

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

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CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY
ATTORNEY GENERAL



June 17, 2011

Honorable William M. Gardner
Secretary of State
107 N. Main Street
State House Room 204
Concord, NH 03301

Re: May 17, 2011 Special Election

Dear Secretary Gardner:

This office has concluded its investigation into the complaint that signs requiring voters to present identification were posted at the New Boston polling place during the May 17, 2011 Special Election. A copy of the report on our investigation is attached.

Based on the facts from the investigation, this office found that the improper signs and procedure of asking voters to present identification constituted "significant deficiencies in the conduct of an election." These deficiencies were "due to a lack of . . . established procedures" and constitute "negligence." See RSA 659:77, III. As a consequence of these findings, RSA 659:77 states that the Secretary of State, in consultation with the Attorney General, "shall appoint an election monitor who shall be an individual trained in the conduct of elections and who shall attend portions of the ballot casting and all of the ballot counting to monitor the next election conducted in that town []." Id.

The monitor, who will be appointed to the New Boston polling place for its next election, "shall have full access to the polling place, including the authority to directly observe . . . the checking in of voters []." RSA 659:77, IV. The monitor "may provide training and guidance to the moderator and clerk who conducts the election." RSA 659:77, V. Under the statute:

The election monitor shall issue a public written report within 30 days following the election to the voters of the town or ward, the secretary of state, and the attorney general, which shall be posted on the secretary of state's

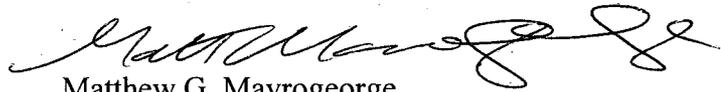
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website, documenting the extent to which the town or ward complies with state law and utilizes the best practices set forth in the election procedures manual and the on-line training available on the secretary of state's website in conducting the monitored election.

Id.

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

Sincerely,



Matthew G. Mavrogeorge
Assistant Attorney General
Civil Bureau

cc: Lee Nyquist, New Boston Moderator
Paul Twomey, Esq.
Irene Beaudreau, New Boston Town Clerk
Cathy Strausbaugh, New Boston Deputy Town Clerk

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