

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

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June 23, 2022

Regis Roy, Supervisor of the Checklist
Town of Haverhill
[REDACTED]
Woodsville, NH

Re: **CEASE AND DESIST ORDER**
Violation of Official Duties and Responsibilities, Electioneering

Dear Supervisor Roy:

On March 15, 2021, this Office received a complaint alleging that you were engaging in unlawful electioneering during the March 13, 2021, Haverhill Town Election by asking people walking into the voting area where you were working as an election official to "vote no on Article 2." This investigation followed. You are ordered to Cease and Desist from any further improper actions.

I. FACTUAL BACKGROUND

a. Initial Complaint

On March 15, 2021, Haverhill Selectboard Vice-Chair Matthew Bjelobrk emailed this Office indicating a desire to file a formal complaint regarding actions that he observed during the March 13, 2021, Haverhill Town Election. In that complaint, Selectman Bjelobrk wrote that he saw you outside "in the parking lot" asking people walking "into the building" for the election to "vote no on Article 2." He further indicated that this occurred around noontime and that he observed you holding ballots, at times for thirty to forty five minutes after a voter had driven away in direct contradiction of the plan that the moderator had briefed town officials on in the final town virtual pre-meeting on March 11.

b. Contact with Moderator Holden

On March 16, 2021, this Office sent Selectman Bjelobrk's written complaint to Haverhill Town Moderator Alfred "Jay" Holden and asked him to respond within fifteen days. On March 25, 2021, Moderator Holden asked for more time to respond to the letter before following up days later with a report of the follow-up that he had conducted. In that report, he indicated that the allegations against you were completely false, noting that other election officials referred to

you as a “one man band” with how busy you appeared that day and recounting that he spoke with School Board Member Sabrina Brown who indicated that she worked with you for four hours on March 13, 2021 and did not observe you electioneering.

On February 23, 2022, Chief Investigator Richard Tracy met with Moderator Holden at the Grafton County Sheriff’s Office. The two discussed, among other things, the process for drive-up voting. Moderator Holden stated that they had set up a buzzer system where a voter could push the buzzer, which would alert election officials inside that someone outside wanted to vote. He stated that the buzzer was rarely used that day as you spent most of the time outside helping with the drive-up process. Moderator Holden explained that as voters drove up, you would take their identification inside to the polls to verify that they were registered with the ballot clerk and obtain the four ballots that were placed inside an envelope supplied by the Secretary of State’s Office. You would then direct the voter to pull up, fill out their ballots, and stick their arm out of the car when they were done. This often took a considerable amount of time to finish as there were over thirty articles on the town ballot alone. Once the voter finished voting and stuck an arm out the window, you would retrieve the envelope with ballots from the voter and deliver the envelope inside.

Moderator Holden stated that he did not hear any electioneering by election officials at the polls on the day of the election, but he acknowledged that he was inside most of the day while you were outside. Moderator Holden also indicated that you moved to Haverhill around 1969, that you were a long-time teacher in town, and that you were one of the most honest people that he knew.

c. Contact with Town Manager Codling

On March 18, 2021, Brigitte Codling emailed the Secretary of State’s Election Division, State Senator Bob Giuda, and Department of Revenue Director of the Municipal and Property Division James Gerry. In that email Manager Codling noted that the months leading up to the election were contentious, especially regarding HB 1129. Manager Codling wrote that she was present at the election on March 13, 2021, and that she heard you verbally telling voters to vote “[n]o on Article 2 so they could have an in-person Town Meeting in the summer.” Moderator Codling also noted that multiple people, including former Selectman Darwin Clogston, heard you telling people to vote “no” on Article 2 and to vote for Michael Graham as Selectman.

d. Contact with Office Administrator Aldrich

On March 19, 2021, Office Administrator LorieAnn Aldrich emailed this Office, raising a number of concerns that she witnessed while acting as an observer in the March 13 election. On September 24, 2021, Investigator Tracy met with Administrator Aldrich. In the course of that conversation, Administrator Aldrich indicated that, while she did not hear it when she went to vote, others told her that you were heard by more than one person telling voters to “vote no” on town warrant Article 2.

e. Contact with Assistant Town Manager Boucher

On September 24, 2021, Investigator Tracy spoke to Assistant Town Manager Jennifer Boucher. Assistant Manager Boucher indicated that she was at the polls on March 13, 2021 and saw you assisting voters who did not or could not enter the polls. She noted that you were having a lot of “in window” conversation with voters, describing you as sticking your head in the windows of vehicles as you handed people their ballots. While Assistant Manager Boucher could not hear from where she was standing, she found this behavior to be inappropriate.

f. Contact with Darwin Clogston

On or around March 17, 2021, former Haverhill Selectman Darwin Clogston spoke with Assistant Attorney General Nicholas Chong Yen to discuss concerns that Mr. Clogston had regarding the March 13, 2021, Haverhill Town Election. On November 10, 2021, Investigator Tracy spoke to Mr. Clogston. Mr. Clogston indicated that he spent nearly the entirety of election day outside at the polls in the electioneering zone. He explained how you were handling identification and ballots and said you were a “real trooper” for being the one to do that. Mr. Clogston noted that, on multiple occasions, he heard you tell voters to vote “no” on Article 2 as you were handing them their voting packet. He clarified that he did not hear you tell anyone to vote for Mike Graham and that he did not know who to bring his concerns to as Moderator Holden was also against Article 2.

g. Contact with Don and Kathleen Vaillancourt

On March 19, 2021, Don and Kathleen Vaillancourt sent an email to this Office expressing their concerns with the March 13, 2021, Haverhill Town Election. Investigator Tracy spoke to the Vaillancourts regarding their concerns. They explained that they did not go to vote until 6:15 pm because they were staying after the polls closed to assist with ballot counting. The Vaillancourts noted that you were assisting a voter outside who was sitting in a car but did not see or hear anything unusual about the occurrence and that you did not tell the voter how to vote.

h. Contact with Paul Forcier

On November 17, 2021, Investigator Tracy spoke with Paul Forcier over the phone as a follow-up to prior concerns that Mr. Forcier had raised with this office. Mr. Forcier explained that he voted in person on March 13, 2021, and that he saw you—his aunt—standing outside assisting voters. Mr. Forcier stated that you and he saw each other but did not have any kind of lengthy conversation. He stated that you did not tell him how to vote and he did not hear you tell anyone else how to vote, though he was only there for a short time as he walked in and out of the polls.

i. Contact with Selectman Bjelobrk

On December 7, 2021, Investigator Tracy spoke with Selectman Matthew Bjelobrk on the phone. Among other things, the two discussed your activity on March 13, 2021. Selectman Bjelobrk thought there were supposed to be two people assisting with the drive-up voting process

that had been put in place for the day but, from what he saw, you handled it alone. Selectman Bjelobrk indicated that at one point he heard you talking with two voters and telling them to vote “no” on Article 2. He noted that you and Dick Guy were the most vocal opponents of Article 2.

j. Contact with you

On February 23, 2022, Investigator Tracy met with you at the Grafton County Sheriff’s Office to conduct an interview regarding this matter. In the course of that conversation, you explained some of the recent, contentious politics in town and what you did on the day of March 13, 2021. You insisted that you never told a voter to vote no on Article 2 and stated that you often said “no problem” that day. You indicated how upset you were over this incident, especially with everything that you had done and continue to do for the town.

k. Contact with Assistant Town Moderator Ballam

On February 23, 2022, Investigator Tracy met with Assistant Town Moderator Ed Ballam at the Grafton County Sheriff’s Office regarding this investigation. Assistant Moderator Ballam indicated that he was not aware of any electioneering taking place at the polls on election day. Even though he was rarely outside on March 13, 2021, he believed you were a trusted election official and did not believe you would electioneer and tell voters how to vote on election day.

l. Contact with Mary Patridge-Jones

On March 18, 2021, Mary Patridge-Jones emailed this Office indicating that she went to vote on March 13, 2021, and heard you tell multiple voters entering the building to vote “no” on Article 2 and to vote for Mike Graham for selectman. On April 1, 2022, Investigator Tracy spoke to Ms. Patridge-Jones on the telephone, who stated that she hung around after voting on March 13, 2021 and spoke with Darwin Clogston and others as they came and went. She indicated that she had stepped aside for a moment and that was when she heard you telling a group of five or six voters to vote “no” on Article 2 and to support Michael Graham as they stepped into the polling area. Ms. Patridge-Jones further stated that she heard you repeat this to a second group of people a short time later. Finally, she indicated that she saw you help some drive-up voters and was not able to hear what you said to those individuals, but she did specifically hear you tell the groups mentioned above to vote against Article 2 and to support Michael Graham. She indicted that this whole incident had been disturbing to her.

m. Contact with Marilyn Blaisdell

On March 18, 2021, Marilyn Blaisdell emailed some concerns she had about the March 13, 2021, election to the New Hampshire Secretary of State. On March 24, 2022, Investigator Tracy spoke with Ms. Blaisdell. She voiced her frustration about Haverhill’s politics and told Investigator Tracy what she remembered from the March 13, 2021, election. Ms. Blaisdell went to the middle school to vote, bringing 80-year-old Lorraine Prescott with her. As they were both walking into the school, they could hear you yelling “vote no” on Article 2. She indicated that there was no mistake in what she heard and that you were not being discrete about it. Ms. Blaisdell further indicated that she did not realize until after the election that anything was

wrong. She saw your picture in a local newspaper and realized you were working as an election official at that time.

II. APPLICABLE LAW

RSA 659:43 states in relevant part that “[e]lectioneering shall be prohibited within the polling place building.” “Electioneering” means “visibly displaying or audibly disseminating information that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure being voted.” RSA 652:16-h. This includes, but is not limited to, wearing clothing that displays a candidate’s name. RSA 652:16-h, I.

The law further contemplates penalties for violations, which include –

- Whoever violates any of the provisions of this section shall be guilty of a violation.
- Whoever violates any of the provisions of this section shall be subject to a civil penalty not to exceed \$1,000.

RSA 659:43, VIII & IX.

RSA 659:44 states that “[n]o 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. Any person who violates this provision shall be guilty of a misdemeanor.”

Finally, RSA 652:14 provides that “[e]lection 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.” (Emphasis added).

III. ANALYSIS

In this case, you are a supervisor of the checklist, and election official identified in RSA 652:14. That means that you are subject to the prohibition on electioneering in RSA 652:44. Multiple individuals observed hearing you advocate either for voting “no” on Article 2 or voting for Mike Graham. While you indicated to Investigator Tracy that you were saying “no problem” on March 13, 2021, implying that people simply misheard you, no fewer than four individuals came forward alleging that they heard you telling voters how to vote. The Town Manager contacted this office in the days following the election as multiple people had told her that they had heard you electioneering. As the above facts indicate, the Town Manager was not the only person to hear these reports. All of this occurred while you were working as an election official at a polling place on election day. As such, the allegations against you constitute “electioneering” within the meaning of RSA 652:16-h.

IV. CONCLUSION

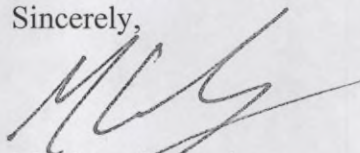
The purpose of RSA 659:43 is to ensure that the polling place—and the casting of ballots to select our elected officials—is free from the pressure of explicit advocacy *for any* candidate or ballot measure. Voters must be able to cast their ballots free from such advocacy, whether it is by poll officials or other voters.

This Office investigated serious allegations against you and revealed evidence supporting those allegations. Based on our investigation, we find that your conduct was grossly inappropriate and antithetical to your duties as an election official. As an elected official you swore an oath to faithfully and impartially discharge and perform all the duties of your office and act consistent with the rules and regulations of the New Hampshire Constitution and state law. The evidence concerning your advocacy at the polls indicates that you failed in that fundamental responsibility and ignored your obligations to the voters to whom you owed a duty as an elected official.

You are hereby ordered to **Cease and Desist from engaging in misconduct relating to electioneering in the polling place.** Failing to do so could constitute violations of the aforementioned statutes and result in further enforcement action by this Office.

This matter will be closed. Please contact me if you have any questions.

Sincerely,



Matthew G. Conley
Attorney
Civil Bureau
matthew.g.conley@doj.nh.gov

cc: Matthew Bjelobrk
Darwin Clogston
Haverhill Town Clerk
Haverhill Board of Selectmen