

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

March 21, 2018

Peter Johnson

[REDACTED]
Vineyard Haven, MA 02568

Re: **Cease and Desist Order**
Warning for violation of RSA 659:34

Dear Mr. Johnson:

On November 8, 2016, our office received two complaints which raised concerns about the eligibility of certain voters in Dixville Notch during the 2016 Presidential Primary and General Election. As a result of these complaints, our office conducted an investigation.

A Department of Justice Investigator, Todd Flanagan, interviewed you in connection with this complaint. After being questioned about where you lived, you stated without hesitation that you were "domiciled" in Dixville Notch but that you are currently under a "temporary absence" from your "domicile" and that you "intended to return" to Dixville Notch. Investigator Flanagan indicated that the manner in which you answered this question appeared to have been scripted. Upon further examination, you asked Investigator Flanagan "How deep are you digging into this?" Shortly thereafter, you abruptly terminated the phone call.

In a subsequent interview you indicated that you have not lived in Dixville Notch since 1999 when you surrendered your ownership interest in a residential house located there. You claimed that a real estate developer was recently attempting to acquire your former home as part of a proposed Balsam's redevelopment. You stated that, if he was able to acquire the property, he would offer you the opportunity to buy it back. More recently, however, this developer indicated to you that this deal was likely to fall through. When again asked why you felt you were qualified to vote in Dixville Notch, you claimed to be a Selectman in Dixville Notch and you stated that you owned 115 acres of land in Campton, NH and rent a home in North Bridgewater, NH. You indicated that you receive your mail at a PO Box in Campton. Needless to say, neither of these properties is located in Dixville Notch.

You voted in Dixville Notch via absentee ballot in the February 2016 Presidential Primary election because the weather on Martha's Vineyard, where you primarily live, made it unlikely that the ferry to the mainland would be operational. A few months later, you renewed a NH Driver's license indicating that you lived at the North Bridgewater address. About one month later, you again voted in Dixville Notch for the 2016 General Election. The next day, you registered your car to the North Bridgewater address. You assert that you continue to be "temporarily absent" from Dixville Notch because you have always liked the North Country and it has always been your intent to move back someday.

In New Hampshire, in order to vote in a town, ward, or unincorporated place you must be domiciled in that place. "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 domicile for voting purposes acquired by any person...shall not be lost by a temporary absence therefrom with the intention of returning thereto as his or her domicile." RSA 654:2, I. The plain and ordinary meaning of the word "temporary" means "[l]asting for a time only; existing or continuing for a limited (usually short) time." BLACK'S LAW DICTIONARY, p. 1504 (8th Ed. 2004). A "voter can only have one domicile for voting purposes." RSA 654:2, I.

It is clear that you no longer maintain a physical presence in Dixville Notch. Therefore, the question of whether you can continue to claim Dixville Notch as your domicile for voting purposes turns upon whether or not you are temporarily absent from that location. You do not maintain a residential home, apartment, or other living quarters in Dixville Notch. Although you express some generalized hope to return to Dixville Notch someday, this purely speculative desire, without more, is insufficient to prove that your absence is temporary. Under the circumstances presented here, your indefinite absence from Dixville Notch for the past nineteen years can no longer be considered temporary as of this date.

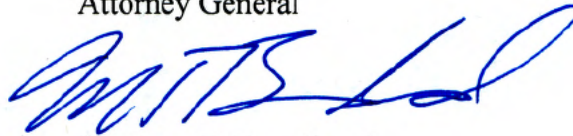
For the foregoing reasons, we have concluded that you are not domiciled in Dixville Notch and your absence can no longer be considered as temporary. Please note that a person may be subject to a fine of up to \$5,000 or criminal prosecution if he or she "vote[s] for any office or measure at an election if such person is not qualified to vote as provided in RSA 654." RSA 659:34, I (e), II.

Pursuant to Part I, article 11 of the New Hampshire Constitution, RSA 659:34, and RSA 654:1, and based upon the investigation conducted by our office, you are hereby ordered to **Cease and Desist from voting in Dixville Notch, New Hampshire unless and until you establish your domicile there.** Failure to comply with this Cease and Desist Order may result in this office pursuing criminal prosecution or civil penalties.

If you have any additional questions, please do not hesitate to contact me.

Cease and Desist Order Issued
By Authority of:

Gordon J. MacDonald
Attorney General

A handwritten signature in blue ink, appearing to read "MTB L", is positioned above the name of the signatory.

Matthew T. Broadhead
Assistant Attorney General

cc: Honorable William M. Gardner, Secretary of State
David Scanlan, Deputy Secretary of State
Rick Samson, Coos County Commissioner
Tom Tillotson, Moderator, Dixville Notch