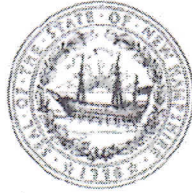


**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

88 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL



JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

September 26, 2023

Sara Dunn
[REDACTED]

Whitefield, NH

Re: **CEASE AND DESIST ORDER**
Sara Dunn, Alleged Wrongful Voting
AMOUNT DUE WITHIN 30 DAYS: \$750

Dear Ms. Dunn:

This Office received a complaint alleging that you wrongfully registered to vote in the Town of Dalton prior to the special election held on June 7, 2022. Following an investigation, this Office finds that you violated RSA 659:34, I (a) because you registered to vote in Dalton when you were not domiciled in that town. This Office orders you to cease and desist from registering to vote or voting in a municipality in which you are not domiciled, and this Office fines you \$750 pursuant to its statutory authority under RSA 659:34.

Background

You own a residence at [REDACTED] in the Town of Whitefield (the "Whitefield Property"). You also own a second property at [REDACTED] in Dalton (the "Dalton Property").

On May 31, 2022, you registered to vote in Dalton and submitted a domicile affidavit, in which you stated that you resided at the Dalton Property.

However, this Office discovered substantial evidence that you continued to reside in Whitefield during this period. Your voting history revealed that you voted in eleven elections in Whitefield between November of 2012 and March of 2022. In March of 2022, you ran for a seat on the Whitefield select board. Your driver's license, issued in July of 2022, identifies the Whitefield Property as your residence. The registrations for four vehicles, issued between August and October of 2022, list you as the primary or secondary owner and the Whitefield property as your residence. On August 19, 2022, the Whitefield Post Office confirmed that your mailing address continued to be at the Whitefield Property throughout 2022. On August 19, 2022, the Dalton Town Clerk's Office confirmed that you had not registered any vehicles or animals in Dalton. As of December 2022, your Facebook page identified you as living in Whitefield.

Additionally, the investigation revealed that the house on the Dalton Property was not livable during this period. The house had been gutted, and the Dalton Property did not have running water or a working septic system.

During the investigation, you claimed that you had been living in a camper on the Dalton Property. Shane Morton stated that you and your father had moved a camper onto the property and hooked up essential amenities. Mr. Morton stated that you had told him that the Dalton property assessors had visited the Dalton Property. This Office spoke with the Town Property Assessor, Gary Fournier, who confirmed that he had visited the Dalton Property. Mr. Fournier stated that he observed two people and a gutted shell of a house on a cement pad. Mr. Fournier stated that he did not observe a camper and would have noted it as an outbuilding on his notes if a camper had been there. Further, on August 19, 2022, a person who lives near the Dalton Property stated that she had not seen a camper or anyone living at the Dalton Property since the fall of 2021.

Wrongful Voting

A person who submits a voter registration form that contains false material information regarding their qualifications as a voter is subject to a civil penalty not to exceed \$5,000. RSA 659:34, I.

A person must be domiciled in a municipality to register to vote in that municipality. RSA 654:7, I(c). "An inhabitant's 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 person has the right to change domicile at any time, however a mere intention to change domicile in the future does not, of itself, terminate an established domicile before the person actually moves." *Id.*

Following an investigation, this Office concludes that you were domiciled in Whitefield when you registered to vote in Dalton on May 31, 2022. Your voting history, candidacy for Whitefield select board, driver's license, vehicles registrations, United States Post Office mailing address, and social media all demonstrate that you continued to be domiciled in Whitefield throughout 2022. Moreover, your assertion that you were living on the Dalton Property is contradicted by the fact that the Dalton Property did not have a livable residence or working utilities, and the statements of multiple witnesses that they never observed a camper on the Dalton Property. Therefore, you violated RSA 659:34, I, when you registered to vote in Dalton while not being domiciled in Dalton.

Conclusion

This Office finds that you violated RSA 659:34 by registering to vote in Dalton when you were not domiciled there. This Office is authorized to provide notice of its intention to seek a civil penalty, to negotiate, and to settle with suspected violators without court action, provided any civil penalty paid as settlement shall be paid to the Secretary of State for deposit into the

general fund. Accordingly, this Office imposes a civil penalty for your violation of this State's election laws in the amount of \$750.00 in lieu of criminal prosecution.

PURSUANT TO RSA 659:34, YOU ARE FURTHER ORDERED TO CEASE AND DESIST FROM REGISTERING TO VOTE OR VOTING IN A MUNICIPALITY IN WHICH YOU ARE NOT DOMICILED.

Your payment of the \$750.00 civil penalty must be delivered to our Office within thirty (30) days of the date of this letter. If you fail to timely pay this penalty, this Office will initiate further enforcement action.

Your payment of \$750.00 shall be made by check 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 Brendan A. O'Donnell.

This matter will be closed upon receipt of your payment of the civil penalty.

Sincerely,

/s/ Brendan O'Donnell
Brendan A. O'Donnell
Assistant Attorney General
Civil Bureau
brendan.a.odonnell@doj.nh.gov

BAO/bao

CC: Jon Swan
Dalton Town Clerk