

STATE OF NEW HAMPSHIRE

Ballot Law Commission

BLC 2004 - 10

**Challenge of Kathleen N. Sullivan, Hazel R. Tremblay, Dorie M. Grizzard,
and Brian Farias to Ralph Nader Nomination Papers**

**Submission by New Hampshire Attorney General's Office
of Affidavit for Arrest Warrant for Making a False Petition**

A challenge to nomination papers filed on behalf of Ralph Nader is before the Ballot Law Commission. That challenge in pertinent part alleges that “[i]ndividuals soliciting signatures to place Nader on the ballot engaged in widespread fraud and dishonesty.” Challenge at 1. Independent from this challenge, and in the course of fulfilling its duties, pursuant to RSA 7:6-c, to enforce the election laws, the Attorney General’s Office has investigated an allegation of fraud involving Nader Petitions. As a result of that investigation, this Office sought and obtained an arrest warrant and, to date, one individual has been arrested for two counts of making a false nomination petition in violation RSA 655:45.

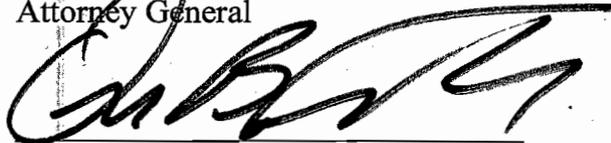
The individual arrested is presumed to be innocent unless and until proven guilty. A Justice of the Peace has determined that probable cause exists to believe this individual committed a crime and the individual has been arrested. The individual, however, will not be arraigned until after the Ballot Law Commission hears this matter, due to scheduling constraints. The Affidavit, Exhibits, Warrant, and Complaints are public documents. The Attorney General’s Office is not a party to the

pending challenge, but the Attorney General has a duty in the public interest to bring to the Ballot Law Commission's attention evidence it believes is relevant to a matter that raises a claim of election law violations. In fulfillment of this duty, the Attorney General's Office is submitting the attached Affidavit, Exhibits, Warrant, and Complaints.

The attached documents set forth evidence supporting the allegation that two incidents of making false nomination petitions by one individual occurred. The statement by the subject of the investigation, an Exhibit to the Affidavit, alleges knowledge and enticement of the false making of the petition by an individual alleged to be a paid solicitor of Petitions.

Respectfully Submitted

Kelly A. Ayotte
Attorney General

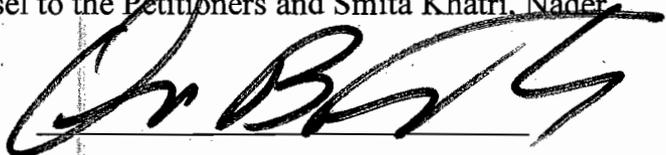


Orville B. Fitch II
Assistant Attorney General
Civil Bureau
33 Capitol Street
Concord, New Hampshire 03301-6397
Telephone (603) 271-1238

September 21, 2004.

Certificate of Service

On September 21, 2004, a copy of this submission was faxed to Martha Van Oot and Emily R. Rice, Orr & Reno, P.A., One Eagle Square, P.O. Box 3550, Concord, New Hampshire, 03301, counsel to the Petitioners and Smita Khatri, Nader Campaign Headquarters Legal Counsel.



State of New Hampshire

Hillsborough County

Nashua District Court

September __, 2004

I, ALLISON P. VACHON, being duly sworn, herewith make application for the issuance of an Arrest Warrant Against the defendant:

**Jed Stewart Rosen DOB 06/14/74
26-D Twist Hill Road
Dunbarton, New Hampshire 03046**

I have information that a crime or offense has been committed by the defendant as follows:

1. I am employed as an Investigator with the Criminal Justice Bureau's Investigation Section of the State of New Hampshire, Office of the Attorney General. I have been so employed since August 26, 2000 and more recently as an Investigator since March 1, 2004. While employed by the Attorney General's Office, I have been specially assigned to the Attorney General's Task Force to investigate the Diocese of New Hampshire and have served for approximately six months investigating white-collar crime and public integrity cases. I previously served as a Police Officer with the City of Concord, New Hampshire and graduated from the NH Police Academy where I received training on how to investigate a variety of criminal complaints.

2. I have reviewed the following information relative to this case provided by Chief Investigator Michael Bahan, of the State of New Hampshire, Office of the Attorney General. Chief Bahan has been so employed since June 28, 1982. Chief Bahan has served for over 32 years in various law enforcement positions -- the last 27 years investigating white-collar and public integrity crimes. During his law enforcement career, Chief Bahan has been involved with numerous criminal fraud and theft investigations.

3. On or about August 11, 2004 the Attorney General's Office was notified by the Secretary of State's Office that election officials in the Town of Amherst had received two nominating petitions, purporting to be signed by residents of that Town which they believed were forgeries. The Amherst election officials reported that the named individuals were not registered voters in Amherst, but were family members of a resident. The Amherst official reported that the mother of the named individuals confirmed that they had not signed the petitions.

4. The petitions, supporting the nomination of Ralph Nader for the Office of President of the United States were bore the names, signatures, and addresses as follows:

#1 Jed S. Rosen
10 Thistle Dr. Amherst, New Hampshire 03031

#2 Jason Rosen
10 Thistle Dr. Amherst, New Hampshire 03031

5. On or about August 12, 2004 Assistant Attorney General Orville B. Fitch II contacted Jason Rosen who advised that he resides at 39 Magnolia Ave., Cambridge, Massachusetts, 02138 and that he has never signed a Petition to nominate Ralph Nader. At the same time a voice mail message was left on Jed Rosen's phone, asking him to contact the Attorney General's Office.

6. On August 13, 2004 Assistant Attorney General Orville B. Fitch II received a voice mail message from Jed Rosen. Mr. Rosen reported that he signed his brother's name on a Nadaer Petition.

7. On August 17, 2004 Jed Stewart Rosen voluntarily met with Chief Investigator Michael Bahan and Assistant Attorney General Orville B. Fitch II at the Attorney General's Office.

8. Chief Bahan's Memorandum of Interview reports that ROSEN explained at approximately 11:00-12:00 a.m. on August 1, 2004 that he and his friend, JOHN WELCH of Amherst, New Hampshire, were walking in the vicinity of the Dunkin Donuts on Canal Street, Nashua, New Hampshire after, as he described it, a hard night drinking Captain Morgan's at Penuche's Bar, where he approached a woman soliciting signatures for the nomination of Ralph Nader.

ROSEN said that at that time he was not even sure which political candidate the women were actually soliciting for, but rather he and WELCH were trying to impress the women. ROSEN offered that he was not even registered to vote in the State and that he had never voted before in any election. ROSEN said he signed the petition to support Ralph Nader's Nomination using his name and mother's Amherst, New Hampshire address without reading the text of the material and to this day was not sure of the effect of his signing other than getting himself in trouble.

ROSEN said that after signing the petition with his signature he crossed over to the other woman who was approximately 40-50' away from the first woman and started talking to her. ROSEN said that he told her that he had already had signed with the other woman, but could sign again with his brother's name. ROSEN said that she told him that she worked for a temp agency and for every 10 signatures that she received \$10 and that he could sign as no one ever checks the signatures. Based upon this statement and cavalier attitude to impress the woman ROSEN signed his brother's signature to the petition to support Ralph Nader's Nomination using again his mother's Amherst, New Hampshire address. ROSEN said that WELCH did not sign his name to any petitions.

9. Rosen provided Chief Bahan a handwritten confession. Copy attached as Exhibit A.

10. On August 25, 2004, Detective Peter A. Lyon of the Amherst Police Department, at the request of the Attorney General's Office, took possession of the original petitions from Danielle "Dee" Cook at the Amherst Town Clerk's Office. The Petitions were transmitted to the Attorney General's Office. Copies are attached as Exhibit B and Exhibit C.

11. Examination of Exhibit B and Exhibit C reveal that the signatures on the forms in the names of Jason Rosen and Jed S. Rosen are written in different styles, consistent with a purposeful effort to make it appear they were signed by different persons.

12. New Hampshire RSA 655:45, which is printed on the face of the nomination petitions makes it a misdemeanor for a natural person to falsely make or file any nomination paper, knowing the same or any part thereof, to be falsely made.

13. The foregoing constitutes probable cause to believe that Jed Stewart Rosen made a nomination petition that he knew was false in that he signed his name knowing that he was not a registered voter and provided a false address. The foregoing further constitutes probable cause to believe that Jed Stewart Rosen made a nomination petition that he knew was false in that he signed the name Jason Rosen and provided an address he knew was false for Jason Rosen. Both acts contrary to RSA 655:45.

Based upon the foregoing information, there is probable cause to believe that the defendant did commit a crime or offense as stated above.

Wherefore, I request the issuance of an arrest warrant and an order for a duly authorized officer to take the defendant and bring him before the court having jurisdiction.

Date 9/9/04

Allison P. Vachon
Allison P. Vachon
Investigator
Office of the Attorney General

Then personally appeared before me the above-named Allison P. Vachon, Investigator, Office of the Attorney General and made oath that the foregoing affidavit is true.

Date 9-9-04

Quentin Blainy
Justice/Justice of the Peace

And I, Quentin Blair have personally examined the Complaint against the aforesaid defendant and any information contained in the above affidavit, and have orally examined the above applicant. Based upon such information, I conclude that there is ~~is not~~ sufficient probable cause for the issuance of the Arrest Warrant sought. Therefore, the application is granted ~~denied~~ and the arrest warrant is ~~is not~~ issued.

Date 9-9-04

Quentin Blair
Signature of Issuing Justice/JP

Notes of Issuing Justice/JP:

Jed S. Rosen 8-16-04

On the day of Aug 1 (?) 2004, as I recall; ~~Was~~ In front of Dunkin Donuts at 11:00 A.M., I was approached by a Blonde Hair lady. She asked if I would be interested in signing a petition to get Ralph Nader on the Ballot. I did not truly understand what I was signing she ~~to~~ reexplained and handed a form. I signed it. At that point we carried on a small talk conversation; I moved on. At this point a brown haired lady ~~21-2~~ confronted me & John. She asked the same question, I explained I already signed one. She explained she worked for a temp agency that the more signatures she recieved the more money she makes. Somehow, I said I would sign my brother's name & using my mom's name. This was accepted by her & placed in a folder. John & I reconvered and moved on up Main St. We strolled around an hour / 1/2 and went home.

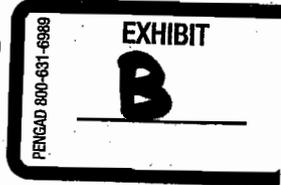
Jed S. Rosen
8-16-04



STATE OF NEW HAMPSHIRE

Nomination Paper
(For State General Election)

RSA 655:40 - 45)



The subscriber, a registered voter in the State of New Hampshire, hereby makes the following nomination to be voted for at the state general election to be held on November 2, 2004, and requests that the name of said candidate be placed upon the official ballot to be used in said election as a candidate of the Independent Party.

Candidate's Name Ralph Nader

Candidate's Domicile 53 Hillside Ave. Winsted, CT 06098

For the Office of President of the United States

District No.

RSA 655:45

No person shall falsely make or file or knowingly deface or destroy any nomination paper, or any part thereof, or sign any nomination paper contrary to the provisions of law knowing the same, or any part thereof, to be falsely made or suppress any nomination paper, or any part thereof, which has been duly filed. Whoever knowingly violates any of the provisions of this section shall be guilty of a misdemeanor if a natural person or be guilty of a felony if any other person.

Voter's Signature [Signature] Print Name Jason Rosen

Voter's Domicile 10 Thistle Drive (street address) Amherst NH 03031 (town or city) (ward)

Voter's Mailing Address [Signature] (street address) (town or city) (zip code)

CERTIFICATE OF SUPERVISORS OF THE CHECKLIST

The undersigned, a majority of the Supervisors of the Checklist (or Registrars of Voters), hereby certify that the voter signing this nomination paper is a registered voter in the town/ward of

Date signed

RSA 655:41, II. The city clerk may certify that the signer is a registered voter, if in a city.

Filing Deadlines:

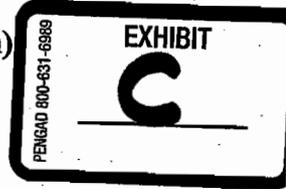
- August 11, 2004 - Last day to submit signed nomination papers to Supervisors of the Checklist in each town or city
September 1, 2004 5:00 p.m. - Supervisors must have nomination papers certified for candidates and organizations
September 8, 2004 5:00 p.m. - Last day to file certified nomination papers with Secretary of State's Office



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Voter's Signature [Handwritten: Jed S. Rosen] Print Name [Handwritten: Jed S. Rosen]

Voter's Domicile [Handwritten: 10 Thistle Dr. Amherst N.H. 03021] (street address) (town or city) (ward)

Voter's Mailing Address [Handwritten: //] (street address) (town or city) (zip code)

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Date signed

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Mail to: Ralph Nader, c/o Aaron Rizzio, PO Box 145, West Peterborough, NH 03468

State of New Hampshire

Hillsborough COUNTY

Nashua District COURT

ARREST WARRANT

TO THE SHERIFF OF ANY COUNTY IN THIS STATE OR DEPUTY, OR ANY POLICE OFFICER WITHIN THE STATE:

WHEREAS, the Complainant, Allison P. Vachon
of Office of the Attorney General, Concord, New Hampshire
in the County of Merrimack has exhibited to me, Quentin Blain,
Quentin Blain, a Justice/Justice of the Peace in the County of
Merrimack, his complaint upon oath against the Defendant,
Jed Stewart Rosen, of 26AD Twist Hill Road,
Dunbarton, in the County of
Merrimack for the crime of: making false nominating
petition (RSA 655:45).

WE COMMAND YOU to take the Defendant, if found to be in your precinct, and bring him before the
Nashua District Court.

Dated the 9 day of September, ~~19~~ 2004

Quentin Blain
Justice/Justice of the Peace

RETURN

STATE OF NEW HAMPSHIRE)
COUNTY OF Hillsborough)

I have arrested the Defendant and now have him/her before the Court as commanded.

9/14/04
Date

Allison P. Vachon
Name of Officer

NHAG Investigator
Title of Officer

SET TYPEWRITER SPACING AT 1 1/4

Docket# _____ TN# _____

State of New Hampshire COMPLAINT

Docket#

DOMESTIC VIOLENCE RELATED

VIOLATION

CLASS A MISDEMEANOR
 CLASS B

FELONY

YOU ARE HEREBY NOTIFIED TO APPEAR BEFORE SAID COURT
AT 8:15am O'CLOCK IN THE AM/PM ON Oct. 12 YR. 04
UNDER PENALTY OF LAW TO ANSWER TO A COMPLAINT
CHARGING YOU WITH THE FOLLOWING OFFENSE:

TO THE Nashua District Court, COUNTY OF Hillsborough

THE UNDERSIGNED COMPLAINS THAT: PLEASE PRINT

NAME Rosen Jed S.
Last Name First Name Mi

26-D Twist Hill Road, Dunbarton, N.H. 03046
Address State Zip

DOB 6/14/74 OPLIC.# _____

M	W								
Sex	Race	Height	Weight	Color Hair	Color Eyes	WRITE OUT:			

COMM. VEH. COMM. DR. LIC. HAZ. MAT.

AT Nashua, New Hampshire
(Location)
or about _____ A.M.
ON THE 1st DAY OF August YR. 2004 P.M.

on/at in said county and state, did commit the offense of making false
nomination petition contrary to RSA 655:45

and the laws of New Hampshire for which the defendant should be held to answer, in
that the defendant did knowingly falsely sign a nomination
paper in that the said Jed Stewart Rosen knowingly
make and sign a nomination paper nominating Ralph
Nader for the Office of President of the United
States by writing and signing the name of Jason
Rosen and by writing Jason Rosen's address as
10 Thistle Drive in Amherst, New Hampshire
knowing that the said Jed Stewart Rosen was not
Jason Rosen and further knowing that Jason Rosen
lives in the State of Massachusetts, against the
against the peace and dignity of the State. form and dignity of the
statute in such case made and

SERVED IN HAND
Allison P. Vachon provided, and,
Allison P. Vachon, N.H. Attorney General's Office
Complainant Dept.

Personally appeared the above named complainant and made oath that the above
complaint by him/her subscribed is, in his/her belief, true.

DATE 9-9-04
Quentin Blaine
Justice of the Peace
COURT COPY Quentin Blaine

