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January 8, 2024

Democratic National Committee
Rules & Bylaws Committee
Attn: Co-Chair Minyon Moore
Attn: Co-Chair James Roosevelt, Jr.
430 South Capitol Street SE
Washington, DC 20003

Re: CEASE AND DESIST ORDER-Unlawful Voter Suppression

Good morning Ms. Moore and Mr. Roosevelt:

This Office recently became aware of a January 5, 2024, letter from you to New Hampshire Democratic Party ("NHDP") Chair Raymond Buckley. In that letter, you state that the Democratic National Committee ("DNC") Rules and Bylaws Committee ("RBC") commanded NHDP to "educate the public" that the New Hampshire democratic Presidential Primary Election scheduled for January 23, 2024, is "meaningless." Falsely telling New Hampshire voters that a New Hampshire election is "meaningless" violates New Hampshire voter suppression laws. See RSA 659:40, III; RSA 629:2 (prohibiting a person from commanding, soliciting, or requesting another person to engage in criminal conduct). Accordingly, this Office orders you, the DNC, and the RBC to immediately **cease and desist** from engaging in any conduct that violates RSA 659:40, III, RSA 629:2, or any other State election law.

Background:

The New Hampshire Secretary of State scheduled the New Hampshire democratic Presidential Primary Election for January 23, 2024, to precede the "date on which any other state shall hold a similar election," as required by State law. RSA 653:9.

On January 5, 2024, Ms. Moore and Mr. Roosevelt sent a letter to Mr. Buckley stating that on December 13, 2023, the RBC "clearly stated" to the NHDP that:

- The event on January 23, 2024 cannot be used as the first determining stage of the state's delegate selection process and is considered detrimental.

- The NHDP must take steps to educate the public that January 23rd is a non-binding presidential preference event and is meaningless and the NHDP and presidential candidates should take all steps possible not to participate.
- No delegates or alternates shall be appointed based on the results of the January 23, 2024 event.
- No scheduling of events related to the selection of delegates or alternates in New Hampshire may be based on the January 23, 2024 event.

In that letter, Ms. Moore and Mr. Roosevelt further stated that the RBC “look[s] forward to receiving an updated, compliant, Delegate Selection Plan by January 15, 2024.”

RSA 659:40, III strictly prohibits voter suppression:

RSA 659:40, III provides:

III. No person shall engage in voter suppression by knowingly attempting to prevent or deter another person from voting or registering to vote based on fraudulent, deceptive, misleading, or spurious grounds or information. Prohibited acts of voter suppression include:

- (a) Challenging another person's right to register to vote or to vote based on information that he or she knows to be false or misleading.
- (b) Attempting to induce another person to refrain from registering to vote or from voting by providing that person with information that he or she knows to be false or misleading.
- (c) Attempting to induce another person to refrain from registering to vote or from voting at the proper place or time by providing information that he or she knows to be false or misleading about the date, time, place, or manner of the election.

Your January 5, 2024, letter admits that the RBC previously commanded NHDP to “educate the public” that a New Hampshire election, scheduled and held in accordance with New Hampshire law, was “meaningless.” Regardless of whether the DNC refuses to award delegates to the party’s national convention based on the results of the January 23, 2024, New Hampshire democratic Presidential Primary Election, that election is not “meaningless.” Your statements to the contrary are false, deceptive, and misleading. Telling the public or any person qualified to register to vote or vote in New Hampshire that the January 23, 2024, New Hampshire democratic Presidential Primary Election is “meaningless,” or soliciting NHDP or any other party to make such statements, constitutes an attempt to prevent or deter another person from voting or registering to vote based on fraudulent, deceptive, misleading, or spurious grounds or information. See RSA 659:40, III.

Therefore, this Office orders you, the DNC, and the RBC to immediately **cease and desist** from engaging in any conduct that violates RSA 659:40, III, RSA 629:2, or any other State election law, including but not limited to repeating your false, deceptive, and misleading statement that the January 23, 2024, New Hampshire democratic Presidential Primary Election is “meaningless.”

This matter remains open, and this Office reserves the right to take further enforcement action based on the actions described in this letter and any other actions that violate State election laws.

Sincerely,



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BAO/bao

Cc: New Hampshire Democratic Party, Chair Raymond Buckley