challenge that the City has faced as a result of the St. Pius X Parish decision to cease offering the facility for use as a polling place. It is the obligation of the City, however, to find a suitable polling facility inside Ward 6 to serve the residents of Ward 6 in spite of the loss of that particular facility. This is so as a matter of law. See N.H. Const. Part 1 Art. 11; RSA 654:1; RSA 44:7.

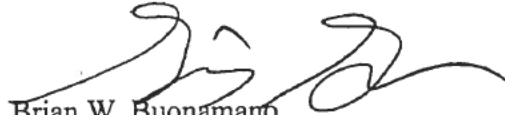
Further, to the extent that the City invokes the provisions of RSA 39:1-b to provide flexibility in selecting polling place for Ward 6, it cannot, at the same time, disavow the responsibilities as to transportation that plainly come with it. The plain language of the statute requires transportation be provided to voters where a polling place is located outside of the ward it is intended to serve, regardless of distance or location.

You note in your letter that the McLaughlin Middle School is not intended as a permanent solution to the loss of the Ward 6 polling place. While we are encouraged by that statement, we remain concerned that this solution remains at least indefinite. In light of the constitutional obligation to provide a suitable polling place inside Ward 6 and your statements that the McLaughlin Middle School is not intended as a permanent solution, we interpret your letter to mean that the City intends to find a new polling place inside Ward 6 in time for the next election cycle following the election on September 19, 2017.

Emily Gray Rice, Interim City Solicitor, City of Manchester  
Re: Manchester Ward 6  
September 14, 2017  
Page 2

We look forward to assisting and working with the City in finding a permanent solution to the loss of the Ward 6 polling place in time for the next election cycle.

Sincerely,



Brian W. Buonamano  
Assistant Attorney General  
Civil Bureau  
(603) 271-1392  
brian.buonamano@doj.nh.gov

1812823

Place	Address	Contact	Phone/Email Info	Usable Location	Notes	Rental Fee
Kingdon Hall Church	280 East Industrial Drive	Peter Schirmer	603-540-2148	No	No interest	
Manchester Fire Station 8	676 East Industrial Drive	Captain Kevin Healey	healeyk@manchester.nh.gov / 603.695.2255	No	No parking and it would hamper emergency service to public	
Camcast	111 Island Pond Road	Janel	603-623-2045	Yes	Parking lot full with employee parking	
Assumption Greek Orthodox Church	60 Bailey Avenue	Brendan McQuaid	manchester@baldwinold.com / 603-623-9550	No	ey have no space available. Redding space and will be leasing out for gym	\$ 2,500.00
Union Leader	567 Conas Avenue			No	No calls returned	
Calvary Fellowship Church	1581 Lake Shore Drive			No	No parking available	
Water Works	377 Island Pond Road			No	Secure building not available for public access	
Water Works	700 East Industrial Drive			No	Parking an issue	
Sister's of the Holy Cross	880 Page Street			No	Space unusable	
NH Food Bank	2175 Candia Road			No	Parking an issue	
Majestic Theatre	1600 Candia Road			No	Business unable to shut down	
Moat's Inn	1066 Hanover Street			No	Parking an issue	
C & C Flooring Office Building/Old Youngsville School	1050 Holl Avenue			No	Parking lot turned into playground	
Weston School (Ward 4)				No	Several businesses. Parking an issue.	
Community Bingo Center				No		

\*\*\*\*\*St. Pius no longer wants to host elections

**Ward Number Six** shall include that part of the city bounded by the following described lines: Beginning at a point at the intersection of the Manchester-Auburn town line and the centerline of Wellington Road; thence southerly by the Manchester-Auburn town line to the Manchester-Londonderry town line; thence southerly and westerly by the Manchester-Londonderry town line to the centerline of Interstate 93 North; thence northwesterly by the centerline of Interstate 93 North to its intersection with the centerline of Brickett Road; thence northwesterly to the end of Tougas Avenue; thence northerly to the end of Aurore Avenue; thence northeasterly to the intersection of Cohas Avenue and Interstate 93 North; thence westerly and northwesterly by the centerline of Cohas Avenue to the centerline of South Mammoth Road; thence northwesterly by the centerline of South Mammoth Road to the centerline of Island Pond Road; thence easterly by the centerline of Island Pond Road to the centerline of Benjamin Street; thence northerly by the centerline of Benjamin Street to the centerline of Renard Street; thence northeasterly, northerly and northwesterly by the centerline of Renard Street to the centerline of Benjamin Street; thence northerly by the centerline of Benjamin Street extended to the centerline of Medford Street; thence easterly by the centerline of Medford Street to the centerline of Normand Street; thence northerly by the centerline of Normand Street to the centerline of Holt Avenue; thence westerly by the centerline of Holt Avenue to the centerline of Cushing Avenue; thence northerly by the centerline of Cushing Avenue to the centerline of Oakland Avenue; thence westerly by the centerline of Oakland Avenue to the centerline of Woodland Avenue; thence northerly by the centerline of Woodland Avenue extended to the centerline of the former Boston & Maine, Portsmouth Branch, Railroad right-of-way; thence easterly by the centerline of the former Boston & Maine, Portsmouth Branch, Railroad right-of-way to the centerline of Page Street; thence northerly by the centerline of Page Street to the centerline of Hanover Street; thence

*Emily Gray Rice*  
*Interim City Solicitor*

*Thomas I. Arnold, III*  
*Deputy City Solicitor*



*Peter R. Chiesa*  
*Gregory T. Muller*  
*John G. Blanchard*  
*Jeremy A. Harmon*  
*Andrea C. Muller*

**CITY OF MANCHESTER**  
*Office of the City Solicitor*

August 18, 2017

Brian W. Buonamano, Esq.  
Assistant Attorney General  
New Hampshire Department of Justice  
33 Capitol St.  
Concord, NH 03301

**RE: Manchester Ward 6**

Dear Brian:

I am writing in response to your letter of July 31, 2017, which follows a series of discussions with your office and with the Secretary of State's office concerning the City's loss of use of its previously-designated Ward 6 polling place.

As you know, the City of Manchester was notified in January 2017 that its longtime Ward 6 polling place at St. Pius X Parish would no longer be available, effective immediately. After an extensive search, no appropriate and suitable alternative could be found within the current Ward 6 boundary, so the City was forced to explore potential, nearby alternative polling locations.

On March 31, 2017, our City Clerk, Matt Normand, spoke to Assistant Secretary of State Dave Scanlan about a plan to relocate the Ward 6 polling place to a City-owned school located approximately 750 feet from the Ward 6 boundary. Unfortunately, a lengthy period of time expired without a substantive response to the City's inquiry. After an exchange of e-mails in mid-to-late May, you and Clerk Normand discussed a proposed plan under which the predicament would be resolved by permitting Ward 6 to voters to voter at the McLaughlin Middle School, (in Ward 8) until such time as formal action could be taken by the Board of Mayor and Aldermen to locate the school polling location within the Ward 6 boundary.

As Clerk Normand explained in his e-mail to you of May 30, 2017, the immediate pursuit of a resolution through a charter amendment is problematic because it would necessitate moving voters twice over the next twelve months. This is unnecessary given the avenue available to the City under RSA 39:1-b allowing Ward 6 voting within less

One City Hall Plaza • Manchester, New Hampshire 03101 • (603) 624-6523 • FAX: (603) 624-6528  
TTY: 1-800-735-2964

E-Mail: [solicitor@manchesternh.gov](mailto:solicitor@manchesternh.gov) • Website: [www.manchesternh.gov](http://www.manchesternh.gov)

**000080**

than 1,000 feet of the Ward boundary, until such time as the City can move one of the schools within the Ward 6 boundary line during the next scheduled redistricting process.

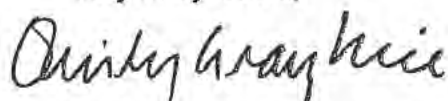
It appears that your principal objection is that the City is "permanently remov[ing] a polling facility than the ward it is intended to serve," in contravention of N.H. Const. Pt. 1 Art. 11 and various statutes. This contention is inaccurate for two reasons: First, the City did nothing to remove the previous polling place from Ward 6; the polling place was unilaterally removed by the church which owns it when they advised that they would no longer allow it to be used. Second, this is not intended as a permanent measure. It is simply an effort by the City to identify a Ward 6 polling place that meets the requirements of law because there is currently no legally sufficient polling location within the Ward 6 boundary.

As for the issue of transportation, while RSA 39:1-b requires transportation to another town if the town meeting is moved, that provision cannot be reasonably read to trigger a transportation obligation where the new polling location is a mere 750 feet outside the Ward in where the voter is domiciled. This is especially true since, in this instance, through no fault of the City, the "usual polling place" ceased to exist as of January 2017. The statute cannot fairly be read to require transportation in perpetuity when the ward's "usual polling place" has ceased to exist. Moreover, it is unlikely that the church that terminated its long standing relationship with the City, would welcome the use of its property as a future transportation hub for the Ward 6 voters.

The City has done its very best to find a polling place which meets the requirements of law, and has identified the nearest appropriate facility. The filing of a superior court petition to terminate this interim solution would not be successful and would serve only to unnecessarily sow confusion and harm the public interest. The City welcomes the participation of the State in assisting with a practical and more permanent solution to the discontinuance of its Ward 6 polling place, and I look forward to our further discussion of this matter.

Thank you.

Very Truly Yours,



Emily Gray Rice, Esq.  
Interim City Solicitor

EGR/hms

*Emily Gray Rice*  
*Interim City Solicitor*

*Thomas I. Arnold, III*  
*Deputy City Solicitor*



*Peter R. Chiesa*  
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**CITY OF MANCHESTER**  
*Office of the City Solicitor*

August 18, 2017

Brian W. Buonamano, Esq.  
Assistant Attorney General  
New Hampshire Department of Justice  
33 Capitol St.  
Concord, NH 03301

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**000082**



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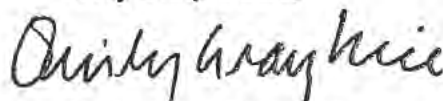
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The City has done its very best to find a polling place which meets the requirements of law, and has identified the nearest appropriate facility. The filing of a superior court petition to terminate this interim solution would not be successful and would serve only to unnecessarily sow confusion and harm the public interest. The City welcomes the participation of the State in assisting with a practical and more permanent solution to the discontinuance of its Ward 6 polling place, and I look forward to our further discussion of this matter.

Thank you.

Very Truly Yours,



Emily Gray Rice, Esq.  
Interim City Solicitor

EGR/hms

*Emily Gray Rice*  
*Interim City Solicitor*

*Thomas I. Arnold, III*  
*Deputy City Solicitor*



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**CITY OF MANCHESTER**  
*Office of the City Solicitor*

August 18, 2017

Brian W. Buonamano, Esq.  
Assistant Attorney General  
New Hampshire Department of Justice  
33 Capitol St.  
Concord, NH 03301

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I am writing in response to your letter of July 31, 2017, which follows a series of discussions with your office and with the Secretary of State's office concerning the City's loss of use of its previously-designated Ward 6 polling place.

As you know, the City of Manchester was notified in January 2017 that its longtime Ward 6 polling place at St. Pius X Parish would no longer be available, effective immediately. After an extensive search, no appropriate and suitable alternative could be found within the current Ward 6 boundary, so the City was forced to explore potential, nearby alternative polling locations.

On March 31, 2017, our City Clerk, Matt Normand, spoke to Assistant Secretary of State Dave Scanlan about a plan to relocate the Ward 6 polling place to a City-owned school located approximately 750 feet from the Ward 6 boundary. Unfortunately, a lengthy period of time expired without a substantive response to the City's inquiry. After an exchange of e-mails in mid-to-late May, you and Clerk Normand discussed a proposed plan under which the predicament would be resolved by permitting Ward 6 to voters to voter at the McLaughlin Middle School, (in Ward 8) until such time as formal action could be taken by the Board of Mayor and Aldermen to locate the school polling location within the Ward 6 boundary.

As Clerk Normand explained in his e-mail to you of May 30, 2017, the immediate pursuit of a resolution through a charter amendment is problematic because it would necessitate moving voters twice over the next twelve months. This is unnecessary given the avenue available to the City under RSA 39:1-b allowing Ward 6 voting within less

than 1,000 feet of the Ward boundary, until such time as the City can move one of the schools within the Ward 6 boundary line during the next scheduled redistricting process.

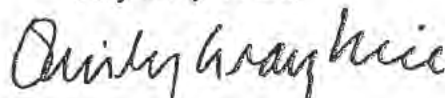
It appears that your principal objection is that the City is "permanently remov[ing] a polling facility than the ward it is intended to serve," in contravention of N.H. Const. Pt. 1 Art. 11 and various statutes. This contention is inaccurate for two reasons: First, the City did nothing to remove the previous polling place from Ward 6; the polling place was unilaterally removed by the church which owns it when they advised that they would no longer allow it to be used. Second, this is not intended as a permanent measure. It is simply an effort by the City to identify a Ward 6 polling place that meets the requirements of law because there is currently no legally sufficient polling location within the Ward 6 boundary.

As for the issue of transportation, while RSA 39:1-b requires transportation to another town if the town meeting is moved, that provision cannot be reasonably read to trigger a transportation obligation where the new polling location is a mere 750 feet outside the Ward in where the voter is domiciled. This is especially true since, in this instance, through no fault of the City, the "usual polling place" ceased to exist as of January 2017. The statute cannot fairly be read to require transportation in perpetuity when the ward's "usual polling place" has ceased to exist. Moreover, it is unlikely that the church that terminated its long standing relationship with the City, would welcome the use of its property as a future transportation hub for the Ward 6 voters.

The City has done its very best to find a polling place which meets the requirements of law, and has identified the nearest appropriate facility. The filing of a superior court petition to terminate this interim solution would not be successful and would serve only to unnecessarily sow confusion and harm the public interest. The City welcomes the participation of the State in assisting with a practical and more permanent solution to the discontinuance of its Ward 6 polling place, and I look forward to our further discussion of this matter.

Thank you.

Very Truly Yours,



Emily Gray Rice, Esq.  
Interim City Solicitor

EGR/hms

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 24, 2018

Michael Steele, Chairman  
U.S. Vote Foundation  
4325 Old Glebe Road  
Arlington, VA 22207

Re: Voter Registration Efforts in New Hampshire

Dear Mr. Steele:

Our office has received notice that several voters in Hanover, NH have submitted a document generated by your organization which purports to be a voter registration form. As you may be aware, New Hampshire law requires voter registration applications to be completed on state-issued forms. RSA 654:7, IV. We note that the General Instructions page that you provide to applicants correctly states that "New Hampshire town and city clerks will accept this application only as a request for their own absentee voter mail-in registration form." However, we are concerned that this statement is not conspicuous enough and does not clearly communicate to the applicant that your document is merely a request for registration materials.

The end-result is that your system, as currently designed, results in a significant risk of generating confusion among potential New Hampshire voters. Applicants using your system may mistakenly believe that they have registered to vote simply by completing the form generated by your organization. We have contacted the Hanover Town Clerk and they will mail the proper registration materials to the voters who have already utilized your system. In the meantime, we would greatly appreciate your assistance in improving the visibility of your disclosure to New Hampshire applicants. Please contact me at your earliest convenience in order to resolve this matter.

Sincerely,

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

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 25, 2018

Lindsay Elizabeth Tausch  
[REDACTED]

**Re: Warning for violation of RSA 664:6**

Dear Ms. Tausch:

Pursuant to a complaint filed with our office and pursuant to RSA 664:19, this office conducted an examination of the receipt and expenditure report filed by **you** on September 19, 2018. Please be advised that your report failed to comply with the minimum disclosure requirements established under RSA 664:6 for the following reasons.

- Your report indicated that you expended \$3,750.00 on September 17, 2018, however, you did not list any receipts for this period. Moreover, you failed to file reports on August 22, 2018 and September 5, 2018 and therefore have provided no information as to the source of your campaign funds.
- Please be advised that your reports are required to contain the following information for receipts over \$25.00:
  - the names of each contributor;
  - the postal addresses of each contributor;
  - the amount of each contribution that was received;
  - the date that each contribution was received;
  - your list of contributors in alphabetical order by last name; and
  - the aggregate totals of contributions made each contributor.
- For receipts over \$100.00, your report must disclose:
  - the occupation of each contributor;
  - the job title of each contributor;
  - the name of the employer for each contributor; and
  - the city/town of the principal place of business for each contributor.

**Please refile the above referenced report within seven (7) days with the above information.** If you originally filed your report on the Campaign Finance System (CFS), please amend your report on the system. Your amended report will replace your original report and it

**000087**

will be designated as an amendment. If you originally filed your report by paper, please refile with the Department of State and be sure to clearly label the filing as an "amended" **September 19, 2018** report. In the event that you are unable to refile, please provide our office with a brief written statement explaining why you are unable to comply with the above requirements for this reporting period.

**Additionally, please take immediate action to ensure that your future reports will comply with the minimum disclosure requirements set forth in RSA 664:6.** For your convenience, we are enclosing a copy of the compliance checklist that our office follows when reviewing campaign receipt and expenditure reports. Please review this document to ensure that your reports contain all of the required information.

Be advised that any future failure to comply with these minimum disclosure requirements, may result in a cease and desist order, enforcement action, fines, and/or criminal prosecution. *See* RSA 664:9; RSA 664:18; RSA 664:21, V. Please do not hesitate to contact me if you have any questions.

Regards,



Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650

Encl.

000088

ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

Procedure for Initial Examination of Campaign Receipts and Expenditure Reports  
(2018)

The Attorney General's Office will conduct this basic review of every campaign finance report. This form should only be completed by the reviewer if the filer has failed to comply with any one of the minimum disclosure requirements as indicated below.

Name of Filer under Review: \_\_\_\_\_  
Date of Review: \_\_\_\_\_  
Name of AGO Reviewer: \_\_\_\_\_

Registration type (circle one): *Candidate* or *Political committee* (including candidate committees)?

Review of Deadline (circle one):

*Primary Election:*

June 20, 2018 (Political Committees only) August 22, 2018 September 5, 2018 September 19, 2018

*General Election:*

October 17, 2018 October 31, 2018 November 14, 2018

Was the report filed on time? Y\_\_ N\_\_  
Does the report list receipts and expenditures separately? Y\_\_ N\_\_  
Does the report itemize all receipts and expenditures over \$25.00? Y\_\_ N\_\_

For receipts/contributions over \$25.00, does the report contain the following information about the donors:

-Names Y\_\_ N\_\_  
-Postal addresses Y\_\_ N\_\_  
-Amount of contribution Y\_\_ N\_\_  
-Date the contribution was received Y\_\_ N\_\_  
-List contributions in alphabetical order by last name? Y\_\_ N\_\_  
-Does the report contain a column or space that calculates the aggregate donations for individual donors? Y\_\_ N\_\_

For receipts/contributions over \$100.00, does the report contain the following information about the donors:

-Contributor's occupation Y\_\_ N\_\_  
-Job title Y\_\_ N\_\_  
-Name of the contributor's employer Y\_\_ N\_\_  
-City/town of contributor's principal place of business. Y\_\_ N\_\_

For receipts/contributions of \$25.00 or less, are they listed as un-itemized receipts? Y\_\_ N\_\_

For expenditures exceeding \$25, does the report contain the following information about the payees:

-Names Y\_\_ N\_\_  
-Postal addresses Y\_\_ N\_\_  
-Date paid or obligated Y\_\_ N\_\_  
-Indicate which election for which the expenditure was made Y\_\_ N\_\_  
-A description of the nature of the expenditure Y\_\_ N\_\_  
-The amount of each expenditure Y\_\_ N\_\_

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 27, 2018

Jessica Jarvis, Town Clerk  
[REDACTED]

Re: Election Day Polling Hours on ElectioNet

Dear Ms. Jarvis:

Our office received a complaint during the September 11, 2018, Primary Election from a voter who, along with her partner, had arrived at the Langdon Polling Place intending to vote at approximately 10:00 AM. Relying on information published on the Department of State website, they anticipated that the polls would be open at that time. After arriving at the polling location, she discovered that the polling hours were actually from 11:00 AM to 7:00 PM.

Be advised that town clerks are required to notify the Department of State of their polling hours and locations by entering them correctly into ElectioNet. The times and locations of every polling site in the State that are entered into this database are the times and locations that are published by the Department of State on its website and are the hours when those polling locations are required to be open. These hours have been and can be enforced in court and a municipality can be court ordered to open during those hours.

It appears that the Town of Langdon's polling hours incorrectly indicated in ElectioNet that the polls would be open from 8:00 AM to 7:00 PM for the September 11, 2018, Primary Election.

Ultimately, this voter's partner was unable to vote in the Primary Election due to a medical procedure he underwent during that day. That medical procedure has been specifically scheduled so that he could vote prior to it – and based on the Langdon polling place hours that were reflected on the Department of State's website. Had these voters known the correct polling hours in advance of the election, they could have planned ahead to visit the polls or, potentially, cast absentee ballots.

In the future, the Town of Langdon is ordered to **CEASE AND DESIST** from incorrectly recording its polling place hours and/or location in ElectioNet. Further, the Town of Langdon is **ORDERED** to enter the correct polling information and hours into ElectioNet prior to every

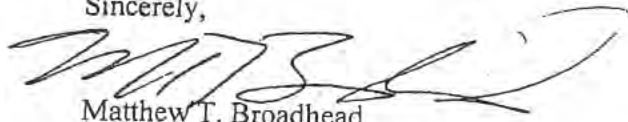


Ms. Jarvis, Langdon Town Clerk  
Page 2 of 2

election but specifically by October 10 for the 2018 State General Election. Please provide confirmation to me when the Town of Langdon has done so for the 2018 State General Election.

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

Sincerely,



Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

CC: David Scanlan, Deputy Secretary of State

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 28, 2018

Thomas Freda, Esquire  
Moderator, Town of Londonderry  
30 Buckingham Drive  
Londonderry, NH 03053

Re: Electioneering During the September 11, 2018, Primary Election

Dear Attorney Freda,

As you know, our office received complaints about several candidates electioneering within the 10-foot no-electioneering zone corridor and in the parking lot of the Londonderry polling place during the September 11, 2018, Primary Election. On Election Day, you spoke with Associate Attorney General Anne Edwards and discussed several options about how to manage your polling location to prevent this from happening. I am writing to follow up on that conversation.

For your reference, RSA 659:43, II, requires a moderator to create an electioneering free zone outside the polling place "within a corridor 10 feet wide and extending a distance from the entrance door of the building as determined by the moderator where the election is being held." Also, in the 2018 Elections Procedure Manual, page 185, the moderator's responsibilities include establishing a no-electioneering zone "from the entrance door(s) of the polling place as far into the driveway/parking area as he or she determines appropriate to provide voters with a clear path to the polls." Additionally, "[t]owns shall have the power to make bylaws regulating ... electioneering or any activity which affects the safety, welfare and rights of voters at any election held for any purpose in such town." RSA 31:41-c. We encourage you to work with your local police department and select board, if needed, in order to establish such ordinances prior to the November General Election.

Regardless of whether the Town enacts an ordinance or not, the moderator has the duty and authority to designate the "no electioneering" corridor and to control the parking lot as necessary to make sure that voters can access the polls unimpeded. For instance, to address the complaint about candidates and their vehicles parking in the handicap parking lane, you may wish to place signs which designate specific areas as "Voter Parking Only." Likewise, if there is some parking that can be set aside for campaigners and polling place staff/volunteers, that would be helpful as well. Again, you should meet with the Selectmen and Police Department on this

Thomas Freda, Esquire  
Page 2 of 2

matter. Also, you may wish to set up a meeting with representatives of the candidates and/or political parties prior to the General Election in order to arrive at some consensus beforehand.


We understand that managing the polling place on election day is no small task and that you face many challenges. With over 30 days before the General Election, we request that you initiate steps in order to avoid future complaints of this nature. As always, our office stands ready to assist you in any way we can.

Sincerely,



Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

CC:

  
David Scanlan, Deputy Secretary of State

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 28, 2018

David Drummond  
Chief Legal Officer and Senior Vice President  
Google, Inc.  
1600 Amphitheatre Pkwy  
Mountain View, CA 94043

Re: Voter Registration Efforts in New Hampshire

Dear Mr. Drummond:

Earlier this week, the State of New Hampshire was notified by several local town officials that they received a high volume of e-mail requests for voter registration forms to be sent by mail. Although it is unclear exactly how many, some requests appear to have been submitted via a hyperlink that was posted on your website, Google.com, which stated "To vote in November, register today[.]"

Be advised that, voters in New Hampshire must typically register to vote in person with the town or city clerk, at a meeting of the supervisors of the checklist, or on election day itself at their polling place. N.H. RSA 654:7; N.H. RSA 654:7-a (Election Day registration); N.H. RSA 654:28. Applicants must complete state-issued voter registration forms. N.H. RSA 654:7, IV. New Hampshire law provides very limited circumstances where a person may request an absentee registration form by mail. Such a person may only request an absentee voter registration form if the person is, prior to election day, unable to attend a meeting of the supervisors of the checklist in his or her town or ward because he or she is either (a) temporarily absent from the town or city or (b) cannot appear in person due to a disability. N.H. RSA 654:16.

We have concerns that your registration effort may have generated confusion among potential New Hampshire voters. Users clicking on your link may have been mistakenly led to believe that they could have registered to vote by mail. In response to the numerous online inquiries, our office, in conjunction with the Secretary of State's office, issued guidance to town and city clerks in order to confirm whether or not each applicant was in fact qualified to receive an absentee registration form. To avoid such confusion in the future, we would suggest directing your users to the appropriate guide on how to register in New Hampshire. This can be found online at the Department of State's website at <http://sos.nh.gov/HowRegVote.aspx>. We would greatly appreciate your assistance in improving your disclosure to potential New Hampshire applicants. Please contact me at your earliest convenience in order to resolve this matter.

David Drummond  
Page 2 of 2

Sincerely,

A handwritten signature in black ink, appearing to read 'MTB', with a large, stylized flourish at the end.

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
[matthew.broadhead@doj.nh.gov](mailto:matthew.broadhead@doj.nh.gov)

CC: David Scanlan, Deputy Secretary of State, State of New Hampshire

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

September 28, 2018

Joseph Sweeney  
[REDACTED]

Re: Complaint Against the Friends of Jenn Alford-Teaster Campaign

Dear Mr. Sweeney:

The Election Law Unit reviewed your complaint dated July 11, 2018. Your complaint did not raise any allegation of misconduct on the part of the Friends of Jenn Alford-Teaster that would violate our State's election laws. Therefore our office did not take any action with respect that aspect of your complaint. However, the complaint did raise a question about the status of "Garvey for Senate," a political committee that was formed in 2016, which had contributed \$3,000 to the Friends of Jenn Alford-Teaster during the current election cycle.

Although Garvey for Senate had not filed any six-month reports as required by RSA 664:6, I & V, the law requiring such reports to be filed in December and June following the 2016 General Election did not go into effect until January of 2017. After the law went into effect, the committee did not make any expenditure that would have triggered the registration requirement for the 2018 cycle or a six-month report until February 3, 2018. *See* RSA 664:6, I & IV. In follow-up to our inquiry, the Friends of Garvey committee was extremely cooperative, promptly registered as a political committee for the 2018 election cycle, and distributed the remaining surplus funds. The committee filed a final receipt and expenditure report with the Secretary of State's office on August 4, 2018. Based on the foregoing, we will not be taking any further action on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew T. Broadhead".

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

**000096**

Joseph Sweeney  
Page 2 of 2

cc: Friends of Jenn Alford-Teaster  
Friends of John Garvey

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

Matter #	Case Name	Investigator	Report Date
2018133638	Complaint Against Marcus Ponce DE LEON Violation of RSA 664:14	Richard C. Tracy	October 2, 2018

On 10/01/2018 I contacted Marcus Ponce DE LEON by telephone. The purpose of the phone call was to speak with DE LEON about the political post cards that were being handed out at Ward 5 in Manchester, NH on the day of the State Primary.

Marcus Ponce DE LEON DOB [REDACTED]  
[REDACTED]

I obtained the above contact information for DE LEON from TLO. I left a voicemail message for DE LEON at 1536 hours on October 1, 2018. DE LEON returned my call at 1555 hours. I introduced myself to DE LEON and explained the purpose of my call. DE LEON questioned why he had to put that information on his ads when he has seen many other political ads that don't contain contact information. I referred DE LEON to RSA 664:14 which I told him he could find on the State's website [www.nh.gov](http://www.nh.gov) under laws and rules. I further told DE LEON that if he discovered a political ad that did not contain the proper language he was welcome to report that to our office.

I asked DE LEON if he knew how I could get a hold of [REDACTED] and or [REDACTED]. DE LEON explained that he sees [REDACTED] on occasion and may see him later that night. He does not see or have much contact with [REDACTED]. DE LEON was reluctant to give me there contact information but agreed to speak with and provide them with my contact information.

TLO provided the following information for [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] I twice tried contacting [REDACTED] at this phone number on October 1 & 2, 2018, each time I received a voicemail message that the mailbox was full and not accepting messages. I sent a text message to that number asking that [REDACTED] contact me.  
[REDACTED]

Page	1	of	2	pages	SIGNED	[Signature]	DATE	10-4-18
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000098



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

Matter #	Case Name	Investigator	Report Date
2018133638	Complaint Against Marcus Ponce D LEON Violation of RSA 664:14	Richard C. Tracy	October 2, 2018

██████████  
██████████ informed me that he now lives at ██████████

I sent ██████████ a text message to his cell phone and left two voicemail messages on October 1, & 2, 2018. Appears that Jack's mother ██████████ lives in ██████████ she has a cell # ██████████ to date I have not tried to call her.

On October 2, 2018 I received a call from ██████████ who stated that he was responding to my text message. I explained the purpose of wanting to speak with him. ██████████ informed me that the three of them did this on a whim, last minute and didn't think anything of it. I explained the law to ██████████ and I told ██████████ that should he need additional information he could read RSA 664:14 and that it would not be a bad idea to speak with the Secretary of State's Office in the future that they could provide ██████████ with some information and guidance to assure he follows all the rules. I pointed out to ██████████ what he needed to do in the future should he decide to run again. ██████████ informed me that he did not get enough votes during the primary.

I asked ██████████ if he knew how I could get a hold of ██████████ responded '██████████' which is how he pronounced the name. ██████████ informed me that the two of them work together. I asked ██████████ if he would have ██████████ call me.

A short time later I received a call from ██████████ I explained the purpose of my call and advised ██████████ of what he needed to do next time he decides to run for office to remain in compliance. I asked ██████████ for an address ██████████ provided me with the same address that TLO gave, which is ██████████ pointed out to ██████████ that ██████████ is in the County of Rockingham not Hillsborough where he was attempting to run for County Commissioner. I told ██████████ that he needed to be more careful in the future that running for office in a county, city or town that he does not reside in could lead to additional problems. ██████████ thanked me for speaking with him and apologized for the misunderstanding.

Page	2	of	2	pages	SIGNED	DATE
						10-4-18

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

October 3, 2018

John T.B. Mudge



Re: Ted Cruz for US Senate Campaign Summons Envelope

Dear Mr. Mudge:

The Election Law Unit has received and reviewed your complaint. This Unit enforces the election laws of the State of New Hampshire and prosecutes election officials, candidates, and individuals who violate those laws. Although we share your concerns about the misleading nature of the attached campaign mailers, under current law our office is unable to take any action with respect to your complaint.

We reviewed your complaint for potential violations of RSA 642:1 (Obstructing Government Administration through simulated legal process); RSA 666:6 (False Documents); and RSA 664:14 (Signature and Identification Requirements for Political Advertising). The subject mailer does not violate any of these laws and therefore our office will not be opening an investigation into this matter.

However, our office monitors trends and issues in the conduct of our State's elections and uses that information to help determine future priorities in the Unit's enforcement efforts and legislative recommendations. The information you provided us and a copy of this mailer will be reported to the Senate Committee on Election Law and Internal Affairs and the House Committee on Election Law in our biannual report. You may wish to contact your local legislators about your concerns over this mailer. Thank you for bringing these concerns to our attention.

Sincerely,

A handwritten signature in black ink, appearing to read "MTB", written over a faint circular stamp.

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

MTB/kh

**000100**

**John T. B. Mudge**



September 18, 2018

Mr. Gordon MacDonald  
Attorney General of New Hampshire  
Elections Complaints  
33 Capitol Street  
Concord NH 03301

Dear Attorney General MacDonald:

I am concerned about the deceit and legality of a recent political mailing that I received. The mailing is enclosed.

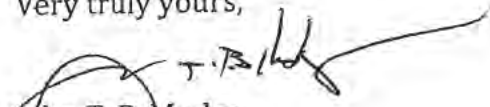
My first concern is that the return address reads: "Official Grafton County Summons." As you will see from the letter and the enclosures the word "Summons" is repeated a number of times.

I am not an attorney, but I understand that a summons is a very specific legal document that a court issues after a proper legal process, and the summons is then a citation to the receiving person to appear in a court or other legal proceeding.

The enclosed campaign literature is obviously not such a document, but I believe that it is clearly intended to intimidate the recipient into responding to this mailing with a financial contribution. That is totally inappropriate if not illegal.

I hope that your office will take the steps to 1) notify Senator Cruz that this is inappropriate or illegal and 2) notify New Hampshire residents that a "summons" in this form has no legal standing and should be ignored.

Very truly yours,

  
John T. B. Mudge

000101

Official Griffin County Summons  
Voter Exit Pollster Campaign Division  
Ted Cruz for Senate 2018

SUMMONS ENCLOSED - OPEN IMMEDIATELY

PRESORTED  
STANDARD



USPS  
50  
ZIP  
2113

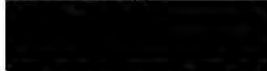
000102

# 2018 CAMPAIGN SUMMONS FORM

**TED CRUZ**  
REPUBLICAN *for* US SENATE

MUDGE HOUSEHOLD CODE: P60618015B  
616536419

From: Senator Ted Cruz  
PO Box 25400  
Houston, TX 77265-5400

To: John Mudge  




**YES, Senator Cruz!** I am answering your summons to join your re-election campaign today! I agree that your 2018 re-election campaign will be one of the most closely watched and expensive races in the country, and the Democrats and Washington Establishment will be throwing every last resource at their disposal into this race to silence your conservative voice. I will not stand on the sidelines and allow that to happen! That is why I am responding affirmatively to your call and summons by rushing back my enclosed donation of:

- \$1,000       \$500       \$250       \$100  
 \$50       \$35       Other: \$ \_\_\_\_\_

## CONSERVATIVE AFFIRMATION

I CERTIFY THAT I AM COMMITTED TO RE-ELECTING SENATOR CRUZ AND FIGHTING BACK AGAINST THE LIBERALS AND WASHINGTON ESTABLISHMENT WHO WANT TO DESTROY OUR CONSERVATIVE VOICE AND VALUES.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Please ...  
SIGN HERE**

Please make checks payable to: TED CRUZ FOR SENATE 2018 @ PO Box 25400, Houston, TX 77265-5400

For more important information, including how to make a contribution by credit card, please see the back.



0218689

000103

I may choose to make your gift by credit card by completing the information below:

Type of credit card:        

Credit Card #: \_\_\_\_\_ CVV: \_\_\_\_\_

Exp. Date: \_\_\_\_ / \_\_\_\_ Amount of Gift: \$ \_\_\_\_\_ Billing Zip Code: \_\_\_\_\_

Name as it appears on card: \_\_\_\_\_

Signature: \* \_\_\_\_\_ Date: \_\_\_\_\_

Contribution is made on a personal credit card for which I have the legal obligation to pay, and is not made either on a corporate or business entity card or on the card of another person. Contribution is made from my own funds, and funds are not being provided to me by another person or entity for the purpose of making this contribution.

Contributions are not deductible for federal income tax purposes. Contributions from corporations, foreign nationals, federal government agencies and labor unions are prohibited. Contributions are limited by federal law to \$5,400 per person (\$2,700 for the primary election, or the general election).

Law requires political committees to use their best efforts to obtain and report the name, mailing address, occupation and employer of each individual whose contributions aggregate in excess of \$200 in an election cycle. Please make corrections to your name and address online and complete the following:

Occupation: \_\_\_\_\_ Employer: \_\_\_\_\_

check if self employed

Phone #: ( ) \_\_\_\_\_ E-Mail: \_\_\_\_\_

If you are connected as a leading member of the Ted Cruz for Senate 2018 team, please enter your email address: \_\_\_\_\_



P.O. Box 25400 ★ Houston, TX 77265-5400 ★ [www.TedCruz.org](http://www.TedCruz.org)

Paid for by Ted Cruz for Senate 2018

Not printed or mailed at taxpayer expense.

# **TED CRUZ**

REPUBLICAN *for* US SENATE

Dear Fellow Conservative,

Please allow me to get right the point: I am facing a tidal wave of opposition from Democrats, the liberal media, special interest groups, and the Washington Establishment in my re-election campaign.

And, the bottom line is this: *I simply cannot win this campaign without your support.* This is not hyperbole or political histrionics. It is the sobering truth.

In order to combat the massive firepower lined up against me, I will need the support of every conservative in the nation. That is why I am reaching out far and wide to summon true conservatives to join my re-election campaign for what will surely be the most closely watched and most expensive 2018 Senate race in the country.

So, please, without delay, I implore you to join my 2018 re-election team by answering “YES!” to the enclosed TEAM CRUZ 2018 SUMMONS FORM and return it to me today.

With the 2018 election cycle in full swing, there is no time to delay. I need to hear from you today.

Please, let me explain.

Since I was first elected to office in 2012, I have refused to bow to the Washington Establishment and have stood firm on conservative principles. It is this dedication to bedrock conservatism that has earned me top marks from conservative groups, including:

- ✓ **100% lifetime rating** from the American Conservative Union.
- ✓ **97% (A) Liberty Score® rating** from Conservative Review (ranking me #2 out of 100 United States Senators).
- ✓ **100% lifetime rating** from Americans for Prosperity.
- ✓ **100% score** from the Campaign for Working Families.
- ✓ **100% rating** from Eagle Forum.
- ✓ **100% rating** from Concerned Women for America.
- ✓ **96% lifetime rating** from The Club for Growth.
- ✓ **100% rating** from National Rifle Association.
- ✓ **100% rating** from Gun Owners of America.
- ✓ **100% score** from Federation for Immigration Reform.

Over, please . . .

Page two

- ✓ **99% rating** from NumbersUSA.
- ✓ **100% score** from Family Research Council.
- ✓ **100% rating** from FreedomWorks.
- ✓ **95% rating** from National Tax Limitation Committee.

*Friend, I wear these accolades like a badge of honor. I truly am privileged to represent the Great State of Texas and conservative values as a United States Senator.*

However, as I'm sure you can imagine, Washington, D.C. is not the kind of place that rewards principled stands. Rather, it is a place that rewards the "status quo" and the kind of "go-along-to-get-along politics" that has played a massive role in sending our nation off of the fiscal rails.

**And, because I dare to stand up to the Democrats, the Washington Establishment and (when necessary) even members of my own party... I am THE candidate that the Democrats will be pulling out all the stops to defeat come this November.**

Just consider some of the recent news headlines from the gleeful liberal mainstream media about this race:

- \*\* *Politico*: **"DEMOCRATS AIM TO TAKE OUT CRUZ IN 2018"**
- \*\* *The Hill*: **"TEXAS DEMS TARGET SEN. CRUZ IN 2018"**
- \*\* *Dallas Morning News*: **"TED CRUZ MAY FACE CLOSE RE-ELECTION RACE IN 2018"**
- \*\* *The Washington Post*: **"SIX REASONS TED CRUZ IS IN TROUBLE"**
- \*\* *NPR*: **"TED CRUZ MAY BE IN TROUBLE IN 2018"**

You can almost hear the liberal media's excitement with these kinds of headlines. Clearly – while the Democrats and the D.C. Swamp will pull out all the stops to defeat me – the liberal media will gladly be there to cheerlead and trumpet their efforts.

However biased their reporting might be, they are right about one thing: this truly will be a hard fought race. NOTHING can be taken for granted. We can expect every resource at the Democrats' disposal to be aimed at me, including:

- Millions of dollars from the Democratic National Committee invested into this race;

Next page, please . . .

**000106**



Page three

- Additional millions invested from outside groups, PAC's, 527 and George Soros-funded front groups;
- Paid "boots on the ground" and political operatives with the sole purpose of defeating me;
- Countless hours of TV, radio, print and internet advertisements aimed at distorting my conservative record; and,
- Hit piece after hit piece about me in the biased mainstream media outlets.

The good news is that, as long as we have the support of conservatives like you, we'll have the financial firepower necessary to fight back against each and every attack.

However, without that support, the Democrats will have free reign to distort my strong conservative record and move to turn the voters of Texas against me.

***In fact, I promise you that the Democrat political machine is banking on you to stand on the sidelines!***

That is why I implore you to join the fight with me today. Make no mistake: doing nothing is a huge victory for the Democrats. However, answering the included **TEAM CRUZ 2018 SUMMONS FORM** with an enthusiastic "YES!" will be a death blow to the Democrats and my opponent.

***However, this won't be easy and it won't be cheap. The bottom line is that – for better or for worse – elections are often not won or lost at the ballot box. Rather, they are lost at the pocket book.***

Specifically, I project I need to raise \$10 million to have the resources necessary to fight the malicious attacks and political dirty tricks to emerge victorious come November.

While this might seem like an insurmountable goal, the fact of the matter is that if everyone receiving this letter donates just \$50, we will be well on our way to achieving that goal. And that is what I would ask of you today.

**Will you answer my summons to conservatives nationwide by making a generous donation of \$50 today?**

However, because we truly need every dollar we can get, I would implore you to make an even greater impact with a donation of \$75, \$100, \$250, \$500 or more today.

Whatever you do, because so much is at stake in 2018, please answer my call and

Over, please . . .

**000107**

Page four

summons to you today with a donation of \$50 or even \$35. Truly, what's important is that I can count on you for your support *today*.

**Again, please, do not delay:**

1. Answer "YES!" to the enclosed **TEAM CRUZ 2018 SUMMONS FORM**; and
2. Rush it back along with your generous donation to my re-election campaign in the amount of \$500, \$250, \$100, \$75, \$50, \$35 or more today.

I'll close with this. Ronald Reagan once famously said that: *"Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed down for them to do the same."*

I could not agree more with those powerful words. Freedom and liberty are worth fighting for, and I am one of the top defenders of those principles in the United States Senate today.

And, I'm looking for you to fight for freedom arm-in-arm with me today by answering my call and summons to join my re-election campaign. So, please, do not delay.

I greatly look forward to your response.

For Liberty!



Senator Ted Cruz  
Republican – Texas

P.S. My re-election race will be one of the most closely watched and most expensive races in the country in 2018. The Democrat political machine will be pulling out all of the stops to silence my stalwart voice of conservatism. And that's why I need you on my team and have personally issued you a call and summons to join my team. If you want to fight back with me, I implore you to answer "YES!" to the enclosed **TEAM CRUZ 2018 SUMMONS FORM** and rush it back along with your generous donation to my re-election campaign in the amount of \$500, \$250, \$100, \$75, \$50, \$35 or more today.

**000108**

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

Matter #	Case Name	Investigator	Report Date
2018133814	Doe, John Violation of RSA 659:44 II State Car Used to Distribute Candidate Fliers	Richard C. Tracy	October 5, 2018


Anne CORDERO  
Northern New England, Manager BME  
[Anne.c.CORDERO@usps.gov](mailto:Anne.c.CORDERO@usps.gov)  
207-482-7186

On October 1, 2018, Anne CORDERO a BME Manager with the United States Post Office sent an email advising us that one of her rural mail carriers, Shawn STOKES, caught a subject placing political fliers in mailboxes in Woodsville NH. The mail carrier spoke with the subject to advise him that what he was doing was illegal. CORDERO reported that the subject was operating a "white Ford Focus with the state logo on it" and that the political fliers belonged to Randy SUBJECT (County Commissioner), Bob GUIDA (State Senate), Rebecca BAILEY (Representative) and Steve NEGRON (Congress).

Shawn STOKES, Rural Carrier  
Woodsville Post Office  
31 S Court St, Ste 5  
Woodsville, NH  
(800) 275-8777 or (603) 747-3731

On October 5, 2018 I spoke with Shawn STOKES the rural postal worker who encountered the male party leaving political fliers in mailboxes. STOKES stated that he came across the subject on Saturday September 29, 2018 between 10:30 and 11:30 AM. STOKES described the party as being a white male, 5' 9", heavier set but not obese. STOKES stated that he told the subject that he couldn't place ads etc. in or near mailboxes. The subject replied that he didn't know, apologized and told STOKES that he would come across other mailboxes that he had left ads in. By all accounts the subject stopped. STOKES stated that the subject was operating a vehicle that either had a "House plate or Senate plate" on it. I asked STOKES to clarify. It was then that I learned that CORDERO was mistaken in her email that the vehicle was not a State of New Hampshire vehicle being driven by a state employee but either a State Senator or House of Representative who was operating their own personal vehicle that had the State Senate or House of Representative plate on it. State Senator Bob GUIDA most likely fits the description provided by STOKES.

I explained the misunderstanding to Anne CORDERO and that we were closing our investigation.

Page	1	of	1	pages	SIGNED		DATE	10-5-18
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**000109**

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
SUPERIOR COURT**

Hillsborough Superior Court Southern District  
30 Spring Street  
Nashua NH 03060

Telephone: 1-855-212-1234  
TTY/TDD Relay: (800) 735-2964  
<http://www.courts.state.nh.us>

**NOTICE OF DECISION**

**FILE COPY**

Case Name: **Bette R Lasky, et al v State of New Hampshire**  
Case Number: **226-2017-CV-00340**

Please be advised that on October 05, 2017 Judge Temple made the following order relative to:

Notice of Voluntary Non Suit Without Prejudice; MOTION GRANTED

October 06, 2017

Marshall A. Buttrick  
Clerk of Court

(293)

C: Paul Joseph Twomey, ESQ; Gilles R. Bissonnette, ESQ; Gordon J. MacDonald, ESQ; Anne M. Edwards, ESQ; William E. Christie, ESQ; Francis C. Fredericks, ESQ

# SHAHEEN & GORDON, P.A.

ATTORNEYS AT LAW

William E. Christie  
Attorney at Law

Tenacity. Creativity. Results.

August 7, 2017

VIA ELECTRONIC & FIRST-CLASS MAIL

Anne Edwards, Assistant Attorney General  
NH Attorney General's Office  
33 Capitol Street  
Concord, NH 03301

Re: Bette E. Lasky, et al. v. The State of New Hampshire  
Case No.: 226-2017-CV-00340

Dear Attorney Edwards,

Thank you for providing Secretary of State William M. Gardner's August 7, 2017 letter to Attorney General Gordon MacDonald regarding the above-referenced matter. Based upon the letter, we understand that Secretary Gardner will only produce to the Presidential Advisory Commission on Election Integrity ("Presidential Commission") scanned copies of the voter checklists provided to the Secretary of State's Office by towns and cities pursuant to RSA 659:102. Based upon the letter and the State's Memorandum of Law in Support of the Respondent's Objection to the Petitioner's Amended Petition for Preliminary Injunction, Declaratory Judgment and Final Injunctive Relief, we also understand that Secretary Gardner will not produce to the Presidential Commission any data maintained in the statewide centralized voter registration database ("voter database"). Finally, based upon our communications with your office, we understand Secretary Gardner understands and will comply with the restrictions under New Hampshire law pursuant to RSA 654:31, II and III and RSA 654:45 regarding the disclosure of information from the voter database.

Based upon these understandings, we will notify the Court that the above referenced matter is resolved.

Very truly yours,



William E. Christie  
[wchristie@shaheengordon.com](mailto:wchristie@shaheengordon.com)

WEC/jdb  
cc: Paul Twomey, Esq.  
Gilles Bissonnette, Esq.

Bette R. Lasky, et al v. State of NH by its SOS, Wm. Gardner

HILLSBOROUGH SUPERIOR-SOUTH 226-2017-CV-340

Matter ID #2017126648

	<u>Filer</u>	<u>Pleading Name</u>	<u>Date</u>
1.	Twomey	Petition for Preliminary Injunction, Declaratory Judgment, and Final Injunctive Relief	7/6/17
2.	Edwards	Acceptance of Service	7/11/17
3.	Bissonnette	Petitioners A/T Motion to Lift Stay and Schedule Preliminary Injunction Hearing	7/27/17
4.	Bissonnette	Petitioner's A/T Motion to Amend	7/28/17
5.	Bissonnette	Verified Amended Petition for Preliminary Injunction, Declaratory Judgment and Final Injunctive Relief	7/28/17
6.	Bissonnette	Petitioners Motion for Preliminary Injunction	7/28/17
7.	Christie	Appearance for Lasky/Kurk	8/1/17
8.	FCF/AME	Appearances for Frank and Anne	8/7/17
9.	AME	Respondent Objection to Amended Petition with Memo of Law in Support	8/7/17
10.	AME	Motion to Dismiss Amended Petition	8/7/17
11.	Court	Order: parties have agreed to resolution; Atty Martin lacks legal standing to intervene	8/8/17
12.	Bissonnette	Notice of Voluntary Nonsuit	8/18/17
13.	Bissonnette	Withdrawal of Notice of Voluntary Nonsuit	8/28/17
14.	Court	NOD Withdrawal of nonsuit granted	10/5/17

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

October 8, 2018

John G. Cronin, Esq.  
Cronin, Bisson, & Zalinsky, P.C.  
722 Chestnut Street  
Manchester, NH 03104

Re: Emerald Lake Village District Complaint &  
Caron, Martha – Alleged Voter Fraud

Dear Attorney Cronin:

I write in response to a complaint filed dated April 27, 2017 regarding the 2017 Emerald Lake Village District Meeting and your client, Martha Caron, who was the moderator at said meeting. This office has conducted a careful review of the complaint as well as the response provided by your client and the Village District's Attorney. Based on our review, our office has declined to open an investigation and will not be taking any further action on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew T. Broadhead".

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

CC: Justin Richardson, Esq.

**000113**

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

October 8, 2018

Justin Richardson, Esq.  
Upton & Hatfield, LLP  
159 Middle Street  
Portsmouth, NH 03801

Re: Emerald Lake Village District Complaint &  
Caron, Martha – Alleged Voter Fraud

Dear Attorney Richardson:

I write in response to a complaint filed dated April 27, 2017 regarding the 2017 Emerald Lake Village District Meeting. This office has conducted a careful review of the complaint as well as the response provided by your office and the moderator, Martha Caron. Based on our review, our office has declined to open an investigation and will not be taking any further action on this matter.

Per your request, I am returning the enclosed original tape recordings of the District's meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "MTB 12".

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

Enclosures

**000114**



**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

October 8, 2018

*Via Electronic Mail*

Kevin Hubbard  
[REDACTED]

Re: Emerald Lake Village District Complaint &  
Caron, Martha – Alleged Voter Fraud

Dear Mr. Hubbard:

I write in response to the complaint that you filed dated April 27, 2017 regarding the 2017 Emerald Lake Village District Meeting and the moderator, Martha Caron. This office has conducted a careful review of your complaint as well as the response from Martha Caron and the Village District's Attorney. Based on our review, our office has declined to open an investigation and will not be taking any further action on this matter.

Please be advised that this Unit receives a high volume of complaints and demands that it begin an investigation into alleged violations of New Hampshire election laws. Therefore, this Unit must exercise discretion in deciding whether or not to conduct an investigation into alleged misconduct. The information you provided us will be kept in our files and reported to the Legislature pursuant to RSA 7:6-c, II. This information helps the Unit to monitor trends or issues raised in the conduct of our State's elections and may help determine future priorities in the Unit's enforcement efforts and legislative recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew T. Broadhead".

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

**000115**

# Events Note to File

---

*AMTS*

[REDACTED] (RSA 659:34)

2016118443 10/8/2018 Note to File  
11:56 AM

We received a complaint from the Goffstown Supervisor of the Checklist on March 2, 2016 alleging that [REDACTED] of [REDACTED] possibly voted in both Dunbarton and Goffstown during the Presidential Primary. [REDACTED]'s name is now [REDACTED].

[REDACTED]'s name is marked off the checklist in Goffstown as having voted during the Presidential Primary. [REDACTED]'s voting history shows that she voted in Goffstown from 2009 through September 9, 2014. We note that [REDACTED]'s middle name [REDACTED] appears directly below her last name on the Checklist, and her name appears next to "Michael" Hillhouse of [REDACTED] is not checked off as having voted in the Presidential primary, despite having a long history of doing so, according to ElectioNet.

[REDACTED] is not marked as having voted in Dunbarton during the 2016 Presidential Primary. She did vote in Dunbarton during the 2016 General Election and every election since.

Based upon the foregoing, we are closing this matter with no further action. We are unable to rule out the possibility that [REDACTED] was marked off as having voted in Goffstown as a result of an election official error and, in any event, [REDACTED] did not vote in Dunbarton during the same election. This matter will now be closed.

# Events Note to File

---

*MJS*

[REDACTED] (RSA 659:34)

2016118441

10/8/2018

Note to File

12:46 PM

We received a complaint from the Goffstown Supervisor of the Checklist on March 2, 2016 alleging that [REDACTED] formerly of [REDACTED], voted in both Hooksett and Goffstown during the February 9, 2016, Presidential Primary.

[REDACTED] name is marked off on the Goffstown checklist as having voted a Republican ballot. There are 8 people listed with the last name Damboise who appear on the Goffstown checklist as Republican and 2 others as undeclared. [REDACTED] and [REDACTED] appear on the checklist next to [REDACTED] name. [REDACTED] is marked as having voted, while [REDACTED] is not checked off on the checklist. [REDACTED] has a long history of voting a Republican ballot in previous Presidential and State primaries, but is not marked as having voted on 2/9/2016.

[REDACTED] is marked as having registered and voted in Hooksett during the 2016 Presidential Primary and at all elections since.

This Unit receives a high volume of complaints and demands that it begin an investigation into alleged violations of New Hampshire election laws. Therefore, this Unit must exercise discretion in deciding whether or not to conduct an investigation into alleged misconduct. Based on the foregoing, there is insufficient evidence to pursue further investigation into this matter. We are unable to rule out the possibility that [REDACTED] was marked off as having voted in Goffstown as a result of an election official error. This matter will now be closed.

# Events Note to File

---

*MJS*

[REDACTED] (RSA  
659:34)

2016118442 10/8/2018 Note to File  
12:44 PM

We received a complaint from the Goffstown Supervisor of the Checklist on March 2, 2016 alleging that [REDACTED] [REDACTED] formerly of [REDACTED] voted in both Dunbarton and Goffstown during the Presidential Primary.

[REDACTED] is not marked as having voted in Dunbarton during the 2016 Presidential Primary. ElectionNet records indicate that she did, however, register and vote in Bow during the Presidential Primary on February 9, 2016.

[REDACTED]'s name is marked off the checklist in Goffstown as having voted during the Presidential Primary. [REDACTED]'s name appears directly below [REDACTED] who is not checked off, and [REDACTED]'s address is the same as [REDACTED].

This Unit receives a high volume of complaints and demands that it begin an investigation into alleged violations of New Hampshire election laws. Therefore, this Unit must exercise discretion in deciding whether or not to conduct an investigation into alleged misconduct. Based on the foregoing, there is insufficient evidence to pursue further investigation into this matter. We are unable to rule out the possibility that [REDACTED] was marked off as having voted in Goffstown as a result of an election official error. This matter will now be closed.

# Events Note to File

---

NH AFL-CIO - no financial  
reports filed (anonymous  
complainant)

2017128575

10/8/2018  
4:13 PM

Note to File

We received an anonymous complaint about the NH AFL-CIO on October 17, 2017 regarding alleged "gaps" in their political expenditure reports between the 2016-2017. The complaint does not set forth allegations sufficient to state a plausible violation of our election laws. The matter will be closed without further action.

# Events Note to File

---

Flyer Complaint (Bert  
Spaulding, Sr., complainant)

2017125882

10/8/2018  
10:12 AM

Note to File

The Election Law Unit has reviewed this complaint. The subject mailer does not violate RSA 659:44 or 44-a (electioneering); See Pleasant Grove City v. Summum, 555 US 460, 468 (2009) ("A government has the right to speak for itself."). This matter will be closed.

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

October 9, 2018

*Sent Via Electronic Mail*

Lorraine Scrivani  
[REDACTED]

Re: Warning for Alleged Violation of RSA 664:14 – Anonymous Advertisement

Dear Ms. Scrivani:

On March 19, 2017, this office received a complaint regarding an anonymous political advertisement advocating for the passage of Article 9 on the Chesterfield Town Ballot during the 2017 Town Election. The advertisement in question expressly advocated for the passage of Article 9, stating: "We urge you to vote yes." The advertisement contained a statement that it was "paid for by Concerned Citizens of Chesterfield."

In a brief email to our office, you admitted that you were responsible for the creation and distribution of the subject advertisement. Be advised that political advertising is defined as "any communication... which expressly... advocates for the success or defeat of ...[a] measure." RSA 664:2, VI; See also VII (defining "communication" as including "publication in any newspaper or other periodical or on any Internet site.") Generally speaking, "[a]ll political advertising shall be signed at the beginning or the end with...the name and address of a natural person" who is responsible for the advertisement. RSA 664:14, I. In the future, please be sure to include your name and address on political advertising such as this. Our office will not be taking any further action on this matter and our file will now be closed.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew T. Broadhead".

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
603-271-3650

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

October 9, 2018

Leila J. Thompson  
[REDACTED]

Re: Alleged RSA 659:44-a; RSA 671:21; RSA 657:15 Violations

Dear Ms. Thompson:

I write in response to the complaint that you filed on March 24, 2018, regarding the possible above-referenced violations. The Election Law Unit has conducted a careful review of your complaint. Please be advised that this Unit receives a high volume of complaints and demands that it begin an investigation into alleged violations of New Hampshire election laws. Therefore, this Unit must exercise discretion in deciding whether or not to conduct an investigation into alleged misconduct.

After reviewing your complaint, our office has declined to open an investigation into this matter at this time. In the event that circumstances change and an investigation will be opened, you will be notified. In the meantime, this matter will remain administratively closed. The information you provided us will be kept in our files and reported to the Legislature pursuant to RSA 7:6-c, II. This information helps the Unit to monitor trends or issues raised in the conduct of our State's elections and may help determine future priorities in the Unit's enforcement efforts and legislative recommendations.

Sincerely,

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

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-1392  
matthew.broadhead@doj.nh.gov

MTB/kh



# Events Note to File

---



[REDACTED]

2016118223 10/9/2018 Note to File  
9:19 AM

(Complainant- Darlene Bouffard  
- RSA 659:34)

Our office received a complaint about [REDACTED] on February 11, 2016 from the Milford Checklist Supervisor, Darlene Bouffard. The complaint with our office was a follow-up on discussions between the Essex, MA town clerk and Darlene about [REDACTED]'s registration and voting history. [REDACTED] periodically shifts between "active" and "inactive" on the voter registration rolls in Essex, and still remains registered to vote in that town today. He has voted in Essex in Local Town meetings in 1999, 2010, and 2011. He has not voted in any MA state or federal election and has not voted in Essex at all since 2011. [REDACTED] is also registered to vote in Milford and has voted in the 2006, 2008, 2012, 2014 and 2016 General Elections and the 2016 Presidential Primary. Notably, [REDACTED] did not vote in NH in the 2010 election. He never voted twice in the same election or calendar year. There is insufficient evidence here to warrant an investigation. In any event, the statute of limitations on any potential violations from this time period has run. There does not appear to be any other potential election law violation since 2011. This matter will now be closed.

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

October 19, 2018

William E. Christie, Esquire  
Shaheen & Gordon, PA  
PO Box 2703  
Concord, NH 03302-2703

Re: NH Democratic Party Complaint Regarding Absentee Ballot Errors

Dear Attorney Christie:

I write in regards to the election law complaint that you filed on behalf of the New Hampshire Democratic Party on October 8, 2018. You alleged that the ballots for the towns of Bedford, Londonderry, Auburn, Sandown, and Chester contained errors. In follow up to your complaint, this Office initially identified 126 individual voters who had received affected ballots. Based on additional information received to date, we have now identified a total of 146 voters across these five towns who have received a ballot that contained an error.

We have determined that the errors resulted from three separate and inadvertent data entry mistakes made by the Department of State. By way of background, the Secretary of State is responsible for tabulating the results of the State Primary Election and producing several types of distinct ballots for approximately 300 polling locations around the State, three of which include: the ballot for Uniformed and Overseas Citizens Absentee Voting Act (referred to as the "UOCAVA voters"), the official absentee ballot, and the official ballot for those voters who vote on election day.

The UOCAVA ballots are prepared first and are sent electronically to town and city clerks. The State Primary Election occurred on September 11, 2018. Under federal law, UOCAVA voters who have requested an absentee ballot must be sent their ballot no later September 22, 2018, which permits the Department of State only 11 days (8 business days) to prepare and send these ballots to over 300 jurisdictions, each with unique offices and candidates appearing on the ballots in the proper name order and column rotations. The confluence of these events places an extraordinary time burden, initially on the Department's staff to create each unique ballot, but also on the town and city clerks who are required to send them out.

Next, the absentee ballots are printed to ensure that they are delivered to the town and city clerks with sufficient time for them to permit them to be mailed to and returned by each voter. Finally, once all of the absentee ballots have been printed and delivered, the official ballots that are used on Election Day are printed and sent by the Department of State to the Town

William E. Christie, Esq.  
Page 2 of 2

and City Clerks. At each stage, every ballot template undergoes a separate and successive review prior to being printed. After the Secretary of State delivers the ballots, town and city clerks are required to inspect the ballots "to verify that the ballots in the package are all the proper ballots for that town or city." RSA 656:20, II.

In Bedford and Londonderry, the ballots of only UOCAVA voters' were affected. These errors were the result of two separate data entry errors by the Department of State. In Londonderry, the initial UOCAVA ballot identified Tammy M. Siekmann incorrectly as a Libertarian candidate, rather than a Democratic candidate. In Bedford, Grey Chynoweth was listed incorrectly as a Libertarian, rather than a Democrat. Both of these errors were identified and corrected by the Department of State well before our office received your complaint. The corrected ballots were sent by the Department of State to Bedford on September 27, 2018, and to Londonderry on October 4, 2018. In both of these jurisdictions the errors were identified and corrected prior to printing the absentee and official ballots.

In Auburn, Sandown and Chester, both UOCAVA ballots and absentee ballots contained a mistake that was sourced to a single data entry error. The wrong Democratic Party Primary winner was listed as a candidate for the State House Representative. As of the moment that our office received your complaint in mid-afternoon on October 8, 2018, the Department of State had already delivered corrected UOCAVA ballots to the town clerks. Additionally, the corrected absentee ballots were reprinted and delivered to these three towns on October 10, 2018.

It is important to emphasize that no voter should be disenfranchised as a result of this error. Our office has reviewed the processes implemented by the affected town clerks in order to ensure this. The town clerks from Bedford, Sandown, Londonderry, Auburn, and Chester quickly identified the affected voters, notified them, and ensured that they each received a corrected ballot. Likewise, the Department of State staff quickly identified and corrected the source of the error and then quickly reprinted and delivered corrected ballots. As of October 12, 2018, every affected voter was sent a corrected ballot.

Errors of this nature do occur from time to time due to the high volume of offices, candidates, and ballots that need to be reviewed and prepared within a tight timeframe. In this case, the mistakes were quickly identified and corrected and each voter has been provided a corrected ballot. If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,



Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

cc: William M. Gardner, Secretary of State

000125

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

Matter #	Case Name	Investigator	Report Date
2017126107	ELECTIONS - DOJ/SECRETARY STATE MISC. FY 18 & 19	Richard C. Tracy	October 25, 2018

On October 18, 2018 I spoke with Allison ANGUS regarding an election related issue.

Allison ANGUS,  
[REDACTED]

ANGUS stated that she recently tried to register to vote in the Town of New London but was denied that opportunity. The Town Clerk told her to get the address changed on her license that it would make it easier both for ANGUS and the election officials when ANGUS went to vote. ANGUS stated that she "conceded" to the town clerk and left without registering.

ANGUS later thought about what happened at the Town Clerk's office and felt that was wrong that she had shown up with plenty of documentation to prove her identity and domicile that she shouldn't have to drive to Concord to obtain a new driver's license with her current address in order to register to vote. ANGUS explained that she brought utility bills, mortgage paperwork and her real driver's license. ANGUS stated that she told the town clerk that the clerk could look up ANGUS on the Tax record as having just recently paid their taxes for their new home in town. ANGUS explained that she was trying to register in advance of the election to avoid having to wait in a line on Election Day.

ANGUS identified the person that she dealt with at the Town Clerk's Office as Linda NICKLOS. ANGUS stated that she was not looking to cause problems and that she planned to register to vote on Election Day.

I learned from the Secretary of State's Office that MARTHA LNU [REDACTED] and her husband had a similar experience. I spoke with MARTHA on October 24, 2018. MARTHA was reluctant to give her last name and wished to remain anonymous. As new residents to the Town of [REDACTED] they did not want to cause trouble, but felt the need to report what took place.

MARTHA stated that she and her husband recently went to town hall to register to vote. They had documentation proving their domicile, as well as a passport and NH real driver's licenses proving their identity. MARTHA reported that the clerk was trying to convince them to go to DMV to obtain a new license with their correct address. MARTHA and her husband stood their ground stating that they had sufficient documentation to register and insisted on registering to vote that day. MARTHA described the clerk, Linda NICKLOS as being somewhat rude. MARTHA was not looking to push this any further other than letting the SoS know of their experience. MARTHA stated that the deputy or assistant town clerk that was seated behind Clerk

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

Matter #	Case Name	Investigator	Report Date
2017126107	ELECTIONS - DOJ/SECRETARY STATE MISC. FY 18 & 19	Richard C. Tracy	October 25, 2018

Nickols facial expressions and body mannerisms led MARTHA to believe that the assistant knew that the Town Clerk was wrong in what she was telling MARTHA and her husband to do, but likely did not want to say anything in front of her superior.

October 24, 2018 I contacted the New London Town Clerks Office and spoke with the Town Clerk.

Linda NICKLOS, Town Clerk  
375 Main Street  
New London, NH 03257  
(603) 526-1244

I advised NICKLOS that I had spoken with one individual and the Secretary of State's Office spoke with two others who complained that they attempted to register to vote but were either denied the opportunity or received a great deal of push back from the New London Town Clerk because they did not have their current address on their driver's license. NICKLOS responded that she did not deny anyone the opportunity to register she simply tried to convince them that if they were to obtain a new driver's license with their current address which they could do at DMV for \$3.00 that it would make the process on election day that much easier.

I pointed out to NICKLOS that if a resident of New London arrives at the Town Clerk's Office with proof of identity, age, citizenship and domicile requesting to register to vote then she is to register them. I reminded NICKLOS that if they don't have proof of domicile and or identify there are steps by way of an affidavit that they can take in order to allow eligible voters to register to vote. I told NICKLOS that we shouldn't tell an eligible voter that they should update the address on their license prior to registering them to vote. The Clerk's office should register them as voters then explain that it may be beneficial to them to have their license updated with their current address.

NICKLOS explained that she is still learning the role of the clerk. When asked how long she had been the town clerk she responded 2 years then pointed out that she has only worked 2 or 3 elections. I told NICKLOS that her role is to encourage eligible voters to register, that should she have concerns of potential fraud or any other questions she is always welcome to call the SoS or AG's office.

NICKLOS apologized for the misunderstanding. I did not provide NICKLOS with the names of the complainants. She asked me to contact them and have them come into the clerk's office prior to 10/30 to register as the supervisors of the checklist meet for the last time before the election on

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

Matter #	Case Name	Investigator	Report Date
2017126107	ELECTIONS - DOJ/SECRETARY STATE MISC. FY 18 & 19	Richard C. Tracy	October 25, 2018

10/29/18. MARTHA and her husband were able to register. I contacted Allison ANGUS, who was very appreciative of our efforts but stated she would still wait until Election Day to register. I told Allison ANGUS I was holding her to her word that she would register and vote on November 6, Allison ANGUS laughed stating she would email proof that she voted.

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

Matter #	Case Name	Investigator	Report Date
2018134137	Campaign Finance Violation Complaint against David STARR (GRENIER, Paul Complainant)	Richard C. Tracy	October 25, 2018

On October 22, 2018, I contacted David STARR to discuss his October 17, 2018 Campaign Finance Report.

David STARR

[REDACTED]

STARR acknowledged that he had an issue with his October 17, 2018 report and that he spoke with someone at the Secretary of State's Office about it. STARR explained that he was originally going to file a paper report but changed his mind last minute and filed his report online. STARR explained that he ran into an issue in that he couldn't uncheck the box that indicated he had no expenses or receipts. Not wanting to be late he filed the report.

STARR stated that he has a copy of his expenditures and receipts which he emailed to me (see attached).

I verified with Karen LADD at the SoS that STARR contacted the SoS and spoke with DIANNA. LADD stated that STARR filed his September 19 due report in person on paper on October 3. STARR registered online (CFS) on October 4, which prevented the SoS from adding his September 19 report to the system because the report was submitted prior to his registering. The SoS decided to hold onto STARR's September 19 report which STARR issued late and add it to his October 17 report. LADD stated that there is no way to amend a "no activity report". LADD stated that STARR could call the SoS and ask for DIANNA that she would be able to help him out.

I advised STARR later that day to contact the SoS and ask for DIANNA, which STARR did.

I confirmed with DIANNA on October 29, 2018 that STARR submitted a paper version of his October 17 report, which the SoS received on October 26 but have not uploaded into the system.

I notified the complainant Paul GRENIER via email that I looked into the matter and provided a brief explanation as to what happened.

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## Tracy, Richard

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**From:** Tracy, Richard  
**Sent:** Monday, October 29, 2018 12:47 PM  
**To:** [REDACTED]  
**Cc:** Broadhead, Matthew T  
**Subject:** David Starr

Good afternoon Mr. Grenier,

With respect to your concern that David Starr did not file the proper campaign finance report, please be advised that I spoke with David Starr and the Secretary of State's Office. Mr. Starr had an issue with filing his report online which resulted in the report being inaccurate. Mr. Starr was in contact with the SoS, he has since filed a paper report with the SoS, which I confirmed they received last week but have not uploaded the report to their system yet.

Thank you for bringing this issue to our attention.

Best Regards,

Richard C. Tracy, Chief Investigator  
Election Law Unit  
Attorney General's Office  
33 Capitol Street  
Concord, NH 03301-6397  
(603) 271-3650  
(603) 271-2110 (FAX)  
[richard.c.tracy@doj.nh.gov](mailto:richard.c.tracy@doj.nh.gov)  
FBINA 215

The information contained in this electronic message and any attachments to this message may contain confidential or privileged information and is intended for the exclusive use of the addressee(s). Please notify the Attorney General's Office immediately at (603) 271-3671 or reply to [justice@doj.nh.gov](mailto:justice@doj.nh.gov) <<mailto:justice@doj.nh.gov>> if you are not the intended recipient and destroy all copies of this electronic message and any attachments



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

Matter #	Case Name	Investigator	Report Date
2018133636	Anne COPP Complaint	Richard C. Tracy	November 19, 2018

Anne COPP

[REDACTED]

On September 11, 2018, the date of the mid-term primary, I received a call from Anne COPP, she called to explain that two years ago while running for State Representative in Andover NH she met with Investigator Mark Myrdek while she was campaigning. Reportedly Myrdek was sent to Andover because of a complaint received about the number of political signs that COPP had at the polling location. According to COPP, Myrdek met with COPP and the moderator and COPP was allowed to keep her tent up, with her signs and music playing. COPP further explained that she had music playing while she handed out donuts, muffins, candy and coffee to voters.

On September 11, 2018 COPP called me because she could not get a hold of Myrdek, who no longer works at the Attorney General's Office. COPP stated that the Derry Town Moderator was giving COPP a hard time about having her tent up, extra signs and playing music. I tried to explain to COPP that the Moderator is in charge of the polling location on Election Day that they can designate an electioneering zone and set the ground rules for all to follow. COPP asked if I could respond to Derry to speak with her. I told COPP that I was presently working north of Concord that if I had the time I would try to get down there that in the meantime she should work with the moderator and follow her guidelines with respect to the electioneering zone.

I was not able to get to Derry on September 11, 2018. After the midterm primary I agreed to meet with COPP on October 18, 2018. COPP provided me with a photograph of what she was allowed to do in Andover in 2016 and tried to do in Derry in 2018. The photograph shows COPP with a 10x10 sunscreen canopy erected with multiple signs attached to it, along with a large teddy bear sitting in a chair wearing a COPP T-Shirt with a COPP sign at its feet and COPP standing next to the teddy bear holding her own COPP sign. COPP explained that Investigator Myrdek met with the Andover Town Moderator and they allowed her to do this. COPP stated it's her first amendment right to have as many signs out as she like and that she was having fun campaigning by handing out food, candy and drinks.

I tried to explain to COPP that moderators should not allow that type of activity to take place that all candidates and their supporters should be treated equally that if a moderator allows for one candidate to erect a tent with multiple signs attached then they would have to allow all candidates to erect a tent with signs attached, which would lead to a "tent city" atmosphere that likely would get out of control. I further explained that moderators typically designate an area at the polling location for candidates and their supporters to hold signs that RSA 664:17 states in

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

Matter #	Case Name	Investigator	Report Date
2018133636	Anne COPP Complaint	Richard C. Tracy	November 19, 2018

part that no signs will be “placed on or affixed to any public property” which includes the polling location on Election day. COPP argues that she is not affixing or placing her signs when she attaches them to her tent or sticks them in the ground when she is standing there. I told COPP that I disagreed with her, that tending her signs is holding her sign in her hand or having her signs attached to a stick, which she is holding. I told COPP that most moderators will allow for a political sign to be placed in the ground within arm’s length of the tender. However once the party tending the sign leaves or moves away from the sign they are required to take the sign with them or at the very least lie the sign down in an area designated by the moderator.

COPP continued to argue with me, stating that she met with me today seeking compromise. I attempted multiple times to explain the law and the guidance given to all moderators by the Attorney General’s Office and the Secretary of State’s office with respect to interpreting RSA 664:17.

COPP asked how she can hand out her donuts, coffee and candy to the voters. I tried to explain that is part of the reason for the law is to allow for voters to have a clear path to the polling location without a candidate or supporter blocking or interfering with that voters access to the pole, that if a voter wants to approach a candidate to speak with them or accept something, then they are free to do that but a candidate or candidates supporter should not be sticking something in front of the voters, which would impede or prevent the voters from entering the polling location.

COPP repeated her comment multiple times that she came here for a compromise, which former Investigator Mark Myrdek managed to do for her in 2016 in Andover. I reminded COPP that Myrdek no longer worked at the AG’s office and that if the Derry moderator does not want her to set up a 10x10 canopy then she cannot and that RSA 664:17 prohibits someone from affixing or placing signs unattended at a polling location on Election Day.

COPP continued to argue, I told COPP that there is no compromise that she will be treated the same as all candidates and candidate supporters who wish to hold signs at polling location. In closing I told COPP that I would likely swing by the Derry polling locations on November 6, 2018 to assure that she is complying with the moderator and RSA664:17.

COPP called me on November 2, 2018 to inform me that she had permission from two private homeowners who gave her permission to set up 10x10 canopies on their property that both locations are in proximity to the Hood Memorial and West Running Brook Middle schools respectfully.

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

Matter #	Case Name	Investigator	Report Date
2018133636	Anne COPP Complaint	Richard C. Tracy	November 19, 2018

On November 6, 2018 while inspecting the West Running Brook Middle School polling location I met with Anne COPP who was set up directly across the street from West running Brook School entrance at the entrance to the Fairways Apartment Complex. Anne COPP assured me that she had permission from the owners of the property to be there. I explained to COPP that while I was inside the polling location the assistant moderator told me that some folks from Fairway's Management told the assistant moderator that they were not aware of any such permission given. I explained further to COPP that should the property manager ask her to leave she should do so or the police would likely be called. COPP again assured me that she had permission from management.

I did not inspect COPPs set up at Hood Memorial, however I was told that part of her set up was on private property and part of it on school grounds, which I informed COPP of. COPP assured me that her set up was all on private property.

I did not receive any complaints regarding COPPS activities on the November 6, 2018 Election Day.

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**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

November 21, 2018

Matt Sparks  
[REDACTED]

Re: Brian Sullivan, Campaign Finance Complaint

Dear Mr. Sparks:

The Election Law Unit has reviewed your complaint dated October 23, 2017. You alleged that "Candidate Brian Sullivan has not filed a single campaign finance report" in the lead up to the November 7, 2017 Special Election to elect a Representative for Sullivan, District 1.

We have reviewed the 2017 filings made by the Committee to Elect Brian Sullivan. The Committee did in fact file Receipt and Expenditure reports for the August 30, 2017, September 13, 2017, September 27, 2017, and October 18, 2018 reporting periods prior to the date of your complaint. Additionally, the Secretary of State's office received amended filings by the Committee for the first two reports on September 21, 2017. However, a technical glitch with the campaign finance website initially hindered the visibility of these reports. This issue was promptly resolved once it was discovered.

Your complaint is therefore unfounded and our file will be closed. Should you have any questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew T. Broadhead".

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

CC: Committee to Elect Brian Sullivan  
642 Olde Farms Road, Grantham, NH 03753

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

November 26, 2018

The Honorable Joel Elber  
55 Greenview Drive #2  
Manchester, NH 03102

Re: Warning for violation of RSA 659:44 – Electioneering by Election Officer

Dear Representative Elber:

On July 28, 2017, Representative Lisa Freeman forwarded to this Office an anonymous complaint that she had received from a Manchester Ward 12 election official. The complaint alleged that you had engaged in electioneering while working as an election official in Manchester Ward 12 during the 2017 Special Election for the State Senate vacancy. This matter was referred to Chief Investigator Richard Tracy for an investigation.

While serving as Ward Clerk during the Special Election, you asked one or two voters to display your campaign signs. At the time, you were running for the position of Alderman during the municipal primary election that was set to occur in September 2017. The position of Alderman did not appear on the ballot for the Special Election. You informed Investigator Tracy that, at that time, you did not understand that your conduct was improper until the Ward 12 Moderator spoke with you and asked you to stop. After this conversation, you immediately stopped and issued a public apology at the polling place. You indicated that you are now aware that this was improper and stated that you would refrain from such conduct in the future.

It is a misdemeanor for an election officer to “electioneer while in the performance of his official duties.” RSA 659:44. “Electioneer” means to “act in any way specifically designed to influence the vote of a voter on any question or office.” *Id.* As you acknowledged to Investigator Tracy, your conduct violated RSA 659:44. As an election official it is critical that you discharge your duties with impartiality even though you did not appear on the ballot for that particular election.

Due to the circumstances surrounding this incident, including ceasing the conduct once the Moderator brought it to your attention that your conduct was improper, your public apology and cooperation with our investigation, we will not be taking any further action on this matter. Be advised that any future failure to comply with our state’s electioneering laws may result in a

**000135**

Representative Joel Elber  
Page 2 of 2

cease and desist order, enforcement action, fines, and/or criminal prosecution. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'MTB', with a large, stylized flourish extending to the right.

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

CC: Representative Lisa Freeman

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

November 30, 2018

James Lehoux



Re: Erika Connors Complaint  
Alleged Unsigned Political Advertisement - RSA 664:14

Dear Mr. Lehoux:

Please accept this as a follow-up to your complaint against Representative Erika Connors' campaign for the position of Manchester Ward 8 School Board Representative. The complaint alleges that Representative Connors' School Board campaign violated RSA 664:14, I for allegedly authorizing the mailing of hand-written postcards that failed to contain disclosure information. This office has concluded that the allegations against Representative Connors' School Board campaign are unfounded for the following reasons.

"Political advertising" under New Hampshire law means "any communication... which expressly... advocates for the success or defeat of...[a] candidate." RSA 664:2, VI; See also VII (defining communication as including "cards, pamphlets, leaflets, flyers or other circulars or in any direct mailing.") Generally speaking, "[a]ll political advertising shall be signed at the beginning or the end with... the name and address of a natural person" who is responsible for the advertisement. RSA 664:14, I. After speaking with Representative Connors, it is clear that her campaign had not organized, authorized, or paid for any of these handwritten post-cards. Rather, the postcards were mailed by volunteers who were organized independently by an organization known as PostCardsToVoters.org.

Although your complaint is unfounded with respect to Representative Connors' campaign, our office is contemporaneously sending a warning letter to "Post Cards to Voters" to ensure that, in the future, this organization complies with our State's political advertisement disclosure requirements. New Hampshire law requires that "if an advertisement is not authorized by the candidate... the advertisement shall so state and shall identify the sponsor of the advertisement." RSA 664:14, VI. You are being provided with a copy of that correspondence to Post Cards to Voters under separate cover. Thank you for the opportunity to review this matter. In accordance with the above findings, this matter will now be closed.

Sincerely,

A handwritten signature in black ink, appearing to read 'MTB', with a large, stylized flourish at the end.

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

CC: Representative Erika Connors, 510 Corning Road, Manchester, NH 03109



**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

November 30, 2018

Post Cards to Voters  
2774 Cobb Pkwy NW  
Kennesaw, GA 30152

Re: Warning for Violation of Political Advertising Disclosure Requirements under  
New Hampshire RSA 664:14

To Whom It May Concern:

The New Hampshire Attorney General's Office received the attached complaint dated November 6, 2017 regarding the postcards that your organization arranged to have mailed in connection with Erika Connors' 2017 campaign for the position of Ward 8 School Board Representative in Manchester, New Hampshire.

Please be advised that "[p]olitical advertising" under New Hampshire law means "any communication... which expressly... advocates for the success or defeat of...[a] candidate." RSA 664:2, VI; See also VII (defining communication as including "cards, pamphlets, leaflets, flyers or other circulars or in any direct mailing.") Generally speaking, "[a]ll political advertising shall be signed at the beginning or the end with... the name and address of a natural person" who is responsible for the advertisement. RSA 664:14, I (emphasis added). This specifically includes advertisements, even if they are not authorized by any candidate.

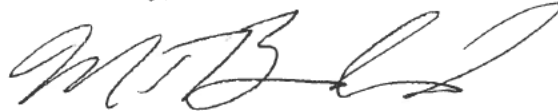
In such circumstances, New Hampshire law provides that "if an advertisement is not authorized by the candidate... the advertisement shall so state and shall identify the sponsor of the advertisement." RSA 664:14, VI. The post cards that your entity organized and solicited in connection with the Connors' School Board campaign did not comply with this disclosure requirement. Specifically, your directive to volunteers that they should "[n]ever include a return address...or your last name" runs contrary to New Hampshire law. Be advised that the advertisement identification requirement may be satisfied by providing the "internet address in lieu of the signature and identification requirements of this section[.]" RSA 664:14, VIII.

Please carefully review these requirements in order to ensure that your organization complies with these disclosure provisions in the future. Be advised that any future failure to comply with our state's political advertising laws may result in a cease and desist order,

Post Cards to Voters  
Page 2 of 2

enforcement action, fines, and/or criminal prosecution. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'MTB', with a stylized flourish at the end.

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

CC: James Lehoux  
Encl.

## Events Note to File

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2018134728 11/30/2018 Note to File  
1:14 PM

████████████████████  
Wrongful Voting Complaint

This matter was referred for investigation. Per the enclosed report by Chief Investigator Tracy, the suspect has never been registered to vote in Massachusetts and has never voted in that State in any prior election. Additionally, there is insufficient evidence to support a claim of wrongful voting. However, in light of the claims and allegations, we advised that the supervisors may wish to send a 30-day letter to ██████████'s Portsmouth address. The City Clerk agreed. No further action will be taken on this matter.



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

Matter #	Case Name	Investigator	Report Date
2018134728	Francis Joseph McKeown Wrongful Voting Complaint (Lynda Anderson, Complainant)	Richard C. Tracy	November 30, 2018

Lynda ANDERSON, DOB [REDACTED]

[REDACTED]

On November 8, 2016 I spoke with ANDERSON, she had voiced her concern to Portsmouth Election Officials that her husband Francis Joseph MCKEOWN DOB [REDACTED] does not live in Portsmouth therefore he should not have been working as an election official in the ward that she votes at. When I spoke with ANDERSON ON THE 8<sup>th</sup> she told me that she believes her husband, MCKEOWN voted twice during the 2016 Presidential Election. ANDERSON alleges that MCKEOWN voted in Charlestown MA and Portsmouth NH in 2016. ANDERSON stated that MCKEOWN wanted badly for Trump to win the election, which is the main reason she suspects that he voted twice.

ANDERSON stated that she is presently separated from MCKEOWN and has a no contact order against him. What prompted ANDERSON to file this complaint is that ANDERSON went to vote on 11/6/18 and found MCKEOWN working as an election official at WARD 5 in Portsmouth NH, where ANDERSON lives. ANDERSON stated that MCKEOWN is not a resident of Portsmouth NH that he lives in [REDACTED] that the address MCKEOWN likely used to register in NH is [REDACTED] an address belonging to [REDACTED]. According to ANDERSON, MCKEOWN likely bullied himself on [REDACTED]. According to ANDERSON, [REDACTED] has the onset of dementia and she suspects that MCKEOWN was taking advantage of [REDACTED]. ANDERSON stated that [REDACTED] has not lived on [REDACTED] for some time now that he was hospitalized for a period of time before moving in with family. ANDERSON stated that MCKEOWN never lived in Portsmouth, that his vehicles are registered in Massachusetts and that MCKEOWN has a Massachusetts's driver's license.

ANDERSON and her Attorney Jessica WEIBRECHT plan to follow up with the court and or police department on the alleged no contact violation.

I emailed and left a voicemail for Dion IRISH the Commissioner for the Boston Election Department. I received a return email from:

Glynis R. LIN, Admin. Secretary  
Boston Election Department  
One City Hall Square, Room 241

Page	1	of	4	pages	SIGNED	DATE
						11-30-18

000142

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

Matter #	Case Name	Investigator	Report Date
2018134728	Francis Joseph McKeown Wrongful Voting Complaint (Lynda Anderson, Complainant)	Richard C. Tracy	November 30, 2018

(617) 635-2213  
[glynis.lin@boston.gov](mailto:glynis.lin@boston.gov)

LIN's email stated "Based on a state wide search Mr. MCKEOWN was never a registered voter in Massachusetts."

On November 26, 2018, after conferring with AAG Broadhead I spoke with ANDERSON to advise her that the Boston Election Department informed me that MCKEOWN is not a registered voter in Massachusetts. I told MCKEOWN that I would make the Portsmouth Election Officials aware of her allegation that MCKEOWN does not live in Portsmouth.

In addition I will speak with the Portsmouth Election Officials about MCKEOWN working as an election official in Portsmouth in the future should MCKEOWN not be able to provide proof of domicile and should the no contact order stays in affect. ANDERSON described MCKEOWN as a "grifter" a scam artist who takes advantage of people. ANDERSON questioned why MCKEOWN would want to work as an election official unless he was looking to find personal information about voters and/or to harass ANDERSON, knowing that is where she votes.

ANDERSON informed me that when MCKEOWN worked as a Portsmouth Election Official in 2016, MCKEOWN bragged about receiving two paychecks from the City of Portsmouth when he should have only received one.

Barbara WARD, Portsmouth Registrar  
16 Nixon Park  
Portsmouth, NH 03801  
(603) 828-8499

On November 28, 2018, at approximately 0845 hours I followed up Barbara WARD, who I had spoken with previously on November 8, 2018 about this matter. WARD was concerned with what happened on Election Day and how MCKEOWN managed to become an election official. I explained to WARD that I spoke with ANDERSON and followed up with Boston Election Officials that MCKEOWN is not a registered voter in Massachusetts therefore it does not appear that Francis Joseph MCKEOWN voted in Massachusetts in 2016 or 2017. I further explained to WARD that ANDERSON is adamant that MCKEOWN does not live in Portsmouth and in fact lives at [REDACTED]

Page 2 of 4 pages	SIGNED 	DATE 11-30-18
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000143

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

Matter #	Case Name	Investigator	Report Date
2018134728	Francis Joseph McKeown Wrongful Voting Complaint (Lynda Anderson, Complainant)	Richard C. Tracy	November 30, 2018

WARD reiterated her concerns with how MCKEOWN seemed to push himself on the moderator as if he insisted on being an election official that day. WARD stated that she had done some of her own research to include googling MCKEOWN and his reported carpentry business, which made WARD even more suspicious of MCKEOWN and his intentions. WARD explained that MCKEOWN reportedly owns a high end carpentry business in Boston and does a great deal of work for the wealthy. WARD questions that if that is true then why MCKEOWN would want to spend an entire day helping out at the polls doesn't make sense to her.

WARD and I discussed sending MCKEOWN a 30-day letter that if MCKEOWN does not respond within 30 days his name will be removed from the Portsmouth WARD 5 voter's checklist. I told WARD to provide MCKEOWN with my name and contact information should he contact them voicing displeasure with their questioning his domicile. WARD stated she will send the 30-day letter.

WARD provided me with the following names and contact information of two election officials that worked the poll on 11/6/18 who were present when ANDERSON entered the poll and could speak to the interaction between ANDERSON and MCKEOWN as well as MCKEOWN'S overall behavior and desire to participate in the absentee ballot counting process that day

[REDACTED]  
[REDACTED]

I ran the following information on MCKEOWN.

MCKEOWN has a valid Massachusetts Driver's License. Issued [REDACTED] with an expiration date of [REDACTED] and address of [REDACTED]

I received information that MCKEOWN is "eligible" to obtain a New Hampshire Driver's License but presently does not have a New Hampshire driver's license. The address listed with the eligibility status is [REDACTED]

When I ran MCKEOWN's name through the New Hampshire motor vehicle registration database, one vehicle came back listed to MCKEOWN at [REDACTED] which is a 2003 Harley Davidson Motorcycle, NH 237C4. No cars, trucks or other type of year round

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

Matter #	Case Name	Investigator	Report Date
2018134728	Francis Joseph McKeown Wrongful Voting Complaint (Lynda Anderson, Complainant)	Richard C. Tracy	November 30, 2018

vehicle was registered to MCKEOWN at the [REDACTED] address or any other NH address.

MCKEOWN criminal record history is rather lengthy. MCKEOWN has a criminal record in 5 different states:



See attached documents.

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				11-30-18

000145

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

November 30, 2018

Robert O'Sullivan

Re: Warning for Violation of RSA 664:14

Dear Mr. O'Sullivan:

On November 1, 2017, this Office received a complaint about your campaign for Ward 2 Alderman during the Manchester 2017 municipal election. The complaint alleged that on or about October 30, 2017, you mailed political advertising that failed to contain the required disclosure requirements outlined under RSA 664:14.

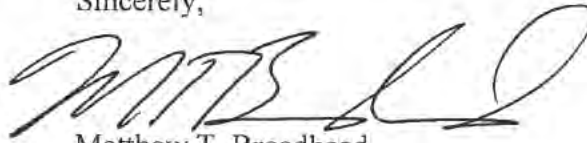
Chief Investigator Tracy interviewed you in connection with this complaint. The advertisement in question clearly advocated for the success of your candidacy and for the defeat of your opponent, Will Stewart. You acknowledged that you were responsible for this advertisement.

"Political advertising" under New Hampshire law means "any communication... which expressly... advocates for the success or defeat of...[a] candidate." RSA 664:2, VI; See also VII (defining communication as including "cards, pamphlets, leaflets, flyers or other circulars or in any direct mailing.") Generally speaking, "[a]ll political advertising shall be signed at the beginning or the end with... the name and address of a natural person" who is responsible for the advertisement. RSA 664:14, I. As you acknowledged, this advertisement did not contain this required disclosure. You stated that you were unaware of this requirement but assured Investigator Tracy that, going forward, you will be sure to include this information in all future political advertising.

Please carefully review the disclosure requirements outlined under RSA 664:14 in order to ensure that you comply with these provisions in the future. We will not be taking further action on this complaint and the matter will now be closed. Be advised that any future failure to comply with our State's political advertising laws may result in a cease and desist order or other enforcement action. Should you have any questions or concerns, please do not hesitate to contact me.



Sincerely,

A handwritten signature in black ink, appearing to read 'MTB', with a large, stylized flourish extending to the right.

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

cc: Patrick J. Arnold, Esq.

# Events Note to File

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██████████  
Complaint

Wrongful Voting

2018134375

12/3/2018  
1:52 PM

Note to File

On the day of the General Election, November 6, 2018, our office received a call into the Election Hotline from the Loudon Town Moderator. She had a voter show up to vote but his name was already checked off the checklist. The voter, whose last name was ██████████, signed a challenge voter affidavit and was permitted to vote. The moderator referred the matter to our office as the ballot clerks surmised that someone may have showed up earlier and could have used a fake ID. Our office requested copies of the affidavit, checklist, and requested the names and contact information for local election officials with knowledge of the situation. Two days later, on November 8, 2018, a supervisor of the checklist, Marjorie Scoonmaker, called to report that the town officials figured out what happened. The ballot clerk mistakely checked of Mr. ██████████ when the individual that appears above him (last name "██████████") checked in to vote. The town wished to withdraw its complaint as a result. In light of the above, our office will not be taking any further action on this matter and it will now be closed.



# Events Note to File

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██████████ Wrongful  
Voting Complaint

2018134727 12/10/2018 Note to File  
9:28 AM



12/10/18 - This complaint alleging wrongful voting (RSA 659:34) was filed by the Manchester City Clerk, Matthew Normand. This matter was referred for investigation. Based upon the attached report by Chief Investigator Richard Tracy, the allegations of wrongful voting are unfounded. It appears that the ballot clerk crossed off the wrong name on the checklist. This matter will be closed with no further action.

-MTB

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

Matter #	Case Name	Investigator	Report Date
2018134727	[REDACTED] Wrongful Voting Complaint (Matthew NORMAND, Complainant)	Richard C. Tracy	December 7, 2018

On November 27, 2018 I received an email from Manchester City Clerk, Matthew NORMAND regarding a possible double voter complaint.

Matthew NORMAND, City Clerk,  
Office of the City Clerk  
One City Hall Plaza,  
Manchester, NH 03101  
(603) 624-6455

In his email NORMAND explained why he thought [REDACTED] may have voted in both Manchester and Portsmouth during the November 6, 2018 General Election. (See attached).

NORMAND included copies of the Manchester and Portsmouth respective checklist for November 6, 2018 and each cities voter registration form for [REDACTED] (See attached).

The Portsmouth registration form indicates that [REDACTED] registered to vote in Portsmouth on November 6, 2018 the day of the election. [REDACTED] used a New Hampshire driver's license and indicated that he is transferring from [REDACTED] to [REDACTED]. [REDACTED] name is written on the Ward 3 Portsmouth newly registered voters checklist.

[REDACTED] name is crossed off as voting on the Manchester Ward 1, voter's checklist. I also noted on the same checklist that [REDACTED] name is crossed off as voting and that [REDACTED] name is not crossed off. The checklist has all three of them residing at [REDACTED]

I researched [REDACTED] name in TLO and Electionet. Information gathered would indicate that [REDACTED] ( [REDACTED] and [REDACTED] ) are husband and wife and that [REDACTED] is likely their son. Electionet records reflect that [REDACTED] and [REDACTED] are regular voters dating back to 2008, it doesn't appear that either one missed voting in any of the city, state, federal or special elections dating back to 2008.

[REDACTED]

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

Matter #	Case Name	Investigator	Report Date
2018134727	██████████ Wrongful Voting Complaint (Matthew NORMAND, Complainant)	Richard C. Tracy	December 7, 2018

██████████

On November 29, 2018, I spoke with ██████████. I told ██████████ that I was calling to verify whether or not she voted in the November 6, 2018 election. A ██████████ immediately responded "are you kidding me, I would not miss it". A ██████████ went on to explain that she went in the middle of the morning prior to work. ██████████ recalled that there was a young man in line behind her and as she looked around the room she saw other young people voting, which she was happy to see.

I asked about her son, ██████████ whether or not he voted, ██████████ stated that he likely did vote because she would have reminded him to vote. I asked where he voted, ██████████ stated that he likely would have voted in Portsmouth where he is now living. According to ALE ██████████, her son moved to Portsmouth in order to be closer to his place of employment, the Ashworth by the Sea hotel in Hampton.

On December 7, 2018, I reached out to ██████████

SERGIO METES, ██████████  
██████████

My first attempt at speaking with ██████████ went to voicemail where I left a message. Shortly thereafter I received a call, which I answered by identifying myself as "Hello, Investigator Tracy may I help you", a male party quickly apologized stating he had the wrong number then hung up. The caller ID indicated the call came from the Ashworth. I called the Ashworth requesting to speak with ██████████, I was transferred to the kitchen where a male party with the same voice as earlier answered the phone, I stated "██████████ this is Investigator Tracy", he responded you cannot call here my friend and hung up.

I sent a text message to the above phone number explaining why I was calling and that I had spoken with his mother a few days prior. ██████████ called me approximately 20 minutes later stating that his general manager does not like them to receive non-business related calls at work.

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

Matter #	Case Name	Investigator	Report Date
2018134727	[REDACTED] Wrongful Voting Complaint (Matthew NORMAND, Complainant)	Richard C. Tracy	December 7, 2018

[REDACTED] explained that he did not vote in Manchester, though he still has ties to Manchester, he is presently living in Portsmouth in an apartment in order to be closer to his place of employment. [REDACTED] stated that he registered to vote in Portsmouth on the day of the election. [REDACTED] recalled that it was raining out and the polling location was a local school in Portsmouth. All five Wards in Portsmouth are at schools.

I thanked [REDACTED] for his time.

Page	3	of	3	pages	SIGNED	[Signature]	DATE	12/10-18
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000152

# Events Note to File

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Concord Ward 8 Selective ID  
Usage

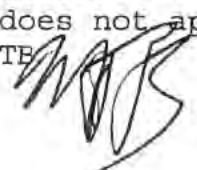
2018133765 9/28/2018 Note to File  
2:38 PM

## Closure Note

On September 11, 2018 our office received a complaint on the Election Day Hotline that the greeter at the Ward 8 polling location in the City of Concord was selectively asking voters if they have identification on them.

9/27/18 - I spoke with the Concord City Clerk, Janice Bonenfant, she was very concerned about this complaint and indicated that she would like to be able to investigate it so that, if it did happen, that it would not happen again. She stated that this is certainly not consistent with their training. She advised that she would notify me of the results. - MTB

12/7/18 - I spoke with Janice again. After the election she and her Deputy Clerk discussed this matter with the local election officials at this ward. The election officials denied that he selectively asked for IDs and that no one made any disparaging statements regarding "free staters." They did acknowledge that the greeter at that location was new and was not the best fit for that job. They indicated that they reassigned him to a different position for the General Election and we did not receive any complaints about any similar activity. I informed Janice that I was going to notify the complainant about this. She asked that I provide the complainant with her name and number because they are always looking for volunteers in that particular Ward. She thought that he might want to help be part of the solution. The complainant will be notified of the results of this investigation and the matter will be closed with no further action because there does not appear to be any violation of our election laws. -MTB



**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

December 11, 2018

Kristin Mueller  
Chairperson  
Merrimack County Democrats  
601 Smithfield Road  
Contoocook, NH 03229

Re: Concord Republican City Committee Political Advertising Complaint

Dear Ms. Mueller:

The Election Law Unit has carefully reviewed your complaint dated March 27, 2018, in which you alleged that the Concord Republican City Committee violated various provisions established under RSA Chapter 664. Your complaint alleges that the respondent was responsible for distributing signs and flyers that provided Senator Feltes' personal phone number and said "Text [Senator Feltes]. Stop Senator Feltes' Car Tax." After reviewing your complaint, we have determined that it does not raise an allegation of misconduct that would violate our State's election laws. Therefore, our office will not be opening an investigation into this matter.

Generally speaking, "[a]ll political advertising shall be signed at the beginning or the end with...the name and address of a natural person" who is responsible for the advertisement. RSA 664:14, I. "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. In 2001, the United States District Court for the District of New Hampshire issued an order enjoining the State from enforcing RSA 664:14 against "implicit" advocacy. *Stenson v. McLaughlin*, 2001 WL 1033614 (D.N.H. 2001). Therefore, our office enforces the disclosure requirements of RSA 664:14 on signs that constitute express advocacy of a party, measure or person at an election.

The flyers and signs described in your complaint do not expressly advocate for the success or defeat of Senator Feltes at any election. Rather, as you described in your complaint, they appear to advocate for the defeat of SB 587 (2018). The subject legislation did not propose a constitutional amendment. Under RSA Chapter 664, the term "measure," means "any constitutional amendment or question which is submitted or intended to be submitted to a popular vote at an election." RSA 664:2, X (emphasis added). Therefore, advocacy for the



Ms. Mueller  
Page 2 of 2

success or defeat of the subject legislation pending before the General Court does not fall within the scope of RSA Chapter 664's registration and political advertising requirements.

Our office will now close this matter without further action. However, the resolution of this complaint will be reported to the General Court and kept in our files to help us monitor trends or issues raised in the conduct of our State's elections. This information may help determine future priorities in the Unit's enforcement efforts and legislative recommendations. Thank you for bringing these concerns to our attention.

Sincerely,



Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
[matthew.broadhead@doj.nh.gov](mailto:matthew.broadhead@doj.nh.gov)

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

December 11, 2018

Kristin Mueller  
Chairperson  
Merrimack County Democrats  
601 Smithfield Road  
Contoocook, NH 03229

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Ms. Mueller  
Page 2 of 2

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Sincerely,

A handwritten signature in black ink, appearing to read 'MTB', with a large, stylized flourish extending to the right.

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

December 14, 2018

James Gaudet  
[REDACTED]

Re: Unsigned Political Advertisement by Andy Sanborn for Congress

Dear Mr. Gaudet:

I write with respect to your complaint filed with our office regarding an unsigned political advertisement that you received in August of 2018. The advertisement was supportive Senator Sanborn's campaign for Congress and critical of his primary opponent, Eddie Edwards. Your complaint alleged that the subject mailer violated RSA 664:14, I, which requires that "[a]ll political advertising be signed at the beginning or end with the names and addresses of the candidate...responsible for it." We did receive multiple complaints about this particular mailer and this matter was referred to Chief Investigator Richard Tracy for an investigation.

It is clear that the subject advertisement lacked the required disclosure information. However, our investigation revealed that this was a genuine and inadvertent error that was attributed to the printer, Spectrum Printing, and not to the Sanborn campaign. Additionally, the Sanborn campaign self-reported the error to the Federal Election Commission and was cooperative with the investigation conducted by our office. In light of the circumstances, our office will close this matter with no further action as there does not appear to be any indication of criminal misconduct.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew T. Broadhead".

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

cc: Senator Andy Sanborn

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

December 14, 2018

Richard Holstein  
[REDACTED]

Re: Unsigned Political Advertisement by Andy Sanborn for Congress

Dear Mr. Holstein:

I write with respect to your complaint filed with our office regarding an unsigned political advertisement that you received in August of 2018. The advertisement was supportive Senator Sanborn's campaign for Congress and critical of his primary opponent, Eddie Edwards. Your complaint alleged that the subject mailer violated RSA 664:14, I, which requires that "[a]ll political advertising be signed at the beginning or end with the names and addresses of the candidate...responsible for it." We did receive multiple complaints about this particular mailer and this matter was referred to Chief Investigator Richard Tracy for an investigation.

It is clear that the subject advertisement lacked the required disclosure information. However, our investigation revealed that this was a genuine and inadvertent error that was attributed to the printer, Spectrum Printing, and not to the Sanborn campaign. Additionally, the Sanborn campaign self-reported the error to the Federal Election Commission and was cooperative with the investigation conducted by our office. In light of the circumstances, our office will close this matter with no further action as there does not appear to be any indication of criminal misconduct.

Sincerely,

A handwritten signature in black ink, appearing to read "MTB", written over a white background.

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
[matthew.broadhead@doj.nh.gov](mailto:matthew.broadhead@doj.nh.gov)  
TB/mtb

cc: Senator Andy Sanborn

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

December 14, 2018

Lewis E. Williams  
[REDACTED]

Re: Unsigned Political Advertisement by Andy Sanborn for Congress

Dear Mr. Williams:

I write with respect to your complaint filed with our office regarding an unsigned political advertisement that you received in August of 2018. The advertisement was supportive Senator Sanborn's campaign for Congress and critical of his primary opponent, Eddie Edwards. Your complaint alleged that the subject mailer violated RSA 664:14, I, which requires that "[a]ll political advertising be signed at the beginning or end with the names and addresses of the candidate...responsible for it." We did receive multiple complaints about this particular mailer and this matter was referred to Chief Investigator Richard Tracy for an investigation.

It is clear that the subject advertisement lacked the required disclosure information. However, our investigation revealed that this was a genuine and inadvertent error that was attributed to the printer, Spectrum Printing, and not to the Sanborn campaign. Additionally, the Sanborn campaign self-reported the error to the Federal Election Commission and was cooperative with the investigation conducted by our office. In light of the circumstances, our office will close this matter with no further action as there does not appear to be any indication of criminal misconduct.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew T. Broadhead".

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

cc: Senator Andy Sanborn

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

December 14, 2018

James Segalini  
[REDACTED]

Re: Unsigned Political Advertisement by Andy Sanborn for Congress

Dear Mr. Segalini:

I write with respect to your complaint filed with our office regarding an unsigned political advertisement that you received in August of 2018. The advertisement was supportive Senator Sanborn's campaign for Congress and critical of his primary opponent, Eddie Edwards. Your complaint alleged that the subject mailer violated RSA 664:14, I, which requires that "[a]ll political advertising be signed at the beginning or end with the names and addresses of the candidate...responsible for it." We did receive multiple complaints about this particular mailer and this matter was referred to Chief Investigator Richard Tracy for an investigation.

It is clear that the subject advertisement lacked the required disclosure information. However, our investigation revealed that this was a genuine and inadvertent error that was attributed to the printer, Spectrum Printing, and not to the Sanborn campaign. Additionally, the Sanborn campaign self-reported the error to the Federal Election Commission and was cooperative with the investigation conducted by our office. In light of the circumstances, our office will close this matter with no further action as there does not appear to be any indication of criminal misconduct.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew T. Broadhead".

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

December 14, 2018

Lorraine St. Jean



Re: Unsigned Political Advertisement by Andy Sanborn for Congress

Dear Ms. St. Jean:

I write with respect to your complaint filed with our office regarding an unsigned political advertisement that you received in August of 2018. The advertisement was supportive Senator Sanborn's campaign for Congress and critical of his primary opponent, Eddie Edwards. Your complaint alleged that the subject mailer violated RSA 664:14, I, which requires that "[a]ll political advertising be signed at the beginning or end with the names and addresses of the candidate...responsible for it." We did receive multiple complaints about this particular mailer and this matter was referred to Chief Investigator Richard Tracy for an investigation.

It is clear that the subject advertisement lacked the required disclosure information. However, our investigation revealed that this was a genuine and inadvertent error that was attributed to the printer, Spectrum Printing, and not to the Sanborn campaign. Additionally, the Sanborn campaign self-reported the error to the Federal Election Commission and was cooperative with the investigation conducted by our office. In light of the circumstances, our office will close this matter with no further action as there does not appear to be any indication of criminal misconduct.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew T. Broadhead".

Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

cc: Senator Andy Sanborn



**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

December 17, 2018

Jon Frederick  
Town Manager  
Town of Jaffrey  
10 Goodnow Street  
Jaffrey, NH 03452

**Re: Warning for Violation of RSA 664:14, Unsigned Political Advertising**

Dear Mr. Frederick:

Our office received three complaints from Rindge residents alleging that you violated RSA 664:14 and 659:44-a. The allegations all stem from the creation and distribution of political advertising that clearly advocated for the defeat of certain warrant articles appearing on the ballot for the March 13, 2018, Jaffrey-Rindge Cooperative School District election. This matter was referred to Chief Investigator Richard Tracy for an investigation.

**A. Electioneering Complaint**

Our office also first received a complaint that your actions constituted unlawful electioneering by a "public employee... while in the performance of his or her official duties." RSA 659:44-a. The complaint alleged that, as the town manager, you are prohibited from engaging in any act that is "specifically designed to influence the vote of a voter on any question or office." RSA 659:44-a.

You admitted that you were responsible for the subject political advertising and that you were acting under the direction of the Town of Jaffrey Select Board. As our office has previously held in the enclosed August 27, 2015, memorandum from Assistant Attorney General LaBonte, town managers are not "public employees" because they are appointed to office by the Select Board. *See* RSA 273-A:1, IX (defining public employee); RSA 273-A:1, VII (defining legislative body); RSA 37:2 (Town Manager appointed by Select Board).

In speaking with Chief Investigator Richard Tracy, you explained that in undertaking your political advertising campaign, you relied upon the August 27, 2015 memorandum and the advice of the Town's legal counsel. The Legislature has not amended the definition of "public

employee” in RSA 659:44-a since our 2015 memorandum. Accordingly, we have concluded that your actions did not constitute unlawful electioneering.

### **B. Political Advertising Complaint**

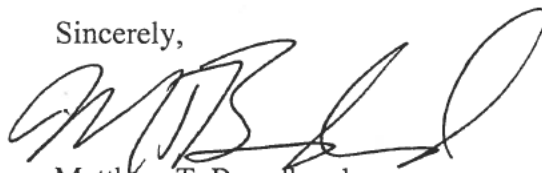
Political advertising is defined as any “communication which expressly...advocates for the success or defeat of any...measure.” RSA 664:2, VI. “Measure” means any “question which is submitted...to a popular vote at an election.” RSA 664:2, X. The flyers, placards and signs in question expressly and unambiguously advocated for the defeat of the subject warrant articles. As such, they constitute political advertising and are subject to the following disclosure requirements.

“All political advertising shall be signed at the beginning or the end with... the name and address of a natural person...responsible for it.” RSA 664:14, I. Political advertising “may contain an internet address in lieu of the signature and identification requirements of this section, if the Internet address is printed or written in a size of type or lettering large enough to be clearly legible and the website immediately and prominently displays all of the information required by this section through election day.” RSA 664:14, VIII (emphasis added).

Although the political advertisements did each contain a disclosure of the internet address of “JaffreyVotesNo.com,” the homepage of the website failed to contain your name and address. Further, our office could not locate your name or address in any section of the website. The website did list the phone number for the Jaffrey Town Manager’s office, however, this does not constitute an adequate disclosure under RSA 664:14.

Your failure to include your name and address on JaffreyVotesNo.com or, alternatively, on the political advertising, could constitute a misdemeanor. RSA 664:21, V. Although we will not take any further action in connection with this matter, be advised that any future failure to comply with our state’s political advertising laws may result in criminal prosecution. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650  
matthew.broadhead@doj.nh.gov

Enclosure

cc: Kellen Geiger (w/Encl.)  
Robert A. Hamilton (w/Encl.)  
Judy Unger-Clark (w/Encl.)

2014108032  
6.14

MEMORANDUM

TO: File #2014108032 – Greenfield Select Board  
FROM: Stephen G. LaBonte *SGL*  
DATE: August 27, 2015

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**I. COMPLAINT**

This complaint was filed on 02/06/14 by Brendan Minnihan alleging that the Greenfield Select Board used public funds to mail out a flyer regarding the ConVal School District budget and that the information contained in the flyer was inaccurate

**II. FACTUAL BACKGROUND**

On 02/06/14, Paul Brodeur interviewed the Town Administrator, Aaron Patt. Patt advised that a similar item had gone out in 2013, showing a graph of the expenses for the school district on the tax rate. Selectperson Karen Day had prepared the flyer and the other Selectmen approved of the item prior to it being sent out to the voters. Patt further advised that he had duplicated the sheet at Town Hall and had determined from the US Postal Service how many copies would be needed to be delivered to each household in Greenfield, NH. The total was 695 copies at a cost of \$121.63.

On 04/07/14 Paul Brouder met with Karen Day along with her legal counsel. Day advised that she developed the informational page in 2013 based on budgets and warrant articles for the school district. She further advised that she updated the item for 2014 again using the current budgets and warrant articles. The sheet had been approved on 01/30/14 and the 695 copies had been made and ready to be mailed. The date was changed because of an impending snow storm therefore the first 695 copies were discarded and another 695 copies with the amended date were made. Day advised that the Selectmen knew and directed Patt to incur the expense of duplication and mailing.

**III. RELEVANT STATUTES**

**RSA 659:44 Electioneering at the Polling Place.** – No election officer shall electioneer while in the performance of his official duties. For the purposes of this section, "electioneer" shall mean to act in any way specifically designed to influence the vote of a voter on any question or office.

**RSA 652:14 Election Officer.** – "Election officer" shall mean any moderator, deputy moderator, assistant moderator, town clerk, deputy town clerk, city clerk, deputy city clerk, ward clerk, selectman, supervisor of the checklist, registrar, or deputy registrar.

**RSA 659:44-a Electioneering by Public Employees.** – 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. "Public employee"** means any person employed by a public employer except:

- (a) Persons elected by popular vote;
  - (b) Persons appointed to office by the chief executive or legislative body of the public employer;
  - (c) Persons whose duties imply a confidential relationship to the public employer; or
  - (d) Persons in a probationary or temporary status, or employed seasonally, irregularly or on call.
- For the purposes of this chapter, however, no employee shall be determined to be in a probationary status who shall have been employed for more than 12 months or who has an individual contract with his employer, nor shall any employee be determined to be in a temporary status solely by reason of the source of funding of the position in which he is employed.

**RSA 273-A:1, VII. "Legislative body"** means that governmental body having the power to appropriate public money. The legislative body of the state community college system and university system shall be the board of trustees.

**RSA 37:2 Appointment of Manager.** – The selectmen of towns adopting the provisions of this chapter, as herein provided, shall forthwith thereafter appoint a town manager who may or may not, when appointed, be a resident of the town or state.

**RSA 32:3, I. "Appropriate"** means to set apart from the public revenue of a municipality a certain sum for a specified purpose and to authorize the expenditure of that sum for that purpose.

#### **IV. ANALYSIS**

Selectmen by definition are election officers pursuant to RSA 652:14. However, a selectman does not serve in the capacity of an election officer within a school district, as it is a separate political subdivision. This is not to say that a selectman attempting to influence the vote of a voter, at a polling place that is simultaneously holding a town and school election pursuant to RSA 671:22, would not be a violation of RSA 659:44. Based on the substance of the flyer it appear its purpose was to encourage voters to attend the school district's deliberative session in order to amend the warrant article pertaining to the budget. Where the school district is a separate political subdivision from the Town of Greenfield there is no violation of RSA 659:44. Whether the use of public funds to develop and mail the flyers was appropriate is a question to be answered by the voters at the town election.


Regarding Mr. Patt's involvement with the reproduction and distribution of the flyers, Mr. Patt as the town administrator was appointed by the selectmen, who have the power to


appropriate money making them the legislative body with regard to RSA 273-A:1, VII. Thus, Mr. Pratt is not a public employee under RSA 273-A:1, IX. As such, there was no violation of RSA 659:44-a.

1257252





## MEMORANDUM

TO: **FILE**

FROM: Matthew T. Broadhead   
Assistant Attorney General

RE:  JP Complaint

DATE: December 18, 2018

Pursuant to the attached investigative report, the complaint against Ms.  relating to possible violations of our notary laws is unfounded. However, during the course of our investigation we discovered possible evidence that Ms.  signature may have been forged by Ms.  Investigator Tracy discovered that the Rockingham County Attorney's office is prosecuting Ms.  on an unrelated case. This matter was referred to the Rockingham County Attorney's office for further investigation and/or prosecution.

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

Matter #	Case Name	Investigator	Report Date
2017128084	[REDACTED] JP Complaint (Richard Aziz, complainant)	Richard C. Tracy	December 13, 2018

On September 29, 2018, <sup>7 RCT</sup> Jeff SPILL with the Secretary of State's Office referred the below matter to the AG's office.

On February 28, 2018 I contacted with Richard AZIZ with Pentucket Bank. AZIZ explained that [REDACTED] had been charged by Hampstead and Salem Police Departments for fraud related crimes. AZIZ asked to forward copies of the documents associated to these crimes to the NH Attorney General's Office for review to determine whether or not the Justice of Peace, [REDACTED], who signed these documents is associated with the fraud.

On December 13, 2018 I made contact by phone with [REDACTED] N.

Donna GIBERSON, DO [REDACTED]  
[REDACTED]

I explained the purpose of my call. [REDACTED] acknowledged that she is a Justice of the Peace that her certification is set to expire on January 14, 2020. [REDACTED] stated that she does not know [REDACTED] or [REDACTED]. [REDACTED] stated that she works for the Town of Raymond in the Assessing and Planning Department that people now and again will come to town hall to have documents certified as being signed by the individual before her. [REDACTED] stated that she will not add her stamp and signature to a document without first seeing a valid form of identification from the parties signing the document(s) in front of her.

[REDACTED] repeated that she does not know the [REDACTED]s, and the documents that I described to [REDACTED] do not ring a bell with her. [REDACTED] N agreed to look at the documents to verify if that is her signature on the back or not and to review the document to see if it refreshes her memory.

[REDACTED] called back to report that she did not JP either document, she pointed out multiple forgeries on the last page of both sets of documents, while a few of the writings appear to be her handwriting. The top portion is not [REDACTED] and I went over each handwritten portion in both documents.

[REDACTED] document

Line 1, "New Hampshire" is not [REDACTED]'s handwriting.

Page	1	of	3	pages	SIGNED	[Signature]	DATE	12/13/18
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**DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
CONTINUATION OF INVESTIGATION/ARREST REPORT**

Matter #	Case Name	Investigator	Report Date
2017128084	[REDACTED] JP Complaint (Richard Aziz, complainant)	Richard C. Tracy	December 13, 2018

Line 2, "Rockingham" is not [REDACTED]'s handwriting.

Line 3, "13", "September" and the "17" are not [REDACTED]'s handwriting

Line 7, The "[REDACTED]" signature just above "Notary Public" is a forgery according to [REDACTED]

Line 9, "January 14, 2020" is not [REDACTED]'s handwriting.

The "[REDACTED] justice of the Peace, New Hampshire My Commission Expires January 14, 2020" stamp belongs to [REDACTED]

The second stamp at the bottom belongs to [REDACTED], however not all of the handwriting was done by [REDACTED] we went over each line.

"Rockingham" is [REDACTED]'s handwriting

"13<sup>th</sup>", [REDACTED] is unsure stated it is possibly her handing writing.

"September, 2017" is [REDACTED]'s handwriting.

[REDACTED] is not [REDACTED]'s handwriting.

[REDACTED] printed, is [REDACTED]'s hand writing.

The "[REDACTED]" signature associated with the Rockingham stamp is [REDACTED]'s.

[REDACTED] document

Line 1, "New Hampshire" is not [REDACTED]'s handwriting.

Line 2, "Rockingham" is not [REDACTED] handwriting.

Line 3, "13, September and the 17" is not [REDACTED]; handwriting

Line 7, The "[REDACTED]" signature just above "Notary Public" is a forgery, according to [REDACTED]

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

Matter #	Case Name	Investigator	Report Date
2017128084	[REDACTED] JP Complaint (Richard Aziz, complainant)	Richard C. Tracy	December 13, 2018

Line 9, "January 14, 2020" is not [REDACTED]'s handwriting.

The "[REDACTED] justice of the Peace, New Hampshire My Commission Expires January 14, 2020" stamp belongs to [REDACTED]

The second stamp at the bottom belongs to [REDACTED], however not all of the handwriting was done by [REDACTED] we went over each line.

"Rockingham" is [REDACTED]'s handwriting

"13<sup>th</sup>", [REDACTED] is unsure stated it is possibly her handing writing.

"September, 2017" is [REDACTED]'s handwriting.

[REDACTED] is possibly [REDACTED] handwriting she is not 100% sure.

[REDACTED] printed, is [REDACTED]'s handwriting.

The "[REDACTED]" signature associated with the Rockingham stamp is [REDACTED]s.

[REDACTED] stated that it's possible that she at one time JP'd a document for one of the [REDACTED] likely [REDACTED] because the [REDACTED] could be her handwriting and [REDACTED] is confident that the [REDACTED] is her handwriting in the bottom stamp.

I sent an email to Rockingham County Attorney, Patricia Conway, asking if her office presently has an active prosecution for [REDACTED]

On December 14, 2018, I exchanged correspondence with Rockingham Assistant County Attorney Chris O'Brien who requested that I send him the documents and report.

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL

JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL



August 1, 2018

Brooke Therrien  
[REDACTED]

Re: Violation of RSA 659:34 Wrongful Voting - Civil Penalty Assessment

Dear Ms. Therrien:

On the day of the November 8, 2016, General Election, you completed and signed a domicile voter affidavit indicating that your domicile for voting purposes was [REDACTED] in [REDACTED]. Subsequently, pursuant to RSA 654:12, V, the Department of State mailed a verification letter to that address and it was returned with the following comment on the envelope: "return to sender insufficient address unable to forward." The Department of State referred this matter to this Office for further investigation pursuant to RSA 654:12, V.

Richard C. Tracy, the Chief Investigator at the Department of Justice, interviewed you in connection with this matter. At the time of the General Election, you admitted that you lived with your parents at [REDACTED] NH. This address appeared on your New Hampshire Driver's License at the time. Prior to November 8, 2016, you registered and voted in Londonderry. On the day of the General Election you were visiting your boyfriend, a student at Plymouth State University, who lived at [REDACTED] NH. You were not a Plymouth State University student and you stated that you were only "staying" with your boyfriend for a few days. On November 8, 2016, although you did not initially plan to vote that day, several people, including your boyfriend, encouraged you to vote. You went to the polls in Plymouth, NH. While registering to vote in Plymouth on the day of the election, you told the local election official that you were "staying" with your boyfriend. When asked to clarify your statement, you insisted that you did not tell the election official that you were "living" in Plymouth, only that you were "staying" with your boyfriend. You indicated that the local election official stated that it was okay to register to vote in Plymouth if you completed the voter registration form and domicile affidavit.

When completing the registration form, you signed an affidavit and acknowledgment form that stated, in pertinent part:

I understand that to vote in this ward/town, I must be 18 years of age, I must be a United States citizen, and I must be domiciled in this ward/town.

I understand that a person can only claim one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon a temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

I acknowledge that I have read and understand the above qualifications and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

You signed this sworn statement on November 8, 2016, which was received and approved by two election officials in Plymouth. Additionally, the affidavit you signed outlined the penalty for wrongful voting. Your registration form indicated that you were domiciled at [REDACTED] NH. However, you admitted to Investigator Tracy that you actually lived in [REDACTED] at the time and that you were merely temporarily visiting your boyfriend in Plymouth.

Pursuant to RSA 659:34, I, it is unlawful for a person to engage in any of the following conduct:

(a) When registering to vote... [a person] 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 domicile affidavit...containing false material information regarding his or her qualifications.

[...]

(e) Votes for any office or measure at an election if such person is not qualified to vote as provided in RSA 654.

RSA 659:34, I (2016). A violation of paragraph (a) is a class A misdemeanor, while a violation of paragraph (e) is a class B felony. RSA 654:34, II. A conviction of a willful violation of the election laws carries a potential penalty of forfeiting one's right to vote under the New Hampshire Constitution, Part I, Article 11. In lieu of pursuing criminal prosecution, RSA 659:34 also authorizes this Office to issue civil penalties for individuals who engage in wrongful voting.

In New Hampshire, in order to vote in a town, ward, or unincorporated place you must be domiciled there. A "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." RSA 654:1, I. A "voter can only have one domicile for voting purposes." RSA 654:2.

Outside of your temporary visit at the [REDACTED] NH, you have not maintained any physical presence in Plymouth, let alone a continuous one. Other than casting a vote in Plymouth during the 2016 General Election, there is no evidence that you have taken any other step or manifested any intent to designate Plymouth, more than any other place, your location for participating in domestic, social, and civil activities relevant to democratic self-government. As a result, we have concluded that you were domiciled in [REDACTED], not Plymouth, during the 2016 General Election.

Therefore, we find that you violated RSA 659:34, I (a) in that you purposely and knowingly made false material statements about your qualifications to vote in Plymouth on the election day registration form, domicile affidavit, and in your verbal statements to the Plymouth election officials. Further, we find that you violated RSA 659:34, I (e) in that you voted in a location where you were not domiciled, and therefore were not qualified to vote under RSA 654.

Your actions are serious violations of New Hampshire's election laws. This letter serves as official written notice that this Office is hereby imposing a civil penalty of \$1,000.00 against you pursuant to RSA 659:34, III, because you violated RSA 659:34, I (a) & (e) on November 8, 2016. However, due to the circumstances surrounding your voting as well as your cooperation in the investigation, \$500.00 of the civil penalty shall be suspended for a period of two (2) years. **Your payment of the non-suspended portion of the penalty in the amount of \$500.00 must be delivered to our office within thirty (30) days of this letter. In the event that you either fail to make timely payment of this \$500.00 penalty in full, or if you once again violate RSA 659:34 within two (2) years, then the suspended penalty of \$500.00 shall become immediately due and payable.**

Your payment of \$500.00 shall be made by check made payable to "Treasurer, State of New Hampshire" and mailed to the Office of the Attorney General, 33 Capitol Street, Concord, NH 03301, Attention: Assistant Attorney General Matthew T. Broadhead.

Pursuant to RSA 659:34, IV, you may appeal this decision to superior court. You must file an appeal within 30 days of the date you receive this letter. Thank you for your attention to this matter.

Sincerely,



Matthew T. Broadhead  
Assistant Attorney General  
Election Law Unit  
(603) 271-3650

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

Matter #	Case Name	Investigator	Report Date
2017127272	Town of Chester Bldg Inspector - political signs violation (Jerome GESEL, complainant)	Richard C. Tracy	December 18, 2018

On February 22, 2018, I received an email from Pam COLANTUONO, Citizen Service Liaison Office of the Governor. COLANTUONO was inquiring about the status of the Jerome GESEL complaint. I informed COLANTUONO that the matter was considered opened and further explained that AAG Broadhead had just been assigned to the newly created Election Law Unit that we were trying to work through the many older complaints received prior to our assignment and at the same time stay on top of the newer complaints. I told COLANTUONO that I would review the file and reach out to GESEL.

On March 5, 2018, I spoke with Jerome GESEL about his complaint.

Jerome GESEL, [REDACTED]  
[REDACTED]

GESEL stated that in May of 2017 he noted that the Chester Road Agent, Mike OLSON, was running unopposed. GESEL decided to run as a write in. GESEL explained that he had less than 30 signs made, which he placed around the town of Chester. GESEL put 9 signs in the area of the Route 102 & 121 intersection. GESEL placed his signs out Friday night before the May 9, 2017 Town Election. GESEL knows that his signs were out for the weekend and most of the day on Monday. GESEL stated that either sometime Monday night or Tuesday day while he was campaigning at Town Hall someone removed 7 of his signs at the intersection of 102 and 121.

GESEL left the poll prior to the scheduled closing at 7 PM as he needed to pick up his son. GESEL then set out to retrieve his signs, which is when he noticed that 7 of the 9 signs that he placed near the intersection of Route 121 & 102 were missing.

GESEL suspected that the Town Code Enforcement Officer Myrick BUNKER removed the signs. GESEL explained that ever since BUNKER became the Town Code Enforcement Officer he has been after GESEL and other small business owners in town. GESEL stated that he owns a small general store in town and that he operates a seasonal ice cream stand. BUNKER reportedly shut GESEL's ice cream stand down for improper permits. GESEL claims he had the proper permitting and had been in business for 10 years. GESEL alleged that BUNKER is friendly with OLSON therefore BUNKER purposely removed GESEL's signs to give OLSON an advantage. GESEL heard that BUNKER had been terminated from the previous two towns that he worked at Raymond and Greenland.

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

Matter #	Case Name	Investigator	Report Date
2017127272	Town of Chester Bldg Inspector - political signs violation (Jerome GESEL, complainant)	Richard C. Tracy	December 18, 2018

Suspecting that BUNKER removed his signs, GESEL drove back to Town Hall where he observed BUNKER's Town pick up NH G25642 parked. GESEL observed that several of his political signs were in the rear seat of BUNKER's town vehicle. GESEL took several photos of the truck and the signs in the back, which he stated he would email to me.

GESEL lost the 2017 road agent election to OLSON by a margin of 208 votes, 333 to 125. I asked GESEL if he ever encountered or spoke with BUNKER about the signs. GESEL replied that he did not speak with BUNKER directly about the signs. GESEL recalls posting what happened on Facebook and that several citizens from town were upset to hear what happened and pointed out that it was illegal for BUNKER to remove the signs.

I explained to GESEL that I did not know when I would have time to work on his complaint that with the 2018 March Town Elections approaching we were extremely busy dealing with issues related to that election and would soon be involved in the 2018 State Primary and General Election. GESEL would call me two times over the next 7 months, I advised him his case remained open and that I would work on it as soon as I could.

On December 18, 2018, I contacted GESEL to inquire about the photos that I did not have them in the file and they were not in my email inbox as we discussed back in March. GESEL followed up our conversation by emailing 12 photos. The vehicle depicted in the photos appears to be a black four door pick up or SUV type vehicle, bearing NH G25662. In the back seat of the vehicle you can see what appears to be more than one political sign belonging to GESEL. NH G25662 is registered to the Town of Chester on a 2008 Ford, Expedition color black.

On December 18, 2018, I left a voicemail message for the Chester Town Code Enforcement Officer, Myrick BUNKER, who returned my call about one hour later.

Myrick BUNKER, Code Enforcement Officer  
Chester Town Hall  
84 Chester Street  
Chester, NH  
(603) 370-0175 ext. 101

BUNKER was surprised that I called about this matter stating that he had spoken with someone from our office in May of 2017 when this was reported. BUNKER stated that he had removed a few of GESEL's signs per the order of the Board of Selectmen because GESEL had placed those particular signs on Town Property which he was told is prohibited by law. BUNKER that that he

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

Matter #	Case Name	Investigator	Report Date
2017127272	Town of Chester Bldg Inspector - political signs violation (Jerome GESEL, complainant)	Richard C. Tracy	December 18, 2018

had returned GESEL's signs to him but couldn't say for sure pointing out that it's been a year and half since this incident happen. BUNKER stated if he didn't they wouldn't be with the town now as they would not hold on to them this long.

BUNKER told the BOS about the complaint and that moving forward he would not be the one to remove the signs on town property. BUNKER pointed out that he did not remove any political signs during the 2018 election seasons. BUNKER and I discussed who is authorized to remove signs and hold on to them giving the owner ample opportunity to retrieve the signs if they wish to.

BUNKER could not recall who he spoke with from our office in 2017.

On December 18, 2018, I received copies of police reports from the Chester Police Department related to this matter.

The first report was dated May 1, 2017, that involves the Myrick BUNKER, the towns code enforcement officer removing GESEL's ice cream sign because it was on town property. The sign was returned to GESEL and he was told that the sign cannot be on town property.

The second report is dated May 9, 2017, GESEL is reporting that several of his signs were removed and that they were now in the back seat of BUNKER's vehicle. The report indicates that Chief BERUBE advised GESEL that the signs that were removed were likely the ones that were placed on town property.

I contacted GESEL to let him know my findings and that there will be no further action taken other than placing a report on file. I reminded GESEL that he is not to place his political signs on town property.

BUNKER and I discussed who by law is allowed to remove political signs that are considered to be on town property and to store them allowing the owner ample opportunity to retrieve their signs.

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