

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

1 GRANITE PLACE SOUTH
CONCORD, NEW HAMPSHIRE 03301

JOHN M. FORMELLA
ATTORNEY GENERAL



JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

August 1, 2024

Erin Edwards
[REDACTED]
Hebron, NH 03241

Re: **ELECTIONEERING CEASE AND DESIST ORDER**

Dear Erin Edwards:

This Office received a report of a potential electioneering violation by employees of School Administrative Unit #4 ("SAU 4"). Specifically, Francine Wendelboe reported that certain SAU 4 employees may have violated RSA 659:44-a by using their school district e-mail accounts to electioneer, and she provided copies of the e-mails in question. After reviewing those e-mails, this Office determined that you violated RSA 659:44-a by using your school district e-mail account to send two e-mails that constituted "electioneering" on March 14, 2023. Therefore, this Office orders you to cease and desist from using government property, including your school district e-mail account, for electioneering.

I. **Background:**

On September 1, 2023, this Office received a report from Francine Wendelboe that SAU 4 employees may have violated RSA 659:44-a by using their school district e-mail accounts to electioneer. Wendelboe provided copies of the e-mails in question. As relevant here, those e-mails were as follows:

1. March 14, 2023 e-mail from you using your "sau4.org" e-mail address to one other person at that person's "sau4.org" e-mail address. In this message, you state that "Jen LaRochelle is supporting Joe and Michael" and link to LaRochelle's letter to the editor of the Laconia Daily Sun. You further state "I'm going to take her recommendation and vote for Michael ... I would never vote for Fran [Wendelboe] of course." LaRochelle's letter to the editor asks readers to "Vote Michael Delaney and Joe Maloney of New Hampton and Bristol, respectively" and to "Vote Delaney and Maloney for common sense."
2. March 14, 2023 e-mail from you using your "sau4.org" e-mail address to several other people at their "sau4.org" e-mail addresses. In this message, you state: "Several people

have emailed me asking about Michael Delaney. He is running against Fran in New Hampton. He doesn't have much an online presence. What I was able to find ... Jen Laroche is supporting Michael Delaney and Joe Maloney." You included a link to LaRoche's letter to the editor of the Laconia Daily Sun.

3. March 13, 2023 e-mail from you using your "sau4.org" e-mail address to several other people at their "sau4.org" e-mail addresses. In this message, you state:

"Voting is still ON tomorrow, despite the snow. Here's a 3/14/23 Sample Ballot so you can familiarize yourself with it before you head out.

FYI

ARTICLE 4/AMENDED BUDGET

a yes vote will keep all 5 of our literacy teachers here @ NMMS.

BUDGET COMMITTEE OPENINGS

No one filed papers to run for Budget Committee for New Hampton or for Bristol.

NEW HAMPTON

John Jenness (dad of Chloe – Junior @ NRHS) has been the New Hampton rep for the Budget Committee for several years.

He said that he would be willing to serve for another year if he was elected as a "write-in."

Anyone can write-in a candidate for New Hampton.

BRISTOL

Does anyone know of someone that would make a good candidate that would also be willing to be written in?

II. Law and Analysis:

RSA 659:44-a, II, prohibits any public employee from using "government property or equipment, including, but not limited to, telephones, facsimile machines, vehicles, and computers, for electioneering." For purposes of this section, "electioneer" means "to act in any way specifically designed to influence the vote of a voter on any question or office." RSA 659:44-a, III.

You work as a teacher at the Newfound Memorial Middle School within SAU 4. Because you are a public employee, you are subject to the electioneering requirements of RSA 659:44-a.

Your first and second e-mails constituted electioneering. In your first e-mail, you shared an opinion letter that expressly asked readers to vote for two specific candidates. In that e-mail, you additionally stated that you would follow the opinion letter and vote for Delaney, and that you would never vote for Wendelboe. Although nothing in the body of your second e-mail expressly advocated for the success or defeat of a candidate, your e-mail again shared an opinion letter that did so. In sum, these two e-mails constitute electioneering within the meaning RSA 659:44-a because the communications were designed to influence the votes of voters in an upcoming municipal election.

Your third e-mail did not constitute electioneering. In this e-mail you provided information about voting dates and times, a sample ballot, and information about certain candidates. However, unlike your first two e-mails, this e-mail did not endorse a particular candidate or share a letter requesting readers vote for or against any particular candidate. Similarly, your comment about article 4 just provided information about the effect you believed it would have on certain teacher positions without expressly advocating for the success or defeat of article 4.

In making these communications, you used your SAU 4 e-mail account, which is the property of SAU 4. Therefore, you violated RSA 659:44-a, II by using your SAU 4 e-mail account to send the first and second e-mails, which constituted electioneering.

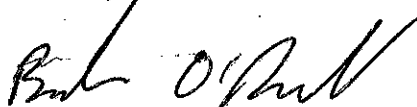
III. **Conclusion:**

For the reasons described above, this Office finds that you violated RSA 659:44-a, II by using government property or equipment for electioneering.

Accordingly, this Office orders you to cease and desist from using government property or equipment for electioneering.

This matter is closed.

Sincerely,



Brendan A. O'Donnell
Assistant Attorney General
Civil Bureau
Brendan.a.odonnell@doj.nh.gov

CC: Francine Wendelboe (by e-mail)