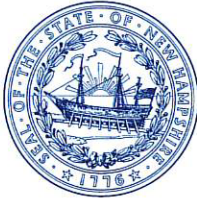


**ATTORNEY GENERAL
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February 9, 2024

New Hampshire House of Representatives
ATTN: Sherman Packard, Speaker of the House
ATTN: Matthew Wilhelm, House Minority Leader
107 North Main Street
Concord, NH 03301

Re: **Referral of complaint regarding Representative Hynes no longer being domiciled in his district.**

Dear Speaker Packard and Minority Leader Wilhelm:

This Office received a complaint alleging that Representative Dan Hynes no longer resides within the district he represents. Specifically, the complaint alleged that Representative Hynes moved from his home at [REDACTED] in the Town of Bedford (the "Bedford Property"), and that Representative Hynes has been renting out the Bedford Property since September of 2023. This Office's investigator spoke with the tenants of the Bedford Property, who confirmed that they have been renting the Bedford Property since September of 2023, and Representative Hynes has not lived in the home since that time. Representative Hynes has not returned a call from this Office's investigator.

Because this issue relates to the qualifications of a member of the House of Representatives, this Office is referring this complaint to the House of Representatives. See N.H. CONST. Pt II, Art. 14 (providing that a representative ceases to be qualified when they are no longer an inhabitant of a town in their district); N.H. CONST. Pt II, Art. 22 (providing that the House of Representatives shall be the judge of the qualifications of its members).

I. **Background:**

A. **Complaint:**

On February 2, 2024, this Office received a complaint from a person who wished to remain anonymous. The complainant alleged that they often drive by the Bedford Property and noticed a moving van at the house few months ago. The complainant had seen a couple with a child at the Bedford Property and two vehicles that did not appear to be Representative Hynes's vehicles.

The complainant spoke with one of these people near the end of January. That person told the complainant that they had been renting the Bedford Property from Representative Hynes since September of 2023, and they believed that Representative Hynes lived in another town. That person further told the complainant that Representative Hynes still had his mail delivered to the Bedford Property.

B. Election Law Unit's Investigation:

This Office's investigator travelled to the Bedford Property and spoke with one of the tenants of that property. The tenant confirmed that she and her family have been living at the Bedford Property since September of 2023. The tenant believed that Representative Hynes had moved to "Barrington" to live with his new spouse and stepchildren. The tenant confirmed that Representative Hynes continues to have his mail delivered to the Bedford Property, stating that she believed this may be because Hynes is a state representative.

This Office received a copy of an e-mail dated September 5, 2023, from Representative Hynes to the tenant. In that e-mail, Representative Hynes identified the amount of monthly rent that the tenants were required to pay and enclosed a copy of a lease. Although the lease was unsigned, it provided a lease term of September 1, 2023, through July 1, 2024. The lease further identified Representative Hynes's address as being "[REDACTED] Nottingham, NH 03290" (the "Nottingham Property")

Nottingham tax records list Representative Hynes as the current owner of Nottingham Property, with a purchase date of July 6, 2023.

Representative Hynes is a representative for the Hillsborough 2 District, which consists solely of the Town of Bedford. This Office is not aware of Representative Hynes owning any other property in Bedford. Representative Hynes last voted in Bedford on March 28, 2023, and he has not voted in another municipality since that date.

This Office attempted to contact Mr. Hynes multiple times on February 8, 2024. On February 9, 2024, Representative Hynes returned a call to this Office's investigator. In that call, Representative Hynes stated that he stays in multiple locations, including the Nottingham Property, in Barrington with his spouse, and in Greenville. Representative Hynes stated that he has an RV on the Bedford Property, but he could not specifically recall the last time he stayed in in Bedford.

II. Qualifications of Members of the House of Representatives:

Part II, Article 14 of the State Constitution provides: "Every member of the house of representatives ... shall be, at the time of his election, an inhabitant of the town, ward, place, or district he may be chosen to represent and shall cease to represent such town, ward, place, or district immediately on his ceasing to be qualified as aforesaid."

This Office received a complaint alleging that Representative Hynes no longer lives in Bedford, meaning Representative Hynes is no longer qualified to represent the Hillsborough 2 District. Based on this Office's investigation, Representative Hynes does not appear to be domiciled in the Hillsborough 2 District.

Part II, Article 22 of the State Constitution provides that the "house of representatives ... shall be judge of the ... qualifications, or its members, as pointed out in this constitution." Because the complaint pertains to Representative Hynes's qualifications to hold office, this is a matter that must be handled by the House of Representatives. Accordingly, this Office is referring this this complaint to the House of Representatives.

Sincerely,



Brendan A. O'Donnell
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