

STATE OF NEW HAMPSHIRE

Executive Council

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April 19, 2021

Attorney General John Formella
Department of Justice
33 Capitol Street
Concord, New Hampshire 03101

Dear Attorney General Formella,

I am writing as the Executive Councilor for District 2 to ask that you provide assistance with regard to the nomination of Patricia G. Conway to serve on the New Hampshire Superior Court. At Ms. Conway's public hearing, I inquired about a 2014 newspaper article regarding her past voting practices. The article, printed in the *Newburyport News* on September 11, 2014 (and other publications), stated as follows:

"In July, rumors circulated that Conway hadn't voted for years and only registered to vote in her hometown of Salem in December when she decided to run for office. She did not say why she hadn't voted in six years, but said she cast a ballot in Atkinson because she was helping her elderly father get to the polls."

At the hearing, Ms. Conway confirmed that the statement in the newspaper was correct, and that, by her own account, she was living in Salem at the time she cast her ballot in Atkinson. Since the hearing, I have received further information that Ms. Conway voted in Atkinson in the 2008 general election, and also that her husband, to whom she was married in 2005, registered to vote in Salem and voted in both the 2006 and 2008 elections in Salem after purchasing the property at which they reside in 2005. Thus, she and her husband voted in different towns in the same election three years after their marriage and the purchase of the property at which they reside. Given her statement and this additional information, I believe further inquiry into this matter is required.

In 2008, it was a Class A Misdemeanor "to vote for any office or measure at an election if such person is not qualified to vote as provided in RSA 654." RSA 659:34, I(e), II (2008). Under current law, it is a felony. In accordance with RSA 654:1, every inhabitant of the state has a right to vote "in the town, ward, or unincorporated place in which he or she is domiciled."

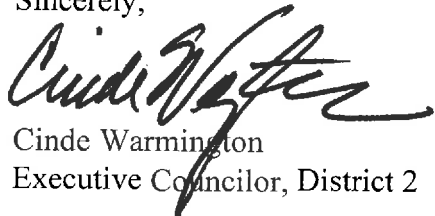
Moreover, under New Hampshire law, when a voter requests a ballot to vote, the ballot clerk must state the address and ask if it is correct. The voter receives a ballot only after confirming the correct address. See RSA 659:13 (2008). A person making a false material statement to an election official about their qualifications as a voter is guilty of a criminal act. See RSA 659:34, I(a), II (2008).

Ms. Conway's confirmation that she cast a ballot in Atkinson while living in Salem because she was assisting her father at the polls raises concerns about her eligibility to cast a vote in Atkinson in 2008. Assisting an elderly parent to vote does not allow a person who is domiciled in one town to vote in a different town where the parent votes. The New Hampshire Attorney General's Office vigorously prosecutes cases of voter fraud and, as a judge, Ms. Conway would be responsible for presiding over proceedings of individuals accused of such crimes. While any statute of limitations may have passed, the conduct at issue is relevant to Ms. Conway's suitability to serve on the Superior Court. Accordingly, I ask that you review this matter and advise the Executive Council regarding the facts and circumstances surrounding Ms. Conway's eligibility to vote in Atkinson in 2008 at a time when she and her family were, by her own account, living in Salem.

I have separately requested that the Governor not bring this nomination forward to the Council for a vote until your office has completed its review and presented its findings to the Council.

Thank you for your attention to this matter.

Sincerely,



Cinde Warminington
Executive Councilor, District 2

cc: Hon. Christopher T. Sununu
Hon. Joseph D. Kenney
Hon. Janet Stevens
Hon. Theodore L. Gatsas
Hon. David K. Wheeler