

Government and Election Integrity: Parallel Stories

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The NH voting rights/election integrity story is part of a much bigger story of integrity in state government. As you can see by this 2015 report, NH has LOTS of room for improvement. Overall score D-, #34 of 50 states.¹

Electoral oversight earned us an F and #35 ranking.

A recent news article reminded me of the parallels I've experienced in voting rights/election integrity work since 2010 with the Financial Resources Mortgage story.

BOTH stories reveal a culture where good old boys and girls will be protected by the system and fails citizens who have a reasonable expectation government will protect them.

The House recently passed a budget that included \$10 million of public money to compensate those who lost money in the Financial Resources Mortgage scandal that erupted in 2009-11.²

The 2015-16 bill (SB 155) established the fund. This year's budget, if passed, will allocate \$10 million to compensate investors.³

In another 10 years, will the Legislature allocate money to compensate voters for their lost votes, possible lost elections and our lost right to self-government? Don't count on it. However, we can use lessons from both these stories to evolve into a more mature self-governing people, if not for ourselves, for future generations.

That can't happen if today's citizens look away from problems as government officials want us to do, hope someone else will do the work, and allow this culture of impunity open to corruption to continue.

Both stories show a common problem. State law grants "sovereign immunity" and protection against liability for state officials who are supposed to be protecting the public's interest. With the \$10 million compensation fund, we see public officials' negligence/possible criminal conduct is paid for by the public. Where is the incentive for state officials to do the "right thing" for us?

The FRM Story

We have two findings from the Financial Resources Mortgage story that essentially say the same thing (The Chandler Report, p. 6⁴ and *Cover up* by Mark Connolly, published in 2011.)

Chandler FRM finding of April 11, 2011 says mistakes rose to the failure of state government. "The state had the necessary tools and resources at its disposal to perform their statutory duty and adequately protect the consumer, but failed to do so. When needed to reach out and take responsible action, agencies of the state with direct oversight responsibility became timid, hid behind technicalities and failed to exercise their full statutory authority."

I believe you can still buy Connolly's book or borrow it through inter-library loan. I read it in 2013. ⁵

In his prologue, he wrote "political favors and ambitions can result in the failure of government, which in turn too often undermines the people it is supposed to serve."

What is needed, he said, "is a new awakening of citizen action, as our government is only as good as the expectations we place on those whom we elect."

The former Deputy Secretary of State and securities chief was specific in pointing fingers....at bank lobbyists who succeeded in passing laws that enabled the banking commissioner to hide information, the banking commissioner and two governors who appointed him, the Attorney General for ignoring complaints, a legislative committee that whitewashed the whole affair, and state officers who failed to follow appropriate standards of care.

Connolly shared his astonishment when then Deputy Attorney General Bud Fitch asked, in front of a witness, "Where do you want to be in five years?"

The implication was he should look the other way as others in state government had been willing to do.

Instead, he resigned from his job and went public.

Connolly offered remedies to prevent the FRM fiasco from reoccurring that also make sense for the voting rights/election integrity issue. Not new laws needed, he said, but better, smarter enforcement of them, greater transparency (banking/election records), an elected attorney general, or the minimum, an inspector general to investigate what the AG will not.

In 2016, Connolly ran for governor and unfortunately for all of us, died in 2019.⁶

The Voting Rights/Election Integrity Story

The Secretary of State's order for investigation of FRM was Oct. 11, 2010. After the November 2010 election, I filed my first complaint and request to investigate the secretary of state's violation of election laws. My concerns were ignored by the same people in the Attorney General's office who had ignored complaints concerning Financial Resources Mortgage. Reportedly, those concerns began in 2000.

The pattern of protection and enabling among insiders shown in the FRM story has continued. The culture of impunity that currently exists in the Attorney General/Secretary of State relationship has resulted in the failure to protect voting rights and election integrity. Lots of us have lost trust in “the system.”

Most recently, the Attorney General has chosen NOT to investigate either the discrepancy in the Windham recount or the high overvoted ballot rate in Derry, particularly with absentee ballots.

The legislature has failed for the FOURTH time to correct a 2016 “mistake” by the Secretary of State and Attorney General which said town moderators cannot fulfill their constitutional duty to voters and candidates on the ballot. It has failed for the SECOND time to correct another “mistake” of the AG and SoS and bring NH into compliance with both federal and state election laws re: voter intent/overvoted ballots.

If we disagree with the SoS/AG’s interpretation of current laws or our constitution, we are welcome to hire a lawyer and “take it to court” where the current Attorney General would defend the “state” at public expense and the previous attorney general now presides over the NH Supreme Court. A number of other former employees of the attorney general’s office sit on the bench. We’re not going to “win” trust or accountability in our elections or government through the courts. Trust me, I’ve tried.

NH doesn’t need new election laws; we need to develop a new cultural norm that says elections are about us voters and we have the right and responsibility to know election officials are protecting our rights, votes, and elections. Laws that protect our rights need to be enforced.

The voting rights/election integrity story hasn’t ended. Dealing with the pain, hurt and anger of broken trust is NOT easy and at times feels crushing and absolutely overwhelming. But we can’t avoid it, individually or collectively, if we are to move PAST those emotions and the current culture to a “what can I do to make it a bit easier for the NEXT person?” I expect future generations will still be dealing with this issue.

Because I’ve met so many people who care, the system hasn’t succeeded in killing my caring. I will continue to work for elections and government we have reason to trust and be proud of.

¹ <https://publicintegrity.org/politics/state-politics/state-integrity-investigation/state-integrity-2015/new-hampshire-gets-d-grade-in-2015-state-integrity-investigation/>

² <http://indepthnh.org/2021/04/07/house-republicans-prevail-in-budget-battle/>

“And they objected to including \$10 million in the budget for Financial Resource Management investors who were victims of a multi-million dollar Ponzi scheme, saying never before has the legislature approved taxpayers’ money to reimburse reckless investors who did not do their own due diligence, while supporters said state regulators fell down on the job and the state has a responsibility to help the victims.”

³ http://gencourt.state.nh.us/SofS_Archives/2016/house/SB155H.pdf

⁴ http://gencourt.state.nh.us/SofS_Archives/2016/house/SB155H.pdf

⁵ *Cover-Up: One Man's Pursuit of the Truth Amid the Government's Failure to End a Ponzi Scheme*. White Whale Press. 2011.

⁶ <https://www.nhbr.com/remembering-mark-connelly/>