

TESTIMONY IN SUPPORT OF HB 1462

Adam M. Finkel, Sc.D., CIH
January 26, 2026

Members of the Election Law Committee:

I hope you will support HB 1462 and not misunderstand its intent and orientation. I urged the prime sponsor to draft such a bill out of my own bitter experience with the DOJ Election Law Unit last year. I have had a long career as a (federal) regulatory and enforcement official (OSHA, EPA; originally appointed by President Bill Clinton) and I generally support broad powers for agencies to conduct their investigations and punish violators.

In this case, however, I ran afoul of a **rogue agency that does not respect the citizenry and that takes liberties with the intent of NH (and federal) law.**

My case is summarized in the attachment to this testimony. In a nutshell, I live in Dalton NH for at least 7 months per year, but in an unheated cabin (I migrate to Princeton NJ for Nov-March each year). In 2019, I was approved by the local Supervisor of the Checklist to vote in NH, *after she checked with the DOJ/ELU itself* about my particular situation. Five years later, upon an oral and unsigned complaint later determined to be from a local supporter of the Casella landfill project that I vocally oppose, DOJ opened an investigation against me for purported "wrongful voting."

The only possible lapse I made was not changing my NJ driver's license (although I had registered the car I drive in NH in our state). But that lapse was surely reasonable on my part, since the DOJ's own website makes clear that "**No one can be denied the right to register to vote or to vote for being out of compliance with the requirements of the motor vehicle code.**" (see <https://www.doj.nh.gov/bureaus/election-law/establishing-domicileresidence-new-hampshire>).

I gladly paid a fine for this motor vehicle infraction. But *every other aspect of the DOJ investigation was improper and outrageous.* Their investigator actually asked me where my Primary Care Physician is located, what the square footage of each home is, whether my cabin had a heating system, whether I do any volunteer work in New Jersey, and other questions that I believe violate HIPAA and other laws.

In particular, the federal Voting Rights Act (52 USC 10101(b)) states that

No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose.

Respectfully, let me suggest that it's "not a good look" for the NH DOJ to be intimidating lawful voters. It gives the impression that the state does not welcome transplants who are very devoted to NH (in my case, I worked here in the 1980s and have been eager to return ever since), and it diverts their limited resources away from TRUE cases of wrongful voting. This simple bill lists four things that, if true, actually *do* constitute wrongful voting, along with various aspects of personal life that are *irrelevant* to wrongful voting.

Surely the DOJ should confine its investigations to permissible and relevant inquiries, and not harass and intimidate legitimate voters with highly intrusive and arguably illegal questioning.

I hope this bill resoundingly passes. But if there are any objections to it, let me suggest an interim "fallback" position. If the DOJ is going to second-guess a person's right to vote after the fact, the barest minimum it should be forced to do is to NOTIFY the citizenry of what it somehow considers to be "things you need to do to prove your allegiance to NH." If I was supposed to give up my relationship with my doctor in favor of someone new in NH, or supposed to put an addition on my NH home to make it bigger than my other home (?!), the LEAST the agency could do is let us know that it somehow considers these sorts of things relevant!

Thank you for the opportunity to offer these perspectives, from the POV of an NH voter with a lifelong belief in the nobility of public service.

Best regards,



Adam M. Finkel

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July 1, 2025

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Re: April 28, 2025 Cease and Desist Order

Dear Adam Finkel:

On April 28, 2025, this Office issued a cease and desist order to you. As explained in that letter, this Office determined that you voted in Dalton despite being domiciled in New Jersey.

On May 2, 2025, you responded to the cease and desist letter by e-mail and subsequently spoke with me by phone. You contested this Office's determination that you were not domiciled in New Hampshire, and you stated that you intended to appeal this Office's determination.

You reiterated your stated intent that New Hampshire be your domicile and identified several facts that you believed supported your stated intent, including your continued civic engagement in New Hampshire legislative and electoral politics. You further asked what steps you would need to take going forward to demonstrate to this Office that New Hampshire is and has been your domicile.

One of the facts cited in the April 28 cease and desist order was that you had not yet obtained a New Hampshire driver's license, despite claiming to be domiciled in New Hampshire since 2019. During our conversation, I told you to obtain a New Hampshire driver's license and to register your other vehicle in New Hampshire. On May 23, 2025, you obtained a New Hampshire driver's license, and that license identifies your Dalton residence as your legal address. On May 15, 2025, you registered your vehicle in New Hampshire, and that registration identifies your Dalton residence as your legal address.

Based on those discussions, your subsequent actions in obtaining a New Hampshire driver's license and vehicle registration, and your stated intent to appeal the cease and desist order, you agreed to resolve this Office's cease and desist order related to prior elections as follows:

1. This Office maintains that based on the totality of the circumstances you had not established domicile in New Hampshire at the time of prior elections, as explained in further detail in this Office's April 28 cease and desist order.
2. You maintain that New Hampshire continues to be your intended domicile, and you contest this Office's determination that you had not established domicile in New Hampshire at the time of prior elections. You provided a letter setting forth additional facts that you believed demonstrate you established domicile in New Hampshire. A copy of that letter is attached as Exhibit A.
3. You will pay a civil penalty in the amount of \$682, which represents the amount of motor vehicle fines that could have been imposed for a resident failing to obtain a New Hampshire license for each year between 2019 and 2024. This payment must be made by check payable to "Treasurer, State of New Hampshire" and mailed to the Office of the Attorney General, 1 Granite Place South, Concord, NH 03301, Attention: Senior Assistant Attorney General Brendan A. O'Donnell.

This matter will be closed after you pay the civil penalty. Although our office cannot express an opinion as to your qualifications to vote in future elections, as of this date, we are aware of no impediments that would prevent you from voting in New Hampshire.

Sincerely,



Brendan A. O'Donnell
Senior Assistant Attorney General
Election Law Unit
brendan.a.odonnell@doj.nh.gov

BAO/bao

cc: Dalton Supervisors of the Checklist

Exhibit A
Response of Adam M. Finkel, Sc.D.

June 24, 2025

In July 2019, the Dalton Supervisor of the Checklist approved me as registered voter in Dalton, after conferring with AAG Nicholas Chong Yen, who agreed that I was qualified to be a legal NH voter. I had presented all the proper documentation, including the deed to my Dalton home, property tax payments, and utility bills. I understand that the process was overseen by the Election Law Unit of the New Hampshire Department of Justice.

Since 2019, I have voted only in New Hampshire. I consider Dalton my domicile. I have never rented my (unheated) home in Dalton, and I spend approximately seven months of the year there, from as soon as possible after our water pipes thaw until as late as possible as winter approaches. Most significantly, since becoming registered as a voter in 2019, I have been intensely civically engaged in New Hampshire.

For example, I have testified in front of the NH House and Senate more than 20 times since 2019, have written three pieces of legislation signed into law by the Governor, have written more than 10 op-ed columns in major NH newspapers, was invited to lecture to the House Environment & Agriculture Committee on how environmental regulations are written in other states and at the federal level, and was an appointed member of the Dalton Planning Board. These are precisely the kinds of actions—above and beyond buying a NH home and living in it for most of each year—that a voter would carry out under RSA 654:1(I) to “manifest[s] an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government.”

Before 2019, I had been active before school boards, zoning boards, and other township and county government in New Jersey. But in 2019, when I domiciled in NH, I ceased all such activities in New Jersey permanently.

Through my oversight, I failed to register my second car in New Hampshire (which I mainly use to drive to NH; I use my NH-registered Jeep while there) and get a NH driver's license after becoming a registered voter. I carefully read the Department of Justice's website (<https://www.doj.nh.gov/bureaus/election-law/establishing-domicileresidence-new-hampshire>) before applying to register in 2019, which states that “No one can be denied the right to register to vote or vote for being out of compliance with the requirements of the motor vehicle code.” I relied upon this guidance and believed that this was solely a matter for the Division of Motor Vehicles. I now have addressed this by registering my second car and getting a New Hampshire driver's license. I acknowledge that the Office's investigator informed me in October 2024 of the Office's opinion that I had to obtain an NH driver's license in order to lawfully vote. But I returned to New Jersey within two weeks of that

communication, and I made the first possible appointment at the DMV within days of returning to NH on May 1 of this year.

I have at all times sincerely believed that I was a lawful, registered New Hampshire voter since 2019 and that all my actions before and after being approved were amply consistent with being domiciled in New Hampshire. I have searched the New Hampshire RSAs and have found no language at all that would conceivably alert an approved voter that his franchise depended on his subsequently taking any of various specific acts that the AG's letter of April 28, 2025 accused me of neglecting, such as changing my primary care physician, installing a heating system in my NH house, or living in a larger house in NH than in NJ. If it is the Office's position that an already-approved voter must *continue* to prove his "intent... to participate in democratic self-government" through specific actions, I believe it is only fair for those obligations to be revealed a priori rather than marshaled as "gotchas" after the fact.

Adam M. Finkel