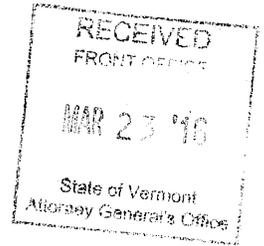


From: Spottswood, Eleanor <Eleanor.Spottswood@vermont.gov>
Sent: Wednesday, February 5, 2020 3:39 PM
To: 86710-20237716@requests.muckrock.com
Subject: RE: Vermont Public Records Act Request: Electionland: AG Election Complaints (Office of the Attorney General - Vermont)

Dear Ms. Glickhouse,

I attach the records responsive to your below request.

Eleanor L.P. Spottswood
Assistant Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, Vermont 05609
802-828-3178
eleanor.spottswood@vermont.gov



March 23, 2016

Attorney General William Sorrell
109 State St.
Montpelier, VT 05609

Dear Attorney General Sorrell,

A recent article in *Seven Days*¹ has brought to our attention a possible violation of last year's Act 49, which as you know, prohibits a lobbyist, lobbying firm, or lobbyist employer from making a contribution to a legislative leadership political committee while the General Assembly is in session, until adjournment *sine die*.

According to a recent campaign finance filing, Altria and Pfizer both made contributions to the Vermont House Republican PAC. Altria contributed \$1,000 on 11/05/2015 and Pfizer contributed \$2,000 on 12/31/2015. Both companies employ registered lobbyists in Vermont.

The Vermont House Republican PAC is not currently registered as a legislative leadership political committee. However, it appears to operate as one.

Under 17 V.S.A §2901, "Legislative leadership political committee' means a political committee established by or on behalf of a political party caucus within a chamber of the General Assembly."² Representative Don Turner, House minority leader, was quoted in the *Seven Days* article admitting that he has input in how the PAC's money is spent. He went on to say that the PAC probably should register as a leadership PAC.

Given these circumstances, VPIRG hereby requests an appropriate investigation and determination from your office in order to help clarify the meaning of the law moving forward.

Thank you for your consideration.

Sincerely,

Paul Burns
Executive Director

¹ Paul Heintz, March 18, 2016, <http://www.sevendaysvt.com/OffMessage/archives/2016/03/18/republican-pac-raises-lobbyist-money-despite-new-ban>

² 17 V.S.A §2901 (19), <http://legislature.vermont.gov/statutes/section/17/061/02901>

Vermont Public Interest Research Group

141 Main Street, Suite 6 • Montpelier, VT 05602 • Tel: 802-223-5221 • Fax: 802-223-6855 • www.vpirg.org

SETTLEMENT AGREEMENT

The State of Vermont (the "State") and the Vermont House Republican PAC hereby agree to resolve the March 23, 2016, campaign finance complaint as follows:

WHEREAS, on March 23, 2016, a complaint was filed with the Vermont Attorney General's Office alleging that the Vermont House Republican PAC had violated campaign finance laws;

WHEREAS, the State and Vermont House Republican PAC ("VHR PAC") agree that the following facts are true and accurate:

1. In January 2014, the Legislature passed a law creating a new category of political committees in Vermont called legislative leadership political committees. It defined them in 17 V.S.A. § 2901(19) as "a political committee established by or on behalf of a political party caucus within a chamber of the General Assembly." The new law required existing legislative leadership political committees to register as such by July 15, 2015.
2. From at least February 2013 onward, members of the House Republican caucus, including the caucus leadership, have been involved in the activities of VHR PAC, including making decisions regarding the content of mailings, filing campaign finance reports, and making decisions regarding the spending of VHR PAC funds.
3. Based on the above facts, VHR PAC is a legislative leadership political committee as defined by 17 V.S.A. § 2901(19). As such, VHR PAC was required to register pursuant to 17 V.S.A. § 2922(a)(2). VHR PAC violated this provision by failing to register as a legislative leadership political committee.

4. In July and October 2015, two lobbyists contacted VHR PAC to indicate that businesses employing them wished to send contributions to the political committee. Before doing so, the lobbyists wanted to confirm that VHR PAC was not a legislative leadership political committee. A representative of VHR PAC responded by indicating that it was not a legislative leadership political committee.
5. In November and December 2015, the two lobbyist employers connected to the lobbyists who had made the earlier contacts sent contributions to VHR PAC.
6. Legislative leadership political committees are prohibited from soliciting contributions from lobbyist employers, pursuant to 2 V.S.A. § 266(a)(3). VHR PAC violated this provision by soliciting and accepting two contributions from lobbyist employers in late 2015.
7. VHR PAC has now registered with the Secretary of State as a legislative leadership PAC.

WHEREFORE, the State and VHR PAC agree to settle this matter by taking the following actions:

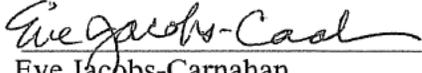
- A. The State covenants and agrees not to sue, or file a complaint or other charge (either civil or criminal) or seek any other legal or administrative enforcement action against, VHR PAC for the activities described above.
- B. VHR PAC agrees to return the two contributions mentioned above to the lobbyist employers who had made the contributions, not later than September 30, 2016, and certify to the State that it has done so.

- C. VHR PAC agrees to pay \$2,000 to the State as a civil penalty within thirty (30) days of the signing of this Stipulated Settlement.
- D. VHR PAC agrees to terminate its campaign activities and file a final report with the Secretary of State's Office pursuant to 17 V.S.A. § 2965 within thirty (30) days of the signing of this Stipulated Settlement. In the event it chooses not to terminate its activities, VHR PAC agrees to maintain its registration as a legislative leadership political committee pursuant to 17 V.S.A. § 2922(a)(2).

Dated in Montpelier, Vermont this 19th day of September 2016.

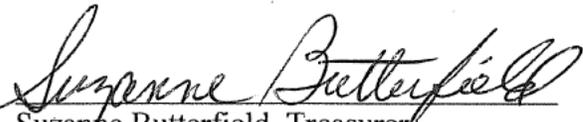
STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

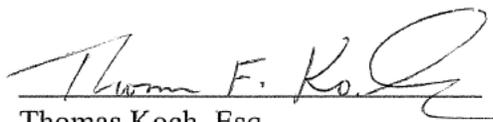
By: 
Eve Jacobs-Carnahan
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001

Dated in Gayssville, Vermont this 20th day of September 2016.

VERMONT HOUSE REPUBLICAN PAC

By: 
Suzanne Butterfield, Treasurer
Gayssville, Vermont

Approved as to form:


Thomas Koch, Esq.
326 Lowery Rd.
Barre, VT 05641
Attorney for Vermont House Republican PAC

WILLIAM H. SORRELL
ATTORNEY GENERAL

SUSANNE R. YOUNG
DEPUTY ATTORNEY GENERAL

WILLIAM E. GRIFFIN
CHIEF ASST. ATTORNEY
GENERAL



STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

TEL: (802) 828-3171
FAX: (802) 828-3187
TTY: (802) 828-3665

<http://www.ago.vermont.gov>

October 4, 2016

BY MAIL AND E-MAIL

Paul Burns, Executive Director
VPIRG
141 Main Street, Suite 6
Montpelier, VT 05602

Re: Complaint against Vt. House Republican PAC

Dear Mr. Burns:

We have reviewed your letter of March 23, 2016, in which you made a complaint against the Vermont House Republican PAC for potentially violating Vermont's campaign finance laws. After examining the complaint, materials obtained through investigation, and legal issues, we have concluded that there were violations of Vermont's campaign finance statutes. We have reached a stipulated settlement with the PAC. A copy of the settlement agreement is enclosed.

Thank you for bringing this matter to our attention.

Sincerely,

A handwritten signature in cursive script that reads "Eve Jacobs-Carnahan".

Eve Jacobs-Carnahan
Assistant Attorney General

Enc.

> From: Paul Engels [mailto: [REDACTED]]
> Sent: Thursday, March 02, 2017 2:58 PM
> To: AGO - Info <AGO.Info@vermont.gov>
> Subject: South Burlington campaign finance violations

>
>>
>> Attorney General Donovan,

>> As you probably know, there has been quite a bit of controversy and upheaval in South Burlington over changing the school name Rebels. Since the superintendent recommended the change and the School Board unanimously approved it, a group calling itself the Rebel Alliance has formed to oppose the change.

>> They have taken on the smokescreen of opposing the school budget to try to mask their intentions and they are trying to get two of their numbers elected to the School Board as write-ins. They are Marcy Brigham and Dan Emmons.

>> Although they are trying to appear as separate they are not. Their money is coming from the same people for the same cause which is to restore the Rebel name.

>> Brigham and Emmons have registered as School Board candidates with the Secretary of State. The Rebel Alliance has not registered as a PAC with the Secretary of State even though they are probably over the \$1000 threshold.

>> At last check, Emmons shows no income and no expenditures and Brigham shows a \$768 in-kind donation from Villanti Press for printing a full color citywide mailing.

>> The Rebel Alliance is mentioned on the citywide mailing. The Rebel Alliance has also paid for two half page ads in the Other Paper, our local paper. Two half page ads cost more than \$1000 so, as I said, they are over the threshold to register as a PAC.

>> Marcy Bingham and Dan Emmons have two half page ads they share and a couple other single ads. They have registered but have not accounted for their ads in their reports.

>> The Rebel Alliance is having weekly meetings on Saturday afternoons at local restaurants to gather signatures on a petition to put an agenda item on a future ballot to overturn the School Board's decision and to promote the candidacies of Brigham and Emmons. I have no idea how much money they have raised or spent or from whom but with the citywide color glossy mailings and multiple newspaper ads it is obviously in the thousands.

>> I hope you will look into this and that something can be done about this before the election on Tuesday. I wouldn't be surprised to find that they are getting money from out of state racist hate groups or individuals. Regardless, someone is pouring a lot of money into influencing this election and it should be stopped.

>>

>> Thank you.

>>

>> Paul Engels

>> [REDACTED]

>> South Burlington, VT 05403

>> [REDACTED]

>> [REDACTED]

>>

>> Sent from my iPad

From: monica ostby [mailto:]
Sent: Wednesday, March 08, 2017 3:09 PM
To: AGO - Info <AGO.Info@vermont.gov>
Subject: South Burlington PAC - Urgent

Hello Deb,

Per our conversation, and per Jim Condos' advice to contact the Attorney General promptly, I am hoping to bring to the Attorney General's immediate attention a situation in South Burlington that has impacted and will soon work to impact again our local elections.

In the last few days Paul Engels forwarded a complaint to your office regarding a group called the Rebel Alliance. They are a group of concerned citizens from both inside of South Burlington and beyond who are unhappy with the recent decision by the School Board to retire the school nickname "Rebels." And they have every right to put their anger into action as they see fit.

That said, it is clear by the amount of promotional materials they have put forth that they have far exceeded the \$1000.00 level - thus they should have already registered to become a PAC and reported their expenditures.

They are under the impression that they do not need to be registered as a PAC, perhaps because much of their materials are in-kind (which they may not understand) and that no donations larger than \$1000.00 have been received. (I believe there is confusion in that the definition means all contributions (whether \$5 or \$1000) exceeding the \$1000.00 total requires their registration.

In yesterday's Town Meeting the SB School Budget was voted down, which was their advertised mission. In fact their Facebook group members have said such things as "continue to vote no on the school budget until the School Board reverses their decision to retire the rebel name."

Because the budget was voted down, the School Board need to present a second attempt within 30 days I believe to voters. The Rebel Alliance group will surely work to influence this election as well.

My complaint is not in any way to challenge their right to pursue their purpose. However, they need to do it in a transparent way and follow the rules of reporting as a PAC so voters can be aware of the level of influence before they step into the voting booth.

Please can you act quickly to pursue the complaint Paul Engles sent to you earlier. Because the next vote will be put in front of voters again very soon, it is not acceptable that the rules may continue to not be followed.

Thank you for your time.

Monica Ostby, South Burlington
[REDACTED]

SETTLEMENT AGREEMENT

The State of Vermont (the “State”), Danial Emmons (“Emmons”), and Marcy Brigham (“Brigham”) hereby agree to resolve the March 2 and March 8, 2017, campaign finance complaints as follows:

WHEREAS, the Vermont Attorney General’s Office received complaints on March 2 and March 8, 2017, alleging that Emmons and Brigham had violated campaign finance laws in connection with the South Burlington school board election;

WHEREAS, the State, Emmons, and Brigham agree that the following facts are true and accurate:

1. Brigham and Emmons worked together to run campaigns as write-in candidates in the March 6, 2017, election to the South Burlington school board.
2. Brigham and Emmons each filed campaign finance reports with the Secretary of State’s Office on March 3, March 12, and March 24, 2017.

Contributions in Excess of Limits; Failure to Maintain Campaign Account

3. Emmons received six campaign contribution checks totaling \$1040 Brigham received \$1000 in cash from a single source.
4. Emmons deposited all of the checks in his personal bank account. Neither Emmons nor Brigham maintained a campaign checking account.
5. Emmons established an online fundraising website through GoFundMe. Contributors made \$1160 in contributions through that website. All contributions received through GoFundMe were deposited in Emmons’ personal bank account.

6. Each candidate is required to maintain a single campaign checking in accordance with 17 V.S.A. § 2921. Neither Emmons nor Brigham maintained a campaign checking account.
7. Vermont campaign finance law, 17 V.S.A. § 2945(b), prohibits candidates from accepting cash contributions in excess of \$100. Brigham accepted a cash contribution of \$1000 in violation of this provision.
8. Emmons received in-kind contributions from a printing company totaling \$1675 for flyers. As specified in 17 V.S.A. § 2941(a)(1)(A) and adjusted for inflation pursuant to 17 V.S.A. § 2943, the limit on contributions that a local candidate may receive from a single source is \$1020. The contributions Emmons received from the printing company were in excess of the contribution limit.

Identification on Electioneering Communications

9. Emmons arranged for the printing of lawn signs promoting the election of himself and Brigham. The lawn signs did not include the name and address of the person who paid for them, as required by 17 V.S.A. § 2972.
10. Emmons purchased two advertisements in the Other Paper promoting the election of himself and Brigham. The ads stated they were “paid for by Marcy and Dan for School Board.” They did not include any address of the person who paid for them. These disclosures were insufficient under 17 V.S.A. § 2972.

Related Expenditures by Emmons as Contributions to Brigham

11. By prior arrangement with Brigham, Emmons paid all the expenses for the flyers and advertisements that promoted Brigham’s candidacy for election to school

board. These expenditures were related expenditures in support of Brigham, and are considered contributions pursuant to 17 V.S.A. § 2944(b).

12. Contributions by one candidate to another are subject to the same limits as contributions from other sources. The value of the related expenditures that Emmons made in support of Emmons' and Brigham's candidacy was \$2742.70. The limit on a contribution from a single source to a candidate in a local election is \$1020, as specified in 17 V.S.A. § 2941(a)(1)(A). By accepting the contribution, Brigham violated this provision.
13. By making a related expenditure in excess of the \$1020 limit, Emmons violated 17 V.S.A. § 2941(b), which prohibits a single source from making contributions in excess of the limit on the amount a candidate may receive.

Reporting Violations

14. Four of the contributions to Emmons were in excess of \$100. Vermont campaign finance law requires that contributions in excess of \$100 be individually itemized on campaign finance forms stating the name and address of the contributor, the date of contribution, and the amount, as specified in 17 V.S.A. § 2963(a). On the campaign finance reports he filed with the Secretary of State's Office, Emmons only itemized two of the four monetary contributions he received in excess of \$100.
15. The campaign finance reports that Brigham filed erroneously stated that she had received contributions that were received by Emmons. The campaign finance reports that Brigham filed erroneously stated that Brigham had made expenditures, when actually all of the were expenditures were made by Emmons.

Contributions and expenditures are required to be accurately reported in accordance with 17 V.S.A. § 2963.

16. The campaign finance reports filed by Emmons reported various contributions at half the value of what he had actually received. Contributions and expenditures are required to be accurately reported in accordance with 17 V.S.A. § 2963.
17. At the end of the campaign, Brigham had a surplus of \$900. She transferred that surplus to the Rebel Alliance PAC on March 31, 2017. Brigham did not report the disposition of this surplus on her campaign finance report as required by 17 V.S.A. § 2924 & 2968(b).

WHEREFORE, the State, Emmons, and Brigham agree to settle this matter by taking the following actions:

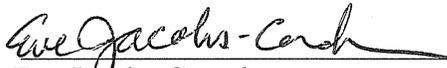
- A. The State covenants and agrees not to sue, or file a complaint or other charge (either civil or criminal), or seek any other legal or administrative enforcement action against Emmons or Brigham for the activities described above.
- B. Emmons and Brigham agree to each pay \$250 to the State as a civil penalty within thirty (30) days of the signing of this Stipulated Settlement.
- C. Emmons and Brigham agree to file campaign finance reports, in form and substance as approved by the Attorney General's Office, with the Vermont Secretary of State's Office for their 2017 campaign for South Burlington school

board commissioner within 10 days of signing this Stipulated Settlement.

Dated in Montpelier, Vermont this 17 day of July 2017.

STATE OF VERMONT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By: 
Eve Jacobs-Carnahan
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001

Dated in Montpelier, Vermont this 17 day of July 2017.

DANIAL EMMONS

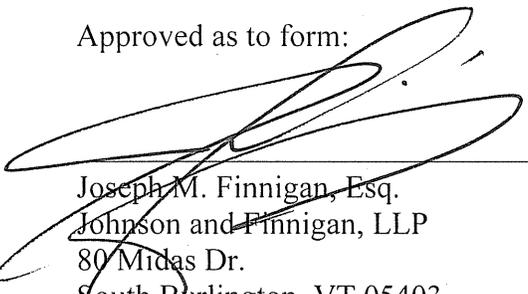
By: 
Danial Emmons
South Burlington, Vermont

Dated in Montpelier, Vermont this 17th day of July 2017.

MARCY BRIGHAM

By: 
Marcy Brigham
South Burlington, Vermont

Approved as to form:


Joseph M. Finnigan, Esq.
Johnson and Finnigan, LLP
80 Midas Dr.
South Burlington, VT 05403
Attorney for Marcy Brigham and Danial Emmons

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

JOSHUA R. DIAMOND
DEPUTY ATTORNEY GENERAL

WILLIAM E. GRIFFIN
CHIEF ASST. ATTORNEY
GENERAL



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<http://www.ago.vermont.gov>

STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

July 24, 2017

Paul Engels
[REDACTED]

South Burlington, VT 05403

Monica Ostby
[REDACTED]

South Burlington, VT 05403

Re: Campaign Finance Law Complaint regarding
Marcy Brigham and Danial Emmons

Dear Mr. Engels and Ms. Ostby:

We have reviewed your emails of March 2 and March 8, 2017, in which you made a complaint against Marcy Brigham and Danial Emmons for potentially violating Vermont's campaign finance laws. After examining the complaint, materials obtained through investigation, and legal issues, we have concluded that there were violations of Vermont's campaign finance statutes. We have reached a stipulated settlement with the candidates. A copy of the settlement agreement is enclosed.

Thank you for bringing this matter to our attention.

Sincerely,

A handwritten signature in black ink that reads 'Eve Jacobs-Carnahan'.

Eve Jacobs-Carnahan
Assistant Attorney General

Enclosure

cc: Joseph Finnigan, Esq.

SETTLEMENT AGREEMENT

The State of Vermont (the "State"), Danial Emmons ("Emmons"), and Marcy Brigham ("Brigham") hereby agree to resolve the March 2 and March 8, 2017, campaign finance complaints as follows:

WHEREAS, the Vermont Attorney General's Office received complaints on March 2 and March 8, 2017, alleging that Emmons and Brigham had violated campaign finance laws in connection with the South Burlington school board election;

WHEREAS, the State, Emmons, and Brigham agree that the following facts are true and accurate:

1. Brigham and Emmons worked together to run campaigns as write-in candidates in the March 6, 2017, election to the South Burlington school board.
2. Brigham and Emmons each filed campaign finance reports with the Secretary of State's Office on March 3, March 12, and March 24, 2017.

Contributions in Excess of Limits; Failure to Maintain Campaign Account

3. Emmons received six campaign contribution checks totaling \$1040 Brigham received \$1000 in cash from a single source.
4. Emmons deposited all of the checks in his personal bank account. Neither Emmons nor Brigham maintained a campaign checking account.
5. Emmons established an online fundraising website through GoFundMe. Contributors made \$1160 in contributions through that website. All contributions received through GoFundMe were deposited in Emmons' personal bank account.

6. Each candidate is required to maintain a single campaign checking in accordance with 17 V.S.A. § 2921. Neither Emmons nor Brigham maintained a campaign checking account.
7. Vermont campaign finance law, 17 V.S.A. § 2945(b), prohibits candidates from accepting cash contributions in excess of \$100. Brigham accepted a cash contribution of \$1000 in violation of this provision.
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9. Emmons arranged for the printing of lawn signs promoting the election of himself and Brigham. The lawn signs did not include the name and address of the person who paid for them, as required by 17 V.S.A. § 2972.
10. Emmons purchased two advertisements in the Other Paper promoting the election of himself and Brigham. The ads stated they were “paid for by Marcy and Dan for School Board.” They did not include any address of the person who paid for them. These disclosures were insufficient under 17 V.S.A. § 2972.

Related Expenditures by Emmons as Contributions to Brigham

11. By prior arrangement with Brigham, Emmons paid all the expenses for the flyers and advertisements that promoted Brigham’s candidacy for election to school

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13. By making a related expenditure in excess of the \$1020 limit, Emmons violated 17 V.S.A. § 2941(b), which prohibits a single source from making contributions in excess of the limit on the amount a candidate may receive.

Reporting Violations

14. Four of the contributions to Emmons were in excess of \$100. Vermont campaign finance law requires that contributions in excess of \$100 be individually itemized on campaign finance forms stating the name and address of the contributor, the date of contribution, and the amount, as specified in 17 V.S.A. § 2963(a). On the campaign finance reports he filed with the Secretary of State's Office, Emmons only itemized two of the four monetary contributions he received in excess of \$100.
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Contributions and expenditures are required to be accurately reported in accordance with 17 V.S.A. § 2963.

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17. At the end of the campaign, Brigham had a surplus of \$900. She transferred that surplus to the Rebel Alliance PAC on March 31, 2017. Brigham did not report the disposition of this surplus on her campaign finance report as required by 17 V.S.A. § 2924 & 2968(b).

WHEREFORE, the State, Emmons, and Brigham agree to settle this matter by taking the following actions:

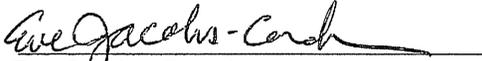
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- B. Emmons and Brigham agree to each pay \$250 to the State as a civil penalty within thirty (30) days of the signing of this Stipulated Settlement.
- C. Emmons and Brigham agree to file campaign finance reports, in form and substance as approved by the Attorney General's Office, with the Vermont Secretary of State's Office for their 2017 campaign for South Burlington school

board commissioner within 10 days of signing this Stipulated Settlement.

Dated in Montpelier, Vermont this 17 day of July 2017.

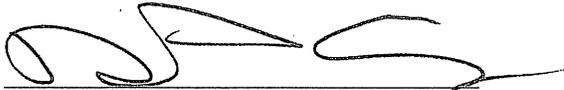
STATE OF VERMONT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By: 
Eve Jacobs-Carnahan
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001

Dated in Montpelier, Vermont this 17 day of July 2017.

DANIAL EMMONS

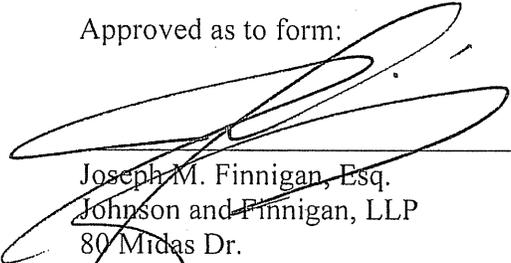
By: 
Danial Emmons
South Burlington, Vermont

Dated in Montpelier, Vermont this 17th day of July 2017.

MARCY BRIGHAM

By: 
Marcy Brigham
South Burlington, Vermont

Approved as to form:


Joseph M. Finnigan, Esq.
Johnson and Finnigan, LLP
80 Midas Dr.
South Burlington, VT 05403
Attorney for Marcy Brigham and Danial Emmons

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

JOSHUA R. DIAMOND
DEPUTY ATTORNEY GENERAL

WILLIAM E. GRIFFIN
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<http://www.ago.vermont.gov>

STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

January 8, 2019

VIA U.S. MAIL

Kay A. Marttila

[REDACTED]
Rutland City, VT 05701

Re: Voting in the general election of November 6, 2018

Dear Kay Marttila:

It has come to the attention of the Attorney General's Office that records kept during the general election of November 6, 2018 indicate that you may have voted in more than one polling place on election day. As a result, the records indicate that you may have cast more than one ballot in the general election of November 6, 2018.

Vermont law prohibits voting in more than one location on the same day. *See* 17 V.S.A. § 1973. Vermont law additionally prohibits casting more than one ballot during a single election. *See* 17 V.S.A. § 1971. The Attorney General's Office has a role in enforcing Vermont law. *See* 3 V.S.A. § 152.

Before further review, we would like to give you the opportunity to respond to our questions. Please provide us with a detailed, written response to the following questions by Friday, January 25, 2019.

1. Did you cast a ballot at the Rutland Town, West Side polling location (Town Hall) on November 6, 2018?
2. Did you cast a ballot at the Rutland City, Ward 3 polling location (American Legion) on November 6, 2018?
3. Did you cast a ballot at any other polling location on November 6, 2018? If so, where?
4. Did you submit any absentee ballot to be counted during the general election of 2018? If so, when and how?

January 8, 2019

5. Did you participate in same-day voter registration at any polling location on November 6, 2018? If so, where?
6. Please provide any explanation you might have for why the records kept at the Rutland Town, West Side polling location and the Rutland City, Ward 3 polling location each show that you may have cast a ballot at that location on November 6, 2018.

Please direct your response to me at the above address or by e-mail to ago.correspondence@vermont.gov. Thank you and we look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "ES", with a large, stylized flourish extending to the right.

Eleanor Spottswood
Assistant Attorney General

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

TEL: (802) 828-3171
FAX: (802) 828-3187

JOSHUA R. DIAMOND
DEPUTY ATTORNEY GENERAL

<http://www.ago.vermont.gov>

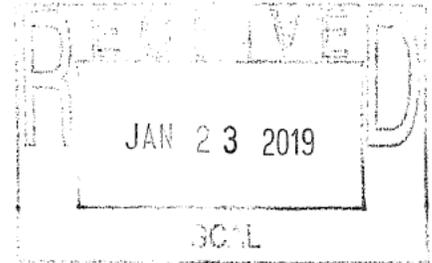
WILLIAM E. GRIFFIN
CHIEF ASST. ATTORNEY
GENERAL



STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

1/18/19
Reply. Please
see pg. 1-2.
Kay Marttila
[Signature]

January 8, 2019



VIA U.S. MAIL

Kay A. Marttila

[Redacted]
Rutland City, VT 05701

Re: Voting in the general election of November 6, 2018

Dear Kay Marttila:

It has come to the attention of the Attorney General's Office that records kept during the general election of November 6, 2018 indicate that you may have voted in more than one polling place on election day. As a result, the records indicate that you may have cast more than one ballot in the general election of November 6, 2018.

Vermont law prohibits voting in more than one location on the same day. See 17 V.S.A. § 1973. Vermont law additionally prohibits casting more than one ballot during a single election. See 17 V.S.A. § 1971. The Attorney General's Office has a role in enforcing Vermont law. See 3 V.S.A. § 152.

Before further review, we would like to give you the opportunity to respond to our questions. Please provide us with a detailed, written response to the following questions by Friday, January 25, 2019.

1. Did you cast a ballot at the Rutland Town, West Side polling location (Town Hall) on November 6, 2018? No
2. Did you cast a ballot at the Rutland City, Ward 3 polling location (American Legion) on November 6, 2018? Yes
3. Did you cast a ballot at any other polling location on November 6, 2018? If so, where? No
4. Did you submit any absentee ballot to be counted during the general election of 2018? If so, when and how? No

January 8, 2019

5. Did you participate in same-day voter registration at any polling location on November 6, 2018? If so, where? **No**
6. Please provide any explanation you might have for why the records kept at the Rutland Town, West Side polling location and the Rutland City, Ward 3 polling location each show that you may have cast a ballot at that location on November 6, 2018.

Please direct your response to me at the above address or by e-mail to ago.correspondence@vermont.gov. Thank you and we look forward to hearing from you.

Sincerely,



Eleanor Spottswood
Assistant Attorney General

Reply: 1/19/19

- 1) On November 6, 2018, I went to Rutland Town, Westside polling location (Town Hall) to vote.
- 2) I was told that my name was not on the list for Rutland Town, Westside polling location (Town Hall).
- 3) I was told that my voting location was Rutland City, Ward 3 (American Legion).
- 4) I then went to Rutland City, Ward 3 (American Legion) and voted there.

Sincerely,



I will also send email to
ago.correspondence@vermont.gov.



THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

JOSHUA R. DIAMOND
DEPUTY ATTORNEY GENERAL

WILLIAM E. GRIFFIN
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STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

January 31, 2019

VIA U.S. MAIL

Colleen K. Goldberg

Burlington, VT 05401

Re: Voting in the general election of November 6, 2018

Dear Colleen Goldberg:

It has come to the attention of the Attorney General's Office that records kept during the general election of November 6, 2018 indicate that you may have cast more than one ballot in that election.

Vermont law prohibits casting more than one ballot during a single election. *See* 17 V.S.A. § 1971. The Attorney General's Office has a role in enforcing Vermont law. *See* 3 V.S.A. § 152.

Before further review, we would like to give you the opportunity to respond to our questions. Please provide us with a detailed, written response to the following questions by Friday, February 15, 2019.

1. Did you fill out and submit an absentee ballot for the general election of November 6, 2018, mailed to you by the Town of Putney?
2. Did you cast a ballot at the Burlington, Ward 3 polling location (Sustainability Academy) on November 6, 2018?
3. Did you cast a ballot at any other polling location on November 6, 2018? If so, where?
4. Did you submit any other absentee ballot to be counted during the general election of 2018? If so, when and where?

January 30, 2019

5. Did you submit a voter-registration form at the Burlington, Ward 3 polling location (Sustainability Academy) on November 6, 2018?
6. Did you submit a voter-registration form at any other polling location on November 6, 2018? If so, where?
7. Please provide any explanation you might have for why the records kept at the Burlington, Ward 3 polling location (Sustainability Academy) and the Putney town clerk's office each show that you may have cast a ballot in those locations for the general election of November 6, 2018.

Please direct your response to me at the above address or by e-mail to ago.correspondence@vermont.gov. Thank you and we look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eleanor Spottswood', with a large, stylized flourish extending to the right.

Eleanor Spottswood
Assistant Attorney General

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

JOSHUA R. DIAMOND
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STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

January 31, 2019

VIA U.S. MAIL AND EMAIL

Kay A. Marttila

[REDACTED]
Rutland City, VT 05701

Re: Voting in the general election of November 6, 2018

Dear Kay Marttila:

Thank you for your response dated January 18, 2019 to our letter dated January 8, 2019. We have reviewed your response and appreciate the details you have included. We have also followed up with the Rutland City and Rutland Town clerks and determined that the anomaly in the records was most likely a clerical error.

At this time, the Attorney General's Office has determined that no further action is necessary with regards to our January 8, 2019 inquiry regarding your voting in the general election of November 6, 2018. We are closing this inquiry because the information we have received does not show a violation of Vermont law.

We appreciate your cooperation in this matter. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Philip Back".

Philip Back
Assistant Attorney General

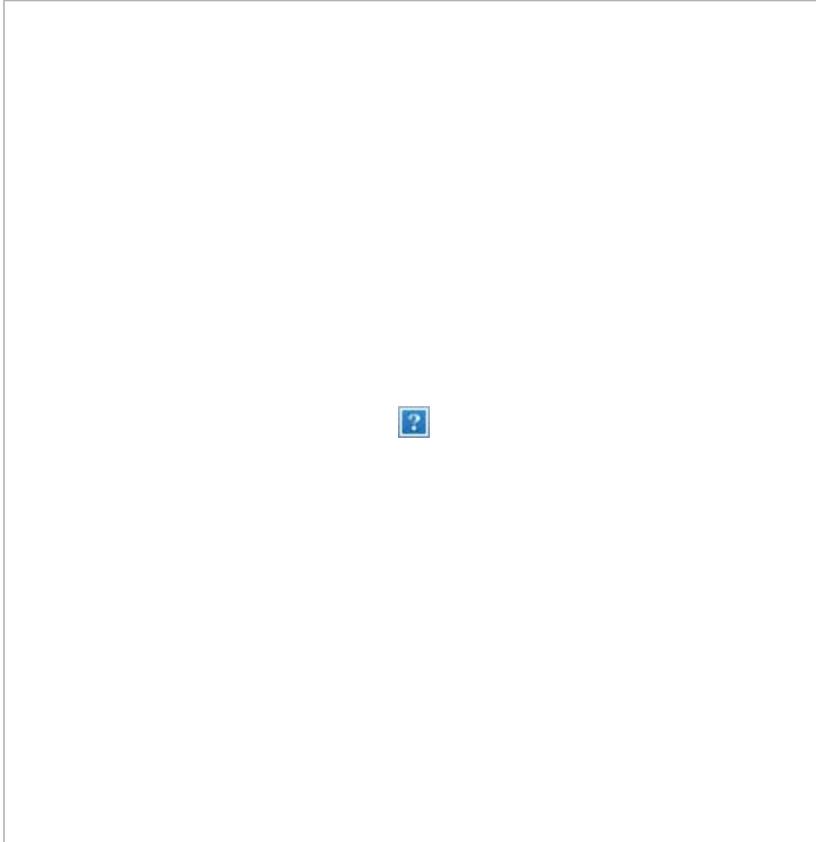
From: [Colleen Goldberg](#)
To: [AGO - Correspondence](#)
Subject: Voting in General Election 11/6/18
Date: Tuesday, February 19, 2019 2:51:31 PM

I am responding to a letter I received about casting an absentee ballot and a ballot at Burlington Ward 3 polling location. I moved to Burlington in August and had been submitting absentee ballots in the years prior. I know that I voted at the Burlington Ward 3 polling location but honestly can not remember if I also sent in an absentee ballot or not. I may have sent in my absentee ballot months prior and not remembered so I also voted in Burlington. I am sorry for the oversight on my part. Please let me know if there is any more information you need or anything else I need to do. Thanks.

Best,
Colleen Goldberg

From: [Condos, Jim](#)
To: [Spottswood, Eleanor](#)
Subject: FW: Immediate attention required
Date: Wednesday, March 6, 2019 9:42:53 AM
Attachments: [image001.png](#)
[To Jim Condos, Secretary of State.pdf](#)

Sorry about that...



From: Jim Holway <jim@holway.us>
Sent: Monday, March 4, 2019 9:58 PM
To: Condos, Jim <jim.condos@sec.state.vt.us>
Cc: Amy Bovee <abovee@burlingtonvt.gov>
Subject: Immediate attention required

Secretary Condos:

Please find the attached letter to be what I regretfully feel is a responsibility in my elected capacity charged with the integrity of the voting process.

I trust you will give it the appropriate attention it deserves.

- Jim Holway, Clerk
Ward 4, Burlington VT

To: Jim Condos, Secretary of State
From: Jim Holway, Clerk, Ward 4, Burlington
Cc: Amy Bovee, Elections, Asst City Clerk
Date: March 4, 2019
Subject: Elections Irregularity Query

In the event this has not received your immediate attention, Burlington voters are highly concerned and demand immediate review and appropriate intervention. I am uncertain as to what obligations and appropriate protocol exist for a Ward Clerk to report a matter that, if accurate implicates voting irregularity involving the City Clerk Office, the City Mayor and no less than 4 sitting City Councilors in practices that may be in violation of Election Law or at least raise the specter of inappropriate influence in the Voting process and oversight in the area of Early Voting in City Hall under the claim of a "Free Pizza Early Voting" Event.

While it gives me no pleasure to raise these questions of what I know to be good people, my duty as an elected official responsible to preserving the integrity of the vote demands that I must express that there is a great sense of urgency in asking that the matter below be consider in an expedited manner so as to mitigate impact should some intervention be required to preserve the will of the uninfluenced voter

This is a sensitive and timely matter that has come to me in my capacity as Ward Clerk from several inquiring Burlington citizens. It is my understanding that you and Vermont State Attorney T.J. Donovan may already be aware of an Early Voter event held on Friday March 1, 2019 located at Manhattan Pizza in Burlington VT.

In case you are unaware, what has been presented to me:

A "Free Pizza Early Voting" event was held on Friday March 1, 2019 located at Manhattan Pizza in Burlington VT - had targeted paid promotion by a political party, on behalf of a candidate of said party, with the attendance of no less than three candidates on the ballot, the City Mayor and 4 sitting City Councilors who have a stated public position on 5 ballot items held in a location where alcohol is served, food was freely given for a series of actions that involved voter registration (if unregistered), the presumed voter and application escorted to the City Clerk, an early voter ballot given, the voter conducted the act of voting in an interactive manor where ballots were shared and discussions were held in the lobby of city hall and then the voter returned back to the social event.

As could be imagined, the host of questions I have received in a very short span are broad and deserve answers that extend beyond my domain and experience.

- What degree of faith in appropriate answers and action can be had if a Ward Clerk were to only to report to and/or seek answers from the Clerk's office being questioned or the City staff under the purview of the Mayor and City Councilors involved?
- The hosts claimed there would be/was no electioneering at the event. Electioneering action is meant to create political influence. Those reporting to me are claiming high political influence was exerted and voting action was linked to reward. This reportedly occurred in several ways including:
 - Alcohol consumption lowers the innabition and clarity of mind
 - Free food that was dependent upon a series of actions that resulted in a cast ballot and return to social event

- A singular political party promoted and sponsored the event
- The de facto political party leaders were present and engaging the attendees
- The event promoted a particular candidate and party
- Council members who hold influence in the community were actively present and engaging the attendees, have made their desired position of at least 5 ballot items public in the process of their vote to place said items on the ballot and in a number of cases on the campaign trail
- The Mayor has community influence, has publicly advocated for said candidates and ballot issues and has expended PAC money on position materials to influence outcomes
- The event was literally across the street from City Hall and therefor benefiting new voters who may be from any portion of the city thus might be eligible to vote for any of the candidates present, not just the candidate of the district the event was held in
- The completion of the voter registration application is typical end of action in voter registration activity. Thus onlooking citizens question the implications when registration was followed by escorting to a polling location, attendance and reported involvement with voters as they voted and return to a social event is of great concern that undue influence may have entered into the young, possibly intoxicated voters decision making process when the social event and free food may have been forthcoming
- The risk of crowd mentality, social conformity and groupthink might be present
- The ballots secured from this “Early Voter” drive were received by City Hall likely gave unfair advantage to the candidates and ballot item supporters present, yet if deemed improper there will be no means to separate out those ballots from other early voter ballots from voters where there is no question of undue influence
- Once Early voter ballots are injected into the day-of ballot stream any potential tainting will be exponentially more difficult to identify

While I am uncertain that I need a direct response, it is clear to me that these claims should be investigated, appropriate intervention.

Attachments: Screenshots of promotion material

← Photos from University of Ve...



University of Vermont College Democrats ▶ Early Voting Pizza Party

Photos from University of Vermont College Democrats's post in Early Voting Pizza Party

· Monday at 9:18 AM ·

View Full Size · More Options

Like Comment Share

Details

Join the UVM College Democrats for a free pizza EARLY VOTING party on March 1st at Manhattan's Pizza!

Featuring special guests Attorney General TJ Donovan, Mayor Miro Weinberger, City Councilor Adam Roof, City Councilor Joan Shannon, and City Councilor Richard Deane!

Featuring



University of Vermont College Dem
Local Business · 564 likes

About the Venue

From: Condos, Jim <jim.condos@sec.state.vt.us>
Sent: Wednesday, March 6, 2019 8:42 AM
To: Donovan, Thomas; Diamond, Joshua; London, Sarah; Spottswood, Eleanor
Cc: Senning, Will
Subject: Election Complaint
Attachments: image001.png

TJ et al,

I was asked to forward to the AG.



Jim Condos
Secretary of State
State of Vermont

128 State Street
Montpelier, VT 05633-1101

p: 802-828-2148
f: 802-828-2496
e: jim.condos@sec.state.vt.us

www.sec.state.vt.us
www.facebook.com/SecretaryOfStateJimCondos
www.twitter.com/VermontSOS

NOTICE: Under Vermont's public records law, e-mails (and other documents) acquired or created by a Gov't Agency are considered public records and subject to disclosure unless specifically excluded under the Public Records Act.

From: Jim Holway <jim@holway.us>
Sent: Wednesday, March 6, 2019 8:25 AM
To: Condos, Jim <jim.condos@sec.state.vt.us>
Cc: Amy Bovee <abovee@burlingtonvt.gov>
Subject: Re: Immediate attention required

Jim -

I thank you for your quick consideration. I presume those reporting their concern to me were seeking investigation as they did feel the primary concern was that it was a strong, if not absolute, link between receiving benefit for voting the way the sponsors wanted - hence the escort, colloberative voting and return to group for pizza.

Listed on the promotion literature is T.J. Donovan - thus the complainants wanted a non involved elections Authority in loop. It is my understanding that T.J. did not attend so this may be a non issue.

While I am only reporting as an Ward Clerk, not as a complainant, I find the very appearance of the situation to be a stain on the integrity of democracy. I could not imagine our polling location allowing social collaborative voting. Outside to polling location is beyond our control. However to have a public thinking somehow votes would be so influenced is an appearance I do not wish to defend.

As I expect the complainants to want it, thank you for advancing the letter to the proper investigative authorities.

I look forward be able to update the complainants on the process.

- Jim Holway, Ward Clerk

On Tue, Mar 5, 2019, 9:50 AM Condos, Jim <jim.condos@sec.state.vt.us> wrote:

Good morning Jim,

Thank you for your letter. As it is a busy day for us, I am going to be brief for now but wanted to respond as soon as possible.

On their face, most of the activities you describe that took place at the event on Friday are perfectly legal.

- Registering people to vote in a registration drive-like setting, even with food and beverages available, is perfectly legal and common.
- Instructing voters on where and how to cast an early ballot is also perfectly legal and fairly common.
- Events such as this that pair those two activities, voter registration and early voting, are also allowable and becoming more common.
- Keep in mind that a voter can send in a request to register and receive an early ballot at the same time, and may return the completed registration form along with the voted ballot and the ballot will be counted if the registration is accepted.

What would concern me, and potentially violate the law, is if there was any influence occurring as to how a person voted. If votes for certain candidates or in favor of certain questions were encouraged or coerced, that would concern me.

If items such as food and beverages were only given to individuals who voted in a certain way, that would clearly be inappropriate and illegal. As such, the allegation in your letter that most concerns me is that “the voter conducted the act of voting in an interactive manner where ballots were shared and were held in the lobby of city hall . . .” The voting process itself should be performed by the individual voter without undue influence.

In order to determine whether any inappropriate or illegal activity occurred, more information will be required as to whether any undue influence was exerted on voters casting their votes.

As you may now, the Sec of State does not have the authority to investigate and enforce these provisions of the election law – that falls to the attorney general's office has investigate and enforce.

Please let me know if you would like me to forward your complaint to their office or you may send it to them directly.

Thank you again for bringing this matter to our attention,

From: Jim Holway <jim@holway.us>
Sent: Monday, March 4, 2019 9:58 PM
To: Condos, Jim <jim.condos@sec.state.vt.us>
Cc: Amy Bovee <abovee@burlingtonvt.gov>
Subject: Immediate attention required

Secretary Condos:

Please find the attached letter to be what I regretfully feel is a responsibility in my elected capacity charged with the integrity of the voting process.

I trust you will give it the appropriate attention it deserves.

- Jim Holway, Clerk

Ward 4, Burlington VT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

JOSHUA R. DIAMOND
DEPUTY ATTORNEY GENERAL

WILLIAM E. GRIFFIN
CHIEF ASST. ATTORNEY
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STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

March 27, 2019

VIA U.S. MAIL AND EMAIL – [REDACTED]

Colleen K. Goldberg
[REDACTED]

Burlington, VT 05401

Re: Voting in the general election of November 6, 2018

Dear Colleen Goldberg:

Thank you for your email dated February 19, 2019.

As you know, State records indicate that you may have cast more than one ballot in the general election of November 6, 2018.

You have indicated that you can neither confirm nor deny whether you cast more than one ballot in the general election of November 6, 2018.

Vermont law prohibits casting more than one ballot during a single election. *See* 17 V.S.A. § 1971. The Attorney General's Office has a role in enforcing Vermont law. *See* 3 V.S.A. § 152.

Any violation of 17 V.S.A. § 1971 appears to have been unintentional on your part. In addition, any such violation did not appear to change to result of the election or to be intended by you to change the result of the election. Given these considerations, this Office is inclined to offer the following.

- You agree to complete 20 volunteer hours of community service at a non-profit organization of your choice.
- You agree to send proof of completion of those hours, in the form of a letter signed by your supervisor at the non-profit, to this Office by September 1, 2019.
- Upon receiving the proof of completion of 20 volunteer hours, this Office will consider that no further action will be necessary and this Office will close this matter.

March 27, 2019

- If you do not complete 20 volunteer hours by September 1, 2019, this Office may pursue further penalties under 17 V.S.A. § 1971.

If you agree to this offer, please sign the bottom of this letter and return it to me by April 12, 2019. If you do not agree to this offer, please let me know by April 12, 2019.

Please direct your response to me at the above address or by e-mail to ago.correspondence@vermont.gov. Thank you and we look forward to hearing from you.

Sincerely,



Eleanor Spottswood
Assistant Attorney General

Accepted and agreed to:

Colleen Goldberg

Date:

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

JOSHUA R. DIAMOND
DEPUTY ATTORNEY GENERAL

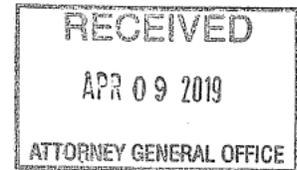
WILLIAM E. GRIFFIN
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March 27, 2019

VIA U.S. MAIL AND EMAIL – [REDACTED]

Colleen K. Goldberg
[REDACTED]

Burlington, VT 05401

Re: Voting in the general election of November 6, 2018

Dear Colleen Goldberg:

Thank you for your email dated February 19, 2019.

As you know, State records indicate that you may have cast more than one ballot in the general election of November 6, 2018.

You have indicated that you can neither confirm nor deny whether you cast more than one ballot in the general election of November 6, 2018.

Vermont law prohibits casting more than one ballot during a single election. *See* 17 V.S.A. § 1971. The Attorney General's Office has a role in enforcing Vermont law. *See* 3 V.S.A. § 152.

Any violation of 17 V.S.A. § 1971 appears to have been unintentional on your part. In addition, any such violation did not appear to change to result of the election or to be intended by you to change the result of the election. Given these considerations, this Office is inclined to offer the following.

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March 27, 2019

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If you agree to this offer, please sign the bottom of this letter and return it to me by April 12, 2019. If you do not agree to this offer, please let me know by April 12, 2019.

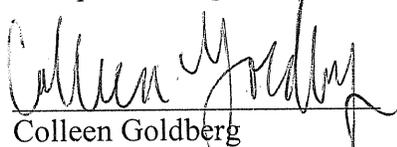
Please direct your response to me at the above address or by e-mail to ago.correspondence@vermont.gov. Thank you and we look forward to hearing from you.

Sincerely,



Eleanor Spottswood
Assistant Attorney General

Accepted and agreed to:



Colleen Goldberg

Date: 4/2/2019

From: Michael Long [REDACTED]
Sent: Tuesday, May 14, 2019 8:06 PM
To: Jim Holway
Cc: Caryn; TONY Redington; West, Nicole
Subject: Re: Elections Complaint

Jim,

I did not observe any of the actual voting at City Hall. I believe Dan Daniels and possibly Lynn Martin did. I did, however, inquire at the City Clerk's office and spoke with a city employee who witnessed the event. Other employees of the office who heard my question seemed eager to make themselves scarce. I will report to the AG regarding the description offered by the Clerk's office employee who was willing to respond.

Best,

Michael

On May 14, 2019, at 6:39 PM, Jim Holway <jim@holway.us> wrote:

Tony, Michael and Caryn -

As per the conversation we had when you presented at CLC Council meeting in March, I filed an elections irregularity complaint with the Secretary of State and subsequently asked Secretary Condos to advance it for the Attorney General's office to look into the matter.

The letter attached reflects where the state's pursuit of this is. I believe your accounting is most direct and relevant should you wish to further the investigation. You may know of others who are awaiting this status and/or seeking to have a point of contact to share their direct witness account.

Thus, this note serves to inform and invite you to directly reach out to Nicole West with your accounting.

Jim Holway, Ward 4 Clerk
Burlington, Vermont

----- Forwarded message -----

From: West, Nicole <Nicole.West@vermont.gov>
Date: Tue, May 14, 2019 at 3:47 PM
Subject: Elections Complaint
To: jim@holway.us <jim@holway.us>

Mr. Holway:

Please see the attached correspondence sent on behalf of the Attorney General's Office.

Thank you.

Nicole West | Paralegal

Office of the Attorney General | Civil Division

109 State Street, 3rd Floor

Montpelier, VT 05609-1001

<image001.png>

<2019-05-14 Letter to Holway.pdf>

From: [Michael Long](#)
To: [AGO - Correspondence](#)
Cc: [West, Nicole](#)
Subject: Re: Elections Complaint
Date: Tuesday, May 14, 2019 11:22:38 PM
Attachments: [image001.png](#)
[2019-05-14 Letter to Holway.pdf](#)

Dear Ms. Spottswood,

Regarding the March 1 Free Pizza Early Voting event in Burlington, I was present at Manhattan Pizza, but did not witness any actual voting just across the street at City Hall. (I do think it significant that the polls were just yards away.) What I witnessed was mostly a lively and enjoyable social event supported by pizza and beer paid for by a local business promoting Democratic candidates.

I applaud registering voters and advocating for candidates, but I have serious concern about enlisting helpers to herd people into groups and escort them directly to the polls with a clear mission. This, at the least, pushes hard against the line between the legitimate and the corrupt.

As for the voting itself, my knowledge is indirect. Reports indicate that there was no privacy and lots of conversation during less-than-orderly voting in large groups that the Clerk's Office was not prepared to handle.

Several days later, I inquired at the Clerk's Office. There were three or four employees in close proximity behind the counter. Two or three immediately put distance between themselves and my inquiry, but one responded. He said that sixty or seventy college students in groups of ten or twelve had voted in an hour or two in connection with the event. He seemed impressed with the number of voters delivered.

When I asked about conversations or interaction during the voting that might have compromised the integrity of the voting, including viewing one another's ballots, his response was: "They're college students." He clearly viewed this behavior as what would be expected in the context, not as a problem.

I think, however, that the same standard should apply — no matter the age of the voter: a booth or private space in which the individual voter fills out the ballot without outside influence.

I've voted consistently in local, state, and national elections and have never once been herded in a group to the polls or intruded upon or engaged in discussion while casting my ballot. I would feel infringed and encroached upon in such circumstances.

It would be a mistake for the AG's office to dismiss this as not-a-concern -- unless it's the official view that pushing up against the limits is perfectly fine and that the appearance of impropriety is nothing to fuss over.

At the least, an early voting polling place such as the Clerk's Office, designed for scattered drop-in voters over an extended period, either should not be open to tour-bus-type groups or should be required to admit them gradually in manageable numbers like polling places typically do.

Though the Vermont Constitution specifically proscribes providing any "reward for the elector's vote, in meat, drink, moneys or otherwise," I do not suspect bribery afoot here.

I do think that "undue influence" is clearly evident.

One important question beyond any inappropriate sharing or interaction during the voting itself is: How many students would have cast votes or cast the same votes had they been free to leave the bar on their own

and head in whatever direction they may have chosen at the moment?

Thanks for your attention to this matter.

Sincerely,

Michael Long

Please see the attached correspondence sent on behalf of the Attorney General's Office.

Thank you.

Nicole West | Paralegal

Office of the Attorney General | Civil Division

109 State Street, 3rd Floor

Montpelier, VT 05609-1001



THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

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STATE OF VERMONT
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05609-1001

May 14, 2019

VIA E-MAIL – jim@holway.us

Jim Holway
Clerk, Ward 4
Burlington, VT 05401

Re: Elections Complaint

Dear Mr. Holway:

I am writing in response to your March 4, 2019 memo to Jim Condos regarding the “Free Pizza Early Voting” event held on Friday, March 1, 2019 at Manhattan Pizza in Burlington.

In the context of this event, the only part of your memo that raises concerns about the legality of the event is the allegation that “the voter conducted the act of voting in an interactive [manner] where ballots were shared and discussions were held in the lobby of city hall[.]”

Vermont statute prohibits any “attempt by bribery, threats, or any undue influence to dictate, control, or alter the vote of a freeman or freewoman about to be given at a local, primary, or general election . . .” 17 V.S.A. § 2017.

It is not clear whether the conduct you describe rises to the level of “bribery, threats, or any undue influence.” In addition, for this Office to take any further action, we would need a first-hand account from a reliable witness who would be willing to testify to the details of the conduct at issue.

If you would like the Attorney General’s Office to review this matter further, please provide more detailed information to ago.correspondence@vermont.gov. Without further information, we will consider the matter closed.

Thank you for reaching out and I hope the above information is helpful to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Eleanor Spottswood".

Eleanor Spottswood
Assistant Attorney General

From: Jim Holway
To: [Michael Long](#); [Caryn Long](#); [TONY Redington](#)
Cc: [West, Nicole](#)
Subject: Fwd: Elections Complaint
Date: Tuesday, May 14, 2019 6:40:14 PM

Tony, Michael and Caryn -

As per the conversation we had when you presented at CLC Council meeting in March, I filed an elections irregularity complaint with the Secretary of State and subsequently asked Secretary Condos to advance it for the Attorney General's office to look into the matter.

The letter attached reflects where the state's pursuit of this is. I believe your accounting is most direct and relevant should you wish to further the investigation. You may know of others who are awaiting this status and/or seeking to have a point of contact to share their direct witness account.

Thus, this note serves to inform and invite you to directly reach out to Nicole West with your accounting.

Jim Holway, Ward 4 Clerk
Burlington, Vermont

----- Forwarded message -----

From: West, Nicole <Nicole.West@vermont.gov <<mailto:Nicole.West@vermont.gov>> >
Date: Tue, May 14, 2019 at 3:47 PM
Subject: Elections Complaint
To: jim@holway.us <<mailto:jim@holway.us>> <jim@holway.us <<mailto:jim@holway.us>> >

Mr. Holway:

Please see the attached correspondence sent on behalf of the Attorney General's Office.

Thank you.

Nicole West | Paralegal

Office of the Attorney General | Civil Division

109 State Street, 3rd Floor

Montpelier, VT 05609-1001

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

JOSHUA R. DIAMOND
DEPUTY ATTORNEY GENERAL

WILLIAM E. GRIFFIN
CHIEF ASST. ATTORNEY
GENERAL



TEL: (802) 828-3171
FAX: (802) 828-3187

<http://www.ago.vermont.gov>

STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

May 14, 2019

VIA E-MAIL – jim@holway.us

Jim Holway
Clerk, Ward 4
Burlington, VT 05401

Re: Elections Complaint

Dear Mr. Holway:

I am writing in response to your March 4, 2019 memo to Jim Condos regarding the “Free Pizza Early Voting” event held on Friday, March 1, 2019 at Manhattan Pizza in Burlington.

In the context of this event, the only part of your memo that raises concerns about the legality of the event is the allegation that “the voter conducted the act of voting in an interactive [manner] where ballots were shared and discussions were held in the lobby of city hall[.]”

Vermont statute prohibits any “attempt by bribery, threats, or any undue influence to dictate, control, or alter the vote of a freeman or freewoman about to be given at a local, primary, or general election . . .” 17 V.S.A. § 2017.

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STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

August 19, 2019

VIA U.S. MAIL AND EMAIL – [REDACTED]

Colleen K. Goldberg
[REDACTED]

Putney, VT 05346

Re: Voting in the general election of November 6, 2018

Dear Colleen Goldberg:

Pursuant to our letter agreement dated March 27, 2019, and signed by you on April 7, 2019, I have received the proof of your completion of 20 hours of community service. A copy of this letter agreement is enclosed.

Because you completed 20 hours of community service prior to the deadline of September 1, 2019, this Office considers our letter agreement fulfilled. This Office will close the matter referenced therein with no further action.

Thank you for your diligence in completing our agreement. If you have any further questions, please feel free to reach out to me at the above address or by e-mail to ago.correspondence@vermont.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Eleanor Spottswood".

Eleanor Spottswood
Assistant Attorney General

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

TEL: (802) 828-3171
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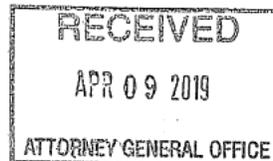
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WILLIAM E. GRIFFIN
CHIEF ASST. ATTORNEY
GENERAL



STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001



March 27, 2019

VIA U.S. MAIL AND EMAIL – [REDACTED]

Colleen K. Goldberg
[REDACTED]

Burlington, VT 05401

Re: Voting in the general election of November 6, 2018

Dear Colleen Goldberg:

Thank you for your email dated February 19, 2019.

As you know, State records indicate that you may have cast more than one ballot in the general election of November 6, 2018.

You have indicated that you can neither confirm nor deny whether you cast more than one ballot in the general election of November 6, 2018.

Vermont law prohibits casting more than one ballot during a single election. *See* 17 V.S.A. § 1971. The Attorney General's Office has a role in enforcing Vermont law. *See* 3 V.S.A. § 152.

Any violation of 17 V.S.A. § 1971 appears to have been unintentional on your part. In addition, any such violation did not appear to change to result of the election or to be intended by you to change the result of the election. Given these considerations, this Office is inclined to offer the following.

- You agree to complete 20 volunteer hours of community service at a non-profit organization of your choice.
- You agree to send proof of completion of those hours, in the form of a letter signed by your supervisor at the non-profit, to this Office by September 1, 2019.
- Upon receiving the proof of completion of 20 volunteer hours, this Office will consider that no further action will be necessary and this Office will close this matter.

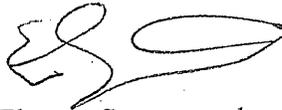
March 27, 2019

- If you do not complete 20 volunteer hours by September 1, 2019, this Office may pursue further penalties under 17 V.S.A. § 1971.

If you agree to this offer, please sign the bottom of this letter and return it to me by April 12, 2019. If you do not agree to this offer, please let me know by April 12, 2019.

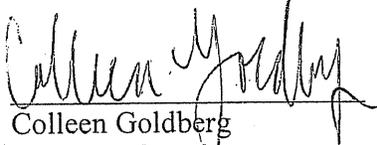
Please direct your response to me at the above address or by e-mail to ago.correspondence@vermont.gov. Thank you and we look forward to hearing from you.

Sincerely,



Eleanor Spottswood
Assistant Attorney General

Accepted and agreed to:



Colleen Goldberg

Date: 4/2/2019