

File

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-4397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

August 21, 2013

VIA EMAIL (jennifer@nhgop.org) AND
FIRST CLASS MAIL
Jennifer Horn, Chairman
New Hampshire Republican Committee
10 Water Street
Concord, New Hampshire 03301

Re: Allegations of Voter Fraud

Dear Ms. Horn:

On July 24, 2013, you requested that this Office investigate potential incidents of voter fraud. You alleged that Senator Martha Fuller Clark "is aiding and abetting individuals who are undermining New Hampshire law and allowing her home address to be used as a sanctuary for voter fraud." As a result of this allegation, this Office conducted an investigation.

In the course of this investigation, Investigator Mark Myrdek interviewed the following individuals:

Senator Martha Fuller Clark
Andrea Riccio
Ellen Whelan-Wuest
Ryan Flynn

Bryan Griffith
Kelli Barnaby
Valerie French

The findings of our investigation support the following relevant facts. Senator Fuller Clark resides at [REDACTED] in Portsmouth, New Hampshire with her husband and son. The residence has a third floor apartment which she has rented to the same tenant since the fall of 2011. Other than the Senator's husband, son and current tenant, four other individuals have lived at the residence since 2008. These individuals are Andrea Riccio, Ellen Whelan-West, Ryan Flynn and Bryan Griffith.

Andrea Riccio moved to New Hampshire in May 2008 and attended the University of New Hampshire. While attending UNH, Riccio worked for the Democratic

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Party as well as for Senator Fuller Clark's campaign. Senator Fuller Clark offered Riccio the third floor apartment rent free because she was working for the campaign.

Electionet records indicate that Riccio registered and voted in Portsmouth during the State primary on September 9, 2008, and likewise voted in Portsmouth during the presidential and general election on November 4, 2008. According to both Senator Fuller Clark and Riccio, they never had any discussions regarding Riccio registering to vote in Portsmouth. Riccio was previously registered to vote in her hometown of Schenectady, New York. After the 2008 election, Riccio was unable to find a job in New Hampshire, and moved back to New York with her parents in December 2008. Riccio thereafter transferred to American University in Washington, D.C. in 2009.

Ellen Whelan-Wuest moved to New Hampshire to work for the Obama campaign in June or July 2008. While working in New Hampshire for the Obama campaign, she stayed in one of the three spare bedrooms Senator Fuller-Clark had at the [REDACTED] residence. When Whelan-Wuest was assigned to work in New Hampshire by the Obama campaign, she was given Senator Fuller-Clark's information in order to set up living arrangements. Senator Fuller-Clark did not require Whelan-Wuest to pay rent because she was a volunteer and living on a limited income. After the 2008 general election, Whelan-Wuest moved back to New York City.

Electionet records indicate that Whelan-Wuest registered and voted in Portsmouth during the State primary on September 9, 2008, and likewise voted in Portsmouth during the general election on November 4, 2008. In the November 2008, election, Whelan-Wuest voted by absentee ballot because she was out of Portsmouth working with the campaign on Election Day. According to both Senator Fuller Clark and Whelan-Wuest, they never had any discussions regarding Whelan-Wuest registering to vote in Portsmouth. Since moving from New Hampshire in 2008, Whelan-Wuest registered in New York in 2009 and in North Carolina in 2010.

Bryan Griffith moved into Senator Fuller Clark's residence in the summer of 2012, while employed by "Organizing for America," which is the grass roots arm of the Obama campaign. When Griffith was notified that he was being sent to New Hampshire, someone from Organizing for America contacted Senator Fuller-Clark to coordinate living arrangements. Griffith received mail at the [REDACTED] address. According to Griffith, he was not required to pay rent. Griffith moved back to Arkansas in December 2012, to look for work.

Electionet records indicate that Griffith registered to vote in Portsmouth on October 24, 2012, and voted on November 6, 2012, by absentee ballot. According to both Senator Fuller Clark and Griffith, they never had any discussions regarding Griffith registering to vote in Portsmouth. During the November 2012, election season, Griffith was also registered to vote in Arkansas but did not vote there.

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Ryan Flynn stayed in one of the three spare rooms in Senator Fuller Clark's home during the summer of 2012, while working for the Obama campaign. Senator Fuller-Clark did not charge Flynn rent because he was volunteering his time with the campaign. Flynn received mail from relatives while he stayed in Portsmouth. According to Flynn, he hoped to get a job in New Hampshire or Maine after the election because his grandmother was living in Maine and she had health issues. The only job opportunity he had after the election, however, was working on the Inauguration in Washington, D.C., which he accepted.

Electionet records indicate that Flynn registered to vote in Portsmouth on November 6, 2012, and voted that same day. According to both Senator Fuller Clark and Flynn, they never discussed whether Flynn would register to vote in New Hampshire. Flynn did say that the Democratic Party instructed campaign workers who were living in New Hampshire to register to vote in the towns or cities they lived.

Kelli Barnaby is the Portsmouth City Clerk. According to Ms. Barnaby, Andrea Riccio, Ellen Whelan-West and Bryan Griffith have recently contacted her office requesting to be removed from the checklist. Portsmouth Deputy City Clerk Valerie French subsequently notified this office that Ryan Flynn has likewise requested to be removed from the checklist.

"A citizen has a constitutionally protected right to participate in elections on an equal basis with other citizens in the jurisdiction." *Dunn v. Blumstein*, 405 U.S. 330, 336 (1972). However, this right is not absolute; a state may regulate access to the election process, provided such restrictions "are necessary to promote a compelling state interest." *See id.* at 337.

The freedom to travel throughout and reside in any state in the union has likewise long been recognized as a basic right under the Constitution. *See id.* at 338. For these reasons, it has been held by both the United States and New Hampshire Supreme Courts that residency requirement statutes violate the Equal Protection Clause of the Fourteenth Amendment. *Id.* at 330, 335-360; also see *Chapman v. Foote*, 112 N.H. 298, 300 (1972). Similarly, requiring that a citizen have an indefinite intention to remain in the State in order to exercise his or her right to vote is offensive to the Equal Protection Clause of the Fourteenth Amendment. *Newburger v. Peterson*, 344 F. Supp. 559, 563 (D.N.H. 1972). As such, there is no lengthy residency period which a citizen must meet before he or she can vote. *See* 14 N.H.P. Local Government Law § 1190.

"In this State, 'domicile' is defined differently for voting purposes than for other purposes of the law." *Every v. Supervisors of Madison Checklist*, 124 N.H. 824, 827 (1984). RSA 654:1, I, provides that:

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Every inhabitant of the state, having a single established domicile for voting purposes, being a citizen of the United States, of the age provided for in Article 11 of Part First of the Constitution of New Hampshire, shall have a right at any meeting or election, to vote in the town, ward, or unincorporated place in which he or she is domiciled. 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. 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.

Based on consistent statements provided by the individuals involved, there was no discussion regarding registering to vote in New Hampshire between Senator Fuller Clark and any of the campaign volunteers who lived in her house. Andrea Riccio moved to New Hampshire in 2008 to work for Senator Fuller Clark on her campaign and to attend UNH. Ellen Whelan-West moved to New Hampshire during the summer of 2008 for the specific purpose of working on a presidential campaign. Ryan Flynn and Bryan Griffith moved to New Hampshire during the summer of 2012 for that same purpose. Our investigation did not reveal any evidence that these individuals came to New Hampshire for the sole or even the primary purpose of voting during the respective election seasons.

While working and living in New Hampshire, these individuals established a physical presence at [REDACTED] in Portsmouth, which continued for several months. There is no evidence to conclude they falsely claimed New Hampshire as their domicile at the time they registered to vote. Once established, [REDACTED] remained their domicile until they moved after the election.

Based on the factual findings of our investigation and our analysis of the applicable law, there is insufficient evidence to conclude that there has been any instance of voter fraud with regard to Senator Fuller Clark, Andrea Riccio, Ellen Whelan-West, Ryan Flynn and Bryan Griffith during the 2008 or 2012 election season.

As the allegations of voter fraud are not supported, we are closing our file without further action.

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Very truly yours,



Stephen G. LaBonte
Assistant Attorney General
Civil Bureau
(603) 271-3650

cc (VIA EMAIL):

Senator Martha Fuller Clark
Jack Sanders, Esq.
Keith McCrea
Ann Goulet

ELECTION COMPLAINT INVESTIGATION REPORT

To: Associate Attorney General Richard Head, Assistant Attorney General
Stephen LaBonte
From: Investigator Mark Myrdek
Re: Complaint against: Senator Martha Fuller-Clark, alleging she had
campaign workers improperly domiciled at her residence in Portsmouth
and registered to vote in Portsmouth.
Case #: 2013105310
Date: August 7, 2013

I. Complaint

Chairman Jennifer Horn, New Hampshire Republican State Committee complained that Senator Fuller-Clark knowingly had presidential campaign workers staying at her home in Portsmouth that were registered to vote in New Hampshire with no intention of maintaining that residence as their domicile after the November 6, 2012 election.

II. Issue(s):

Are there any violations of RSA 654:1 by Senator Martha Fuller-Clark or persons who stayed at her home in 2012?

III. Statute(s):

*TITLE LXIII
ELECTIONS*

CHAPTER 654 VOTERS AND CHECKLISTS

Eligibility

Section 654:1

654:1 Voter; Office Holder. –

I. Every inhabitant of the state, having a single established domicile for voting purposes, being a citizen of the United States, of the age provided for in Article 11 of Part First of the Constitution of New Hampshire, shall have a right at any meeting or election, to vote in the town, ward, or unincorporated place in which he or she is domiciled. 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. 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. A person's claim of domicile for voting purposes shall not be conclusive of the person's residence for any other legal purpose.

I-a. A student of any institution of learning may lawfully claim domicile for voting purposes in the New Hampshire town or city in which he or she lives while attending such institution of learning if such student's claim of domicile otherwise meets the requirements of RSA 654:1, I.

II. Any elected or appointed official for whom one of the qualifications for his or her position is eligibility to be a voter in the area represented or served shall be considered to have resigned if the official moves his or her domicile so that he or she can no longer qualify to be a voter in the area represented or served. Any vacancy so created shall be filled as prescribed by law.

Source. 1979, 436:1; 396:1. 2003, 289:23. 2007, 9:1, eff. July 1, 2007. 2009, 288:1, eff. Sept. 27, 2009.

IV. Interview(s):

On July 25, 2013, at 1530 hours, I interviewed

Senator Martha Fuller-Clark

Portsmouth, NH 03801

Tel # [REDACTED]

also present for the interview was

Keith McCrea (Campaign Manager)

Tel # [REDACTED]

This interview was done on the first floor at the Department of Justice. I provided each of them with a copy of the letter of complaint and explained that the focus of my questions would be regarding the accusations made in this letter.

Senator Fuller-Clark told me that she has lived at 152 Middle Street in Portsmouth with her husband and their son Nathan for 40 years. She explained that the residence has a third floor apartment that she has rented to her god-daughter who is a grad student at UNH since the fall of 2011. Her tenant was identified as

Anna Meyer DOB [REDACTED]

Tel # [REDACTED]

Senator Fuller-Clark said that A. Meyer pays rent to her, however, all the utilities are listed in the Senators name and A. Meyers does not pay separate utility bills. those expenses are all included in the rent. Senator Fuller-Clark said she knows A. Meyer is a registered voter in Portsmouth and probably registered to vote in Portsmouth after she moved there in 2011. Senator Fuller Clark said she has discussed elections, registering to vote and voting in the past with her god-daughter and has a very good relationship with her.

Electionet records indicate that A. Meyer registered to vote in Portsmouth on August 23, 2012, and voted in New Hampshire November 6, 2012.

Senator Fuller-Clark said that she has allowed four (4) other people to live at her home since 2008. She indicated one of those people

Andrea Riccio DOB [REDACTED]
Tel # [REDACTED]

worked for her as a campaign manager and lived in the third floor apartment beginning sometime in 2008. Senator Fuller-Clark said at the time A. Riccio was also a student at UNH and was paying rent at a reduced rate with all utilities included while staying in the third floor apartment. Senator Fuller-Clark said the rent was reduced because A. Riccio was also working on her campaign. Senator Fuller-Clark said that after the election in 2008, A. Riccio transferred to American University in Washington D.C. in January of 2009. She believes A. Riccio has not voted in New Hampshire since 2008.

Electionet records indicate that A. Riccio registered to vote in Portsmouth on September 9, 2008, and voted in New Hampshire September 9, 2008 and November 4, 2008.

Senator Fuller-Clark said a second individual

Ellen Whelan-Wuest DOB [REDACTED]
Tel # [REDACTED]

who was working for the Obama Campaign (NH for Change) in 2008, came to stay with her in one of the three spare bedrooms she had in her [REDACTED] home. Senator Fuller-Clark said she did not request rent from E. Whelan-Wuest because she was volunteering for the Obama Campaign and not making much money at the time. Senator Fuller-Clark said that Whelan-Wuest was not at the home much and she knew very little about her. Senator Fuller-Clark said Whelan-Wuest moved out of her home after the election in November 2008, and may have worked in New Hampshire after that time, however, she could not verify that. Senator Fuller-Clark said that she was not aware that this person used her Portsmouth address to register to vote and she never discussed the issue or suggested registering to vote in New Hampshire with Whelan-Wuest. Senator Fuller-Clark did not know if she voted in New Hampshire in 2008 or since then. Senator

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Fuller-Clark supplied me with her phone number, however, she did not know where she was living at this time.

Electionet records indicate that E. Whelan-Wuest registered to vote in Portsmouth on September 9, 2008, and voted in New Hampshire on September 9, 2008 and November 4, 2008, showing a U.S. Passport for identification.

Senator Fuller-Clark said a third individual

Ryan Flynn DOE [REDACTED]
Tel # [REDACTED]

also stayed in one of the three spare rooms in her home during the Obama Campaign in 2012. Senator Fuller-Clark told me that R. Flynn came to her home around June 2012 and stayed until after the election, leaving sometime in December 2012. Senator Fuller-Clark said she thought R. Flynn worked for the "Organization for Change" or the "Obama Organization for America", she was not sure of the name. Senator Fuller-Clark said that she did not charge R. Flynn rent because he was also volunteering his time with the campaign in hopes of possibly getting a job after the election. Senator Fuller-Clark said that R. Flynn did receive mail at the [REDACTED] address. Senator Fuller-Clark said she did not know R. Flynn had used her address when he registered to vote. She said she learned of this after she received the voter verification card from the Secretary of State addressed to R. Flynn at her address after the 2012 elections. Senator Fuller-Clark said she never discussed registering to vote in New Hampshire with R. Flynn and she did not know if he worked in New Hampshire after he left her home in December 2012. Senator Fuller-Clark said she thinks he is working or attending school in Washington D.C. at this time.

Electionet records indicate that R. Flynn registered to vote in Portsmouth on November 6, 2012 and voted that same day and signed a Qualified Voter Affidavit.

Senator Fuller-Clark said that the fourth individual that stayed in a spare room at her home was

Bryan Griffith DOE [REDACTED]
Tel # [REDACTED]

Senator Fuller-Clark said that B. Griffith was also working for the Obama Campaign with the same group as R. Flynn. Senator Fuller-Clark said B. Griffith stayed at her home in the spare room from June 2012 until December 2012, after the election along with R. Flynn. She indicated she did not charge B. Griffith rent for the same reasons as all the other volunteers that stayed at her home. Senator Fuller-Clark said she never discussed registering to vote in New Hampshire with B. Griffith and was not aware he used her address to register in Portsmouth. Senator Fuller-Clark thought the B. Griffiths also

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received mail at her home while he was there, however, she was not positive. She indicated that she might still have some mail at her home for both Flynn and Griffith that she would forward to me if located.

Electionet records indicate that B. Griffith registered to vote in Portsmouth on October 24, 2012 and voted on November 6, 2012, by Absentee Ballot.

Senator Fuller-Clark said that she never had any intention of "aiding or abetting" anyone in an attempt to violate any election laws as alleged in the letter of complaint. Senator Fuller-Clark told me that she did speak with all of the people that stayed at her home during the campaign on a regular basis, however, she never discussed with them registering to vote in Portsmouth or utilizing her address. Senator Fuller-Clark said she has had discussions with her god-daughter Anna Meyer about elections and voting, however she had a closer relationship with her and spoke about those issues on a different level than she would have with the volunteers who were staying at her home.

Senator Fuller-Clark told me that she did speak with the volunteers on occasion about getting jobs, because that was one reason they volunteered for the campaign, with hope of getting a job in New Hampshire or any other state after the election.

On July 31, 2013, I spoke by phone with

Andrea Riccio

Washington D.C. 20015

Tel #

A. Riccio told me she is currently working in Washington D.C. and was familiar with complaint made questioning her domicile in New Hampshire during the campaign in 2008. I asked A. Riccio how she learned of the complaint and if she had spoken with Senator Fuller-Clark recently. A. Riccio told me she read the article that was in the newspaper on line and she has not spoken with the Senator for at least two years. A. Riccio said she moved to New Hampshire in May 2008, and while attending UNH she was worked for the Democratic Party as well as for Senator Fuller-Clark and her campaign. A. Riccio said the Senator offered to have her live in a third floor apartment at the Senator's home in Portsmouth. A. Riccio said she did not pay rent while she was staying there because she was working for the campaign.

I asked A. Riccio if she ever discussed with Senator Fuller-Clark registering to vote utilizing the Senator's address. A. Riccio said she never had any discussions regarding her registering to vote and she thought she registered to vote in New Hampshire on the day she voted in Portsmouth. A. Riccio said she was previously registered to vote in her hometown of Schenectady New York when she was 18. A. Riccio said that she was not sure if she was going to remain in New Hampshire after the 2008 elections, she said it

was dependant on what jobs were available at the time. A. Riccio said that in December 2008, after not finding a job, she moved back to New York with her parents for the holidays, and then transferred to American University in Washington D.C. in 2009.

A. Riccio said that after reading the article questioning her domicile in 2008, she called the City Clerk in Portsmouth and made a request that her name be removed from the Portsmouth, NH checklist. A. Riccio told me she would contact Ellen Whalen-Wuest by email and have her contact me because the contact information I had for her was no longer correct.

On August 1, 2013, I spoke by phone with

Ellen Whalen-Wuest

Brooklyn, NY 11218

Tel #

A. Whalen-Wuest told me that A. Riccio had given her the message I needed to speak with her regarding this investigation. E. Whalen-Wuest said she learned of the investigation by reading it off a face book message sent to her by a friend. E. Whalen-Wuest said she has not spoken to Senator Fuller-Clark in almost five years. E. Whalen-Wuest said that she was working for the Obama campaign in 2008 when her boss informed her she would be traveling to New Hampshire and he provided her with Senator Fuller-Clark's information in order to set up living arraignments while she was in New Hampshire. E. Whalen-Wuest said she lived in the Senators home in a spare bedroom during the campaign beginning in June or July 2008, until she left after the election in November or December 2008. E. Whalen-Wuest said she was not sure what employment opportunities would be available in New Hampshire so she was not sure if she would be staying in New Hampshire after the elections. She said it was a very god possibility she would move back to New York because the job opportunities appeared to be better at that time. E. Whalen Wuest said she did move back to New York City after the elections.

I asked E. Whalen-West what discussions she had with Senator Fuller-Clark about registering to vote in New Hampshire and utilizing the Senator's address to register. She told me that that issue was never discussed and because she was unsure of where she would be staying she registered and voted in on Election Day in September 2008, and voted by Absentee Ballot because she was working with the campaign on Election Day in November 2008. at the polls in Portsmouth utilizing the Senator's address. E. Whalen-Wuest told me that since she moved from New Hampshire in 2008, she has registered in New York in 2009 and in North Carolina in 2010, because of her job. I asked her if it was ever suggested by the Democratic Party that she use the Senator's address to register to vote in New Hampshire. E. Whalen-Wuest told me that was never suggested.

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On August 1, 2013, I spoke by phone with

Bryan Griffith

[REDACTED]
North Little Rock, AK 72113

Tel# [REDACTED]

B. Griffith said that he was made aware of the complaint when he was called by another member of the Democratic Party

Sean Doyle

B. Griffith said that he has not spoken with Senator Fuller-Clark since he gave her the address information to forward his mail after he left New Hampshire in December 2012. B. Griffith said he came to New Hampshire in July or August of 2012 while he was working for "Organizing for America". B. Griffith said the campaign gave him short notice that he would be working in New Hampshire and someone from the organization contacted Senator Fuller-Clark who allowed him to move to a spare room at her home in Portsmouth in a short three day notice. B. Griffith said that he did not pay rent there, however, he did receive mail on occasion. He said he kept his vehicle registered in Arkansas because he did not know what he would be doing after the election. B. Griffith said he knew he would have to look for work after the election and he did know if he would find work in New Hampshire. B. Griffith said he did register to vote in Portsmouth prior to the November 2012 election utilizing the Senator's address. He said he voted by Absentee Ballot because he knew he would be working on Election Day. B. Griffith said at the time he registered to vote in New Hampshire he was also registered in Arkansas, however, he only voted in New Hampshire in November 2012. I asked B. Griffith what instruction he received from Senator Fuller-Clark on registering and voting in New Hampshire prior to the election. He said he did not discuss any of that with the Senator, however, he did speak with many residents of New Hampshire about voting while working on the campaign. B. Griffith said he moved back to Arkansas in December 2012, to look for work.

On August 6, 2013, I spoke by phone with

Ryan Flynn

[REDACTED]
Washington D.C. 20017

Tel # [REDACTED]

R. Flynn told me that he became aware of this complaint after people he worked with on the campaign notified him of the news story. R. Flynn said he went on line and found the news articles related to the complaint. R. Flynn said he has purposely not spoken with Senator Fuller-Clark since learning of the complaint. He said he last spoke with her in January of 2013, when he thought she was interested in attending the inauguration. R. Flynn said he was working for the Obama Campaign in New Hampshire during the summer and fall of 2012. He said that the Bryan Griffith who was also working for the campaign found him a room to stay in at Senator Fuller-Clark's home during the time he worked in New Hampshire. He said that he did receive mail from relatives while he stayed in Portsmouth and that is the address he stayed at the entire time he was in New Hampshire. R. Flynn said that he hoped to get a job in New Hampshire or Maine after the election because he had a grandmother living in Maine who had health issues and he wanted to be close to her. R. Flynn said the only job opportunity he had after the election was working on the inauguration in Washington D.C., so he reluctantly moved there after the election.

R. Flynn said that he never spoke with the Senator about voting in New Hampshire in the November 2012 election, however, the Democratic Party instructed campaign workers who were living in New Hampshire at the time, to register to vote in the towns or cities they were living in. R. Flynn said he did register in Portsmouth on Election Day November 6, 2012, at the polling place. R. Flynn said he did not have an ID with him so he signed the affidavit allowing him to vote. I asked R. Flynn if he ever received and returned his validation card mailed by the Secretary of State to verify he was the person who voted in November 2012. R. Flynn said the envelope containing the card was recently forwarded to him, however, he noticed that the return date had expired so he did not mail it back. R. Flynn said that while he stayed with Senator Fuller-Clark in Portsmouth he did receive mail at that address. R. Flynn said after he learned of this complaint, he was instructed by members of the Democratic Party to contact the Portsmouth NH City Clerk and ask that his name be removed from the checklist. R. Flynn said he has not made that request as of today.

On August 6, 2013, I contacted

Kelli Barnaby
City Clerk/Portsmouth
Tel# 610-7245

I asked K. Barnaby if she had received a call from A. Riccio requesting her name be removed from the checklist. K. Barnaby said that after the new article she received a number of calls from people who not only lived at the Senators home, but others who no longer lived in Portsmouth asking that their names be removed from the checklist. K. Barnaby said she did not note all the names of people who called, however, each caller was instructed to send a signed written request to the City asking their names be removed and she would forward the letters to the Supervisors of the Checklist for review to

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determine if the names could be removed. As of August 6, 2013, the clerk's office has received three letters from the following individuals:

Bryan Griffith/dated July 29, 2013
Ellen Whalen-Wuest/ dated July 30, 2013
Andrea Riccio/dated July 30, 2013

K. Barnaby said she would notify me if any other letters were received. On August 19, 2013, I was notified by Portsmouth Deputy City Clerk Valarie French that she received a letter from

Ryan Flynn/dated August 14, 2013

V. Documents

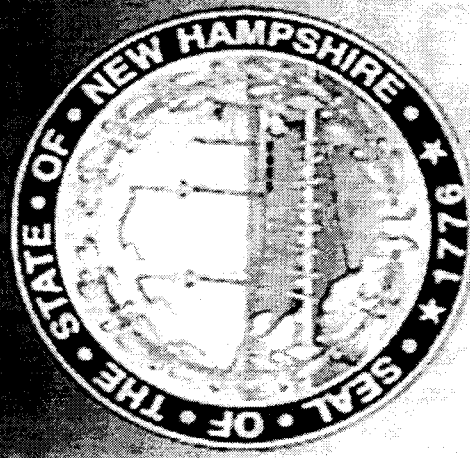
- 1) Letter of Complaint from J. Horn.
- 2) Copies of voting records with the Secretary of State on persons in question registered at [REDACTED] Portsmouth.

Respectfully submitted,

Mark J. Myrdek
Investigator

	CLARK	ANNA	M	PORTSMOUTH, NH-03801	RM
	CLARK	GEOFFREY	E	PORTSMOUTH, NH-03801	A
	CLARK	MARTHA	FULLER	PORTSMOUTH, NH-03801	A
	CLARK	NATHANIEL	H	PORTSMOUTH, NH-03801	A
	FLYNN	RYAN	FITZPATRICK	PORTSMOUTH, NH-03801	A
	GRIFFITH	BRYAN	GREGORY	PORTSMOUTH, NH-03801	A
	MEYER	ANNA	DEFOREST	PORTSMOUTH, NH-03801	A
	RICCIO	ANDREA	MARIE	PORTSMOUTH, NH-03801	A
	WHELAN- WUEST	ELLEN	ROSE	PORTSMOUTH, NH-03801	A

• All REGISTERED VOTERS AT
PORTSMOUTH - HAVE RECORDS



Inquiry - Voter Election History

Voter Name: ANNA DEFOREST MEYER

Election History:

Election Date- Name	Election Type Category	Ballot Type	City/Town	Party Choice	CV
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11/06/2012--STATE
GENERAL ELECTION

General

State


Regular

PORTSMOUTH

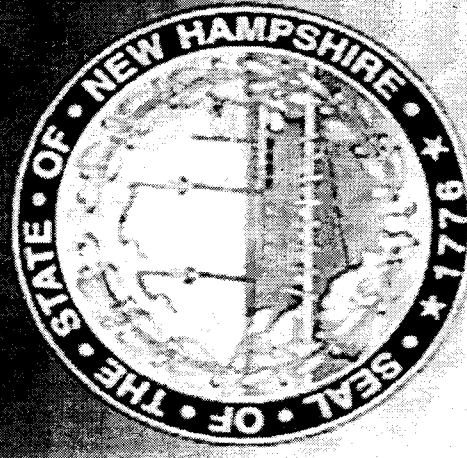
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**110-5M
PORT 1**

☐ Driver's License
☐ Voter Registration
☐ Voter Absentee Ballot
☐ Voter Election History
☐ Voter Change Audit
☐ Voter Religion History
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☒ Election Not
 RECORDED AND INDEXED BY THE REGISTRAR

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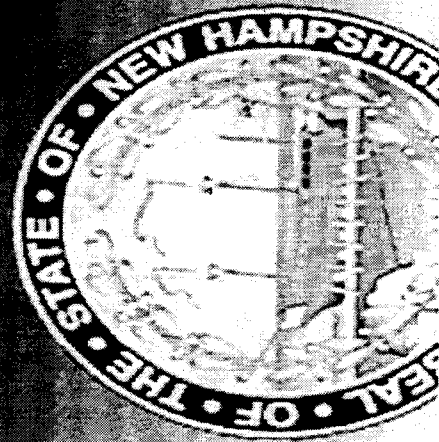
Service and Information ... Reformed

Inquiry - Voter Election History**HD-SM
PORTS****Voter Name:** ELLEN ROSE WHELAN-WUEST**Election History:**

Election Date- Name	Election Type	Category	Ballot Type	City/Town	Party Choice	CV
11/04/2008--STATE GENERAL ELECTION	General	State	Absentee	PORTSMOUTH		
09/09/2008--STATE PRIMARY ELECTION	Primary	State	Regular	PORTSMOUTH	DEM	

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Inquiry - Voter Election History

HD-SMA
PORTSM

Voter Name: ANDREA MARIE RICCIO

Election History:

Election Date- Name	Election Type	Category	Ballot Type	City/Town	Party Choice	CVA
11/04/2008--STATE GENERAL ELECTION	General	State	Regular	PORTSMOUTH		
09/09/2008--STATE PRIMARY ELECTION	Primary	State	Regular	PORTSMOUTH	DEM	

Previous Name: [REDACTED] Previous Address: [REDACTED] Previous Party: [REDACTED]

Voter Information:

Voter's Name: ANDREA MARIE RICCIO

Altimate Name: [REDACTED]

Date of Birth: [REDACTED]

Voter ID: [REDACTED]

Mail Return's Address: [REDACTED]

Last 4 Digits: [REDACTED]

Residence Address:

Street Number: [REDACTED]

Street No. Suffix: A

Street No. Suffix B: [REDACTED]

Street Name: [REDACTED]

Unit: [REDACTED]

Address Line 2: [REDACTED]

Address Line 3: [REDACTED]

Residing City/Town: PORTSMOUTH

Residing State: NH

Postal City/Town: PORTSMOUTH

Postal State: [REDACTED]

Postal / Zip Code: 03001

Party Information:

Current Party: Democratic

Naturalized Information:

Date of Naturalization: [REDACTED]

Name of Court of Naturalization: [REDACTED]

Qualified Voter Affidavit: [REDACTED]

Citizenship on file: [REDACTED]

Miscellaneous:

Registration Type: [REDACTED]

Current Party: [REDACTED]

USCANA: [REDACTED]

Qualifying Affidavit on file: [REDACTED]

US Citizen Born Abroad: [REDACTED]

Disability:

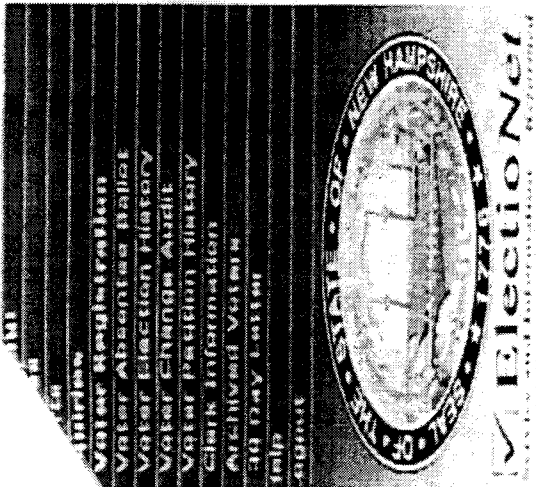
US Citizen: [REDACTED]

Qualifying Affidavit: [REDACTED]

Qualifying Affidavit: [REDACTED]

Qualifying Affidavit: [REDACTED]

Qualifying Affidavit: [REDACTED]



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Select Voter - Inquiry Voter Registration

HD-SMA
PORTSM

View

Select Status	Last Name	First Name	Middle Name	Suffix	Date of Birth	Residence Address	Voter Id	Party
<input checked="" type="checkbox"/>	FLYNN	RYAN	ANTHONY			NASHUA		UND
<input type="checkbox"/>	FLYNN	RYAN	DANIEL			CONCORD		REP
<input type="checkbox"/>	FLYNN	RYAN	FITZPATRICK			PORTSMOUTH		DEM
<input type="checkbox"/>	FLYNN	RYAN	JAMES			AMHERST		REP
<input type="checkbox"/>	FLYNN	RYAN	JOSEPH			NASHUA		REP

1

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Inquiry - Voter Election History

Voter Name: RYAN FITZPATRICK FLYNN

Election History:

Election Date- Name	Election Type	Category	Ballot Type	City/Town	Party Choice	CV
11/06/2012--STATE GENERAL ELECTION	General	State	Regular	PORTSMOUTH		Y

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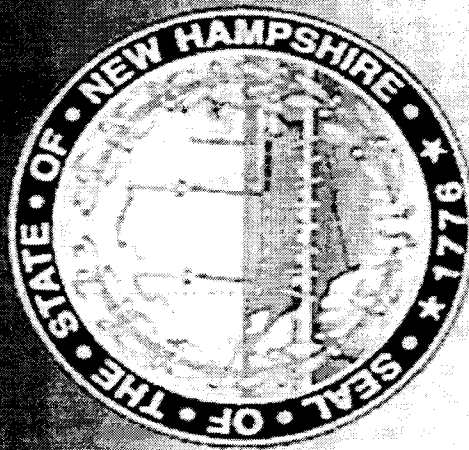
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Service and Information... Reformed

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Voting and Information

Previous Name

Previous Address

Previous Party

Voter Information:
Voter's Name: RYAN, PETER RICK
Altimate Name: [REDACTED]
Date of Birth: [REDACTED]
Voter ID: [REDACTED]
MIL Driver's License #: [REDACTED]
Last 4 Digits PIN: [REDACTED]

Residence Address:
Street Number: [REDACTED]
Street No Suffix: A
Street No Suffix B: [REDACTED]
Street Name: [REDACTED]
Unit: [REDACTED]
Address Line 2: [REDACTED]
Address Line 3: [REDACTED]
Residing City/Town: PORTSMOUTH
Residing State: NH
Postal City/Town: PORTSMOUTH
Postal State: NH
Postal / Zip Code: 03801

Statistics Information:
Registration Date: 11/21/12
Current Status: [REDACTED]
Last Active Date: [REDACTED]
National Data: [REDACTED]
National Reason: [REDACTED]

Mailing Address:
Street Number: [REDACTED]
Street No Suffix: A
Street No Suffix B: [REDACTED]
Street Name: [REDACTED]
Unit: [REDACTED]
Address Line 2: [REDACTED]
Address Line 3: [REDACTED]
City/Town: PORTSMOUTH
State/Province: NH
Postal/Zip Code: 03801
Country: [REDACTED]

Party Information:
Current Party: DEMOCRATIC

Naturalized Information:
Date of Naturalization: [REDACTED]
Name of Court of Naturalization: [REDACTED]
Qualified Voter Affidavit: [REDACTED]
Citizenship on File: [REDACTED]

Miscellaneous:
Registration Type: [REDACTED]
Overseas Citizen: [REDACTED]
DOCAVA: [REDACTED]
Domestic Affidavit on File: [REDACTED]
US Citizen Born Abroad: [REDACTED]

Electoral Day Registration:
No: [REDACTED]
No: [REDACTED]
No: [REDACTED]
No: [REDACTED]

District:
US Congress: 1
Village District: 1
Executive Council: 3
County: ROCKINGHAM
Voting District: 142-4

Mailbox:
State Number: 24
State Map: 30
School District: [REDACTED]
City Ward: 02

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View Party Change Card

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View Party Change Card

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Inquiry - Voter Election History

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PORTSM

Voter Name: BRYAN GREGORY GRIFFITH

Election History:

Election Date- Name	Election Type	Category	Ballot Type	City/Town	Party Choice	CVA
11/06/2012--STATE GENERAL ELECTION	General	State	Absentee	PORTSMOUTH		No

Previous Name		Previous Address		Previous Party	
Voter Information: Voter's Name: RYAN, GREGORY Alternate Name: [REDACTED] Date of Birth: [REDACTED] Voter ID: [REDACTED] Eligible: YES Last 4 digits of SSN: [REDACTED]					
Registration Information: Registration Date: 10/22/2010 Current Status: ACTIVE Last Action Date: [REDACTED] Removal Date: [REDACTED] Removal Reason: [REDACTED]					
Residence Address: Street Number: [REDACTED] Street No. Suffix: A Street No. Suffix B: [REDACTED] Street Name: [REDACTED] Unit: [REDACTED] Address Line 2: [REDACTED] Address Line 3: [REDACTED] Building City/Town: PORTSMOUTH Building State: NH Postal City/Town: PORTSMOUTH Postal State: NH Postal / Zip Code: 03001					
Mailing Address: Street Number: [REDACTED] Street No. Suffix: A Street No. Suffix B: [REDACTED] Street Name: [REDACTED] Unit: [REDACTED] Address Line 2: [REDACTED] Address Line 3: [REDACTED] Building City/Town: PORTSMOUTH Building State: NH Postal City/Town: PORTSMOUTH Postal State: NH Postal / Zip Code: 03001					
Party Information: Current Party: Democrat					
Naturalized Information: Date of Naturalization: [REDACTED] Name of Court of Naturalization: [REDACTED] Qualified Voter Affidavit: [REDACTED] Citizenship on file: [REDACTED]					
Miscellaneous: Registration Type: IN PERSON Overseas Citizen: NO DACA/VA: NO Domestic Affidavit on file: NO US Citizen Born Abroad: NO					
Districts: US Congress: 1 US House District: 3 Executive Council: ROCKINGHAM County: ROCKINGHAM Voting District: 147-4					
Memo:					
Display Information: State Statute: 24 State Map: 16 National District: 02 City Ward: [REDACTED]					

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ElectionNet



NEW HAMPSHIRE

REPUBLICAN STATE COMMITTEE

July 24, 2013

Attorney General Joseph Foster
New Hampshire Department of Justice
33 Capitol St.
Concord, NH 03301

Dear Attorney General Foster,

On behalf of the New Hampshire Republican State Committee, I formally request that you investigate potential incidents of voter fraud that have been uncovered by the New Hampshire media. Reports surfaced last night that indicate State Senator Martha Fuller Clark (D-Portsmouth) is aiding and abetting individuals who are undermining New Hampshire law and allowing her home address to be used as a sanctuary for voter fraud.

WMUR-TV found that eight people are currently registered to vote at Senator Fuller Clark's Portsmouth mansion. Several of these individuals moved to New Hampshire for a short period of time to work on campaigns, and then left the state. When questioned about these voters, Senator Fuller Clark said that she had no idea if they ever had any intention of staying in the State of New Hampshire after the election.

New Hampshire law states that every inhabitant of the state, "having a single established domicile for voting purposes" has a right to vote. "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)

Senator Fuller Clark knew that political workers who parachute into New Hampshire for several weeks to work on campaigns did not have the 'intent to maintain' a presence in our state. She knew that New Hampshire was not the location that "more than any other place" these out of state campaign workers had "established a continuous presence for domestic, social and civil purposes." Yet she allowed them to register to vote at her home address so that they could support her political party and improperly influence New Hampshire elections.

It is outrageous that a senior Democrat lawmaker, who also serves as Vice Chairman of the State Democrat Party, would let people use her home address to potentially break New Hampshire laws and promote voter fraud. Her behavior undermines public confidence in the integrity of our elections and raises very serious questions about the campaign tactics used by New Hampshire Democrats.

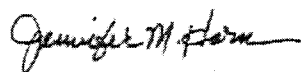
In order to preserve the integrity of New Hampshire laws, the Department of Justice needs to immediately investigate the reports of potential voter fraud at Senator Fuller

Clark's home and prosecute those who have broken the law.

I also respectfully request that you personally recuse yourself from any part of this investigation given the appearance of a conflict of interest. You previously served in the New Hampshire State Senate as a Democrat with Senator Fuller Clark, and would be unable to impartially investigate her.

Thank you for your attention to this important matter. I look forward to your immediate response.

Sincerely,

A handwritten signature in cursive script, reading "Jennifer M. Horn". The signature is written in dark ink and is positioned above the typed name.

Jennifer Horn
Chairman
New Hampshire Republican State Committee

Sen. Fuller Clark rejects GOP voter fraud accusation

By Elizabeth Dinan
edinan@seacoastonline.com
July 24, 2013 3:44 PM

PORTSMOUTH — Eight voters registered with the city clerk's office currently cite state Sen. Martha Fuller Clark's address as their own, five of them unrelated to Fuller Clark.

Vice president of the state Democratic party, Fuller Clark said she has a long history of opening the doors to her large Portsmouth home to political activists, artists and students, while explaining she and her husband are "just very hospitable."

"There's nothing here that's illegal or inappropriate," she said. "If people want to use this to attack me, that's just sad."

Political opponents did go on the attack Wednesday, calling the extra voters linked to Fuller Clark's address voter fraud. Republican State Committee Chairman Jennifer Horn has called for the attorney general's office to investigate, while saying it appears Fuller Clark, "is aiding and abetting individuals who are undermining New Hampshire law and allowing her home address to be used as a sanctuary for voter fraud."

Fuller Clark, 70, lives at [REDACTED] in an antique three-story home valued at \$1.4 million. According to the city clerk's office, Fuller Clark, her husband Geoffrey Clark, and her son Nathaniel Clark are all registered to vote with that address.

The five others are as follows:

- Anna Deforest Meyer
- Ryan Fitzpatrick Flynn
- Bryan Gregory Griffith
- Andrea Marie Riccio
- Ellen Rose Whelan-Wuest

Fuller Clark said Meyer is her goddaughter and has been renting a third-floor apartment in her home since the fall of 2011.

The senator said Flynn and Griffith both worked for the Obama campaign and stayed at her home from last June or July, through December.

Riccio, explained Fuller Clark, was her 2008 campaign manager, moved to Washington, D.C. in 2009, and has not lived in New Hampshire, or voted in the state, since then.

Fuller Clark said Whelan-Wuest worked for the Obama campaign in 2008, while adding "I don't really remember how long she was here."

"I believe she moved out of state," she said.

Fuller Clark said she currently has a student studying historic preservation who stays in one of her spare rooms and that it has nothing to do with politics.

"We have, as you know, an ample federal house," she said. "Our children are no longer here and that means we have a number of extra bedrooms and a third-floor apartment. I suppose it's just being part of a good community supporter and citizen."

Greg Moore, director of the conservative Americans for Prosperity – New Hampshire, said Wednesday that Fuller Clark either committed voter fraud or "was running an illegal boarding house."

Moore called for an investigation by the Department of Justice.

"I think it's unfortunate, and unnecessary and untrue," countered Fuller Clark. "I believe there are campaign workers on both sides that have lived here for four or six months and voted. These are young adults, they're over 18. And there's nothing in the law that says this isn't perfectly legal."

Horn cited state voting law before stating, "It is outrageous that a senior Democrat lawmaker, who also serves as vice chairman of the State Democrat Party, would let people use her home address to potentially break New Hampshire laws and promote voter fraud."

"Her behavior undermines public confidence in the integrity of our elections and raises very serious questions about the campaign tactics used by New Hampshire Democrats," Horn said in a press statement.

Further, she said, Fuller Clark "knew that political workers who parachute into New Hampshire for several weeks to work on campaigns did not have the 'intent to maintain' a presence in our state."

"She knew that New Hampshire was not the location that 'more than any other place' these out-of-state campaign workers had 'established a continuous presence for domestic, social and civil purposes,' Horn said. "Yet she allowed them to register to vote at her home address so that they could support her political party and improperly influence New Hampshire elections."

An immediate investigation is needed "to preserve the integrity of New Hampshire laws" Horn said, while calling for the prosecution of "those who have broken the law." Horn also asked Attorney General Joseph Foster to recuse himself because he previously served in the Senate as a Democrat with Fuller Clark.

Foster confirmed receipt of a request for an investigation and said he would not comment on the substance of the allegations. He added he takes conflicts of interest seriously, has worked with many people in the state, and will not recuse himself.

Deputy Secretary of State David Scanlan said his office has not received any complaint related to Fuller Clark and allegations of voter misconduct.

In general terms, unrelated to the allegations against Fuller Clark, Scanlan said voter fraud "is a significant crime."

He also said state law allows a person to move to the state one day, with the intention of staying in New Hampshire and registering to vote the next day, then moving out-of-state the third day because of a life change.

But if someone moves solely to vote, he said, "that's something completely different."

"It all comes down to domicile," Scanlan said.