

ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE  
ATTORNEY GENERAL

ORVILLE B. "BUD" FITCH II  
DEPUTY ATTORNEY GENERAL



April 19, 2007

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

Re: 2006 General Election Voter Fraud Report/Investigation  
Pursuant to RSA 654:12, V

Dear Secretary Gardner,

**I. Introduction**

In New Hampshire, 25,796 persons registered to vote for the first time on November 7, 2006, General Election day. Of those 25,796 persons, according to the local election officials who entered voter registration information into the Statewide Voter Registration System ("SVRS"), 102 persons registered to vote by proving their qualifications without using photo identification ("ID") as defined by RSA 654:12, II. As a result, pursuant to RSA 654:12, V (b), the Secretary of State's Office sent out identification verification letters to those 102 persons who allegedly registered to vote for the first time at the 2006 General Election without proper ID.

The purpose of the identification verification letter was to determine whether any election fraud had been committed, i.e., whether the person whose name was used to register and vote, actually registered and voted. Of the 102 identification verification letters that were sent, three letters were returned by the United States Post Office as not deliverable. The Secretary of State's Office requested that the Attorney General's Office investigate three persons.

This report regards the Attorney General's investigation of the three New Hampshire persons who, for the first time, registered and voted on Election Day, during the 2006 General Election at a New Hampshire polling place using means other than a

qualified photo ID to prove their qualifications as voters. These investigations were initiated pursuant to RSA 654:12, V (a), (b) and (c). That statute provides:

(a) The election official approving the application for registration as voter of a person who does not present an approved form of photo identification as proof of identity when registering, shall mark the voter registration form to indicate that no photo identification was presented. The person entering the voter information into the centralized voter registration database shall determine if the person is listed in the system as having been previously registered in the town or ward reported by the applicant on the voter registration form. If the person is a new registrant who has not been previously registered anywhere in New Hampshire or if the centralized voter registration database does not confirm a previous registration claimed on the voter registration form, the election official shall cause the record created in the centralized voter registration database to indicate that the person is a new applicant in New Hampshire and that no photo identification was presented. When municipalities enter information on people who register on election day into the centralized voter registration database, to the extent practical applicants who are registering for the first time in New Hampshire and who also register without presenting an approved photo identification shall be entered first.

(b) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter identified at a state general election as a first-time election day registrant in New Hampshire who also did not verify his or her identity with an approved photo identification. The letter shall be mailed within 90 days after the general election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who was unable to present photo identification registered or registered and voted using his or her name and address and instruct the person to contact the attorney general immediately if he or she did not register and vote.

(c) The secretary of state shall cause any letters mailed pursuant to subparagraph (b) that are returned as undeliverable by the United States Post Office to be referred to the attorney general. Upon receipt of notice from a person who receives a letter of identity verification that the person did not register and vote, or upon receipt of a referral from the secretary of state, the attorney general shall cause an investigation to be made to determine whether fraudulent registration or voting occurred.

Your Office notified this Office that the United States Post Office ("USPO") returned as undeliverable identity verification letters sent to: (A) Michael Patrick Flaherty; (B) Mark William Ross; and (C) Julia Greenberg. As a result, this Office conducted an investigation to determine whether fraudulent voter registration or voting

occurred. Specifically, in February and April 2007, New Hampshire Attorney General Investigator Jack Hannigan conducted interviews of the three individuals in question.

## **II. Investigation**

### **A. Michael Patrick Flaherty**

On November 7, 2006, Michael Patrick Flaherty registered to vote at the Henniker, New Hampshire polling place and voted in the General Election on that day. Mr. Flaherty listed \_\_\_\_\_ New Hampshire as his home address.

On November 14, 2006, Anne Gould, Henniker Supervisor of the Checklist entered Mr. Flaherty's registration information on the Statewide Voter Registration System ("SVRS"). Because Mr. Flaherty provided an ID, which Ms. Gould or one of the other Henniker Supervisors believed as non-qualifying ID for proving identification for voter registration purposes, Ms. Gould marked Mr. Flaherty's voter registration form on the SVRS as not showing proper ID.<sup>1</sup>

In February 2007, Investigator Hannigan interviewed Mr. Flaherty. Mr. Flaherty stated to Investigator Hannigan, that he did register and vote in Henniker during the 2006 General Election. Our investigation revealed that Mr. Flaherty lives at **the \_\_\_\_\_** with \_\_\_\_\_ Mr. \_\_\_\_\_ reported to Investigator Hannigan that Mr. Flaherty has lived with him at this address for two years.

Mr. Flaherty stated that he did not know why the USPO did not deliver the Secretary of State's voter verification to his listed address, especially because he has received mail in the past at this address. Further, with respect to his voter registration, he claimed that he provided a non-driver, State of Massachusetts photo identification card when he registered to vote.

### **B. Mark William Ross**

On November 7, 2006, Mark William Ross registered to vote at the Conway, New Hampshire polling place and voted in the General Election on that day. Mr. Ross listed 153 Seavey Street, North Conway, New Hampshire as his home address.

On November 25, 2006, Carol Lyman, Conway Supervisor of the Checklist, entered Mr. Ross's registration information on the SVRS. Because Mr. Ross provided an ID, which Ms. Lyman or one of the other Conway Supervisors believed as non-qualifying ID for proving identification for voter registration purposes, Ms. Lyman marked Mr. Ross's voter registration form on the SVRS as not showing proper ID.

In February 2007, Mr. Ross stated to Attorney General Investigator Jack Hannigan, that he did register and vote in the 2006 General Election in Conway. He stated that he recently moved to New Hampshire from Massachusetts and that he has

---

<sup>1</sup> Ms. Gould noted in the SVRS that Mr. Flaherty provided a Massachusetts ID. 3

lived at the \_\_\_\_\_ address for the past six months. He could not explain why the USPO did not deliver the Secretary of State's voter verification to his listed address. Further, Mr. Ross also stated to Hannigan that he provided a \_\_\_\_\_ High School ID card when he registered to vote.

### **C. Julia Sarah Greenberg**

On November 7, 2006, Julia Sarah Greenberg registered to vote at the Hanover, New Hampshire polling place and voted in the General Election on that day. Ms. Greenberg listed her home address as HB 2671, Hanover, New Hampshire.

On November 12, 2006, Sylvia Hill, the former acting Hanover town clerk, entered Ms. Greenberg's registration information on the SVRS. Because Ms. Greenberg provided an ID, which one of the Hanover Supervisors of the Checklist believed as non-qualifying ID for proving identification for voter registration purposes, one of the Hanover Supervisors marked Ms. Greenberg's voter registration form on the SVRS as not showing proper ID.

In April 2007, Ms. Greenberg stated to Attorney General Investigator Jack Hannigan that she did register and vote in the November 7, 2006 General Election. The Dartmouth College Directory show Ms. Greenberg as a student at the College and her address is

Ms. Greenberg claimed that she did not know why the USPO failed to deliver the Secretary of State's voter verification to her Dartmouth College address. However, she did state that she was studying in Europe between December 7, 2006 and March 26, 2007.

Ms. Greenberg did not recall what ID she used to register to vote in Hanover.

### **III. Analysis**

To determine whether fraudulent registration or voting occurred, this Office conducted an investigation to determine whether the above persons actually registered and voted at the specified polling places during the 2007 General Election. Further, this Office conducted an inquiry to determine whether the identified voters were domiciled at the address reported on their voter registration form in the New Hampshire town in they voted.

### **IV. Conclusion**

The evidence shows that the above three New Hampshire persons registered and voted in New Hampshire's 2006 General Election in conformance with New Hampshire law. Accordingly, based on this investigation, this Office concludes that no fraudulent registration or voting occurred regarding the subject registered voters.

These investigations are now closed. If you have any additional questions, please do not hesitate to contact me.

Sincerely

James W. Kennedy  
Attorney  
Civil Bureau