

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

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ATTORNEY GENERAL



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August 21, 2024

Matthew Lunney
[REDACTED]

Meredith, NH 03253

Re: Matthew Lunney, Alleged Illegal Campaign Activity

Dear Matthew Lunney:

This Office received a complaint alleging that you made a false statement on your declaration of candidacy for the office of state representative from Belknap County District 2. Following an investigation, this Office concludes that you falsely stated on your declaration of candidacy that your mailing address was [REDACTED] in Meredith, New Hampshire. This Office is exercising its discretion to not pursue criminal charges against you because: (1) you were qualified to run for state representative from Belknap District 2 because you were domiciled at another address within that district; (2) the affidavit portion of your declaration of candidacy did not contain any false information; and (3) you corrected your mailing address with the Secretary of State's Office a week after you filed your declaration of candidacy. **However, you are hereby warned against making further false statements in official matters.**

I. **Background:**

Between April of 2022 and January of 2024, you lived with your wife at [REDACTED] in Meredith—a property that your wife's parents own.

On January 26, 2024, you filed for divorce from your wife and travelled to South Carolina. At the time, you additionally asked to be removed from all utility bills for the [REDACTED] property.

You stayed in South Carolina for approximately 8 weeks, after which you returned to New Hampshire. Upon your return, you initially stayed in an apartment. On May 30, 2024, you purchased and moved into a mobile home at [REDACTED] in Meredith.

On June 11, 2024, you filed a declaration of candidacy for the office of state representative from Belknap County District 2. Even though you were living on [REDACTED] you falsely listed your mailing address as "[REDACTED]" The bottom portion of the declaration of candidacy included an affidavit portion. In that affidavit, you swore that you were "domiciled in district No. 2 of Belknap county." The affidavit did not require you to swear that you were domiciled at any particular address within your district.

Your wife subsequently received a packet of candidate information from the Secretary of State's Office addressed to you at [REDACTED]

On June 18, 2024, you informed the Secretary of State's Office that your "new address" was "[REDACTED]"

On June 19, 2024, your wife called and reported that you used her address on your declaration of candidacy, despite not having lived there since January 26. Your wife stated that she had not seen you since you left on January 26, and your only contact had been through divorce attorneys.

When an investigator from this Office asked you why you falsely listed your address on your declaration of candidacy, you claimed that you thought there was still a chance that you would get back together with your wife. When the investigator confronted you with your wife's statement that she hadn't had any contact with you except through divorce attorneys since January 26, you insisted that you thought there was still a chance that you would get back together with your wife. When the investigator asked why you would purchase a home if you thought you would reconcile, you claimed that you would just rent the True Road mobile home if you did get back together.

II. Falsification in Official Matters:

A. False Swearing

For statements made outside of an official proceeding, a person is guilty of misdemeanor false swearing if they make a false statement under oath or affirmation and either (1) the falsification is made with a purpose to mislead a public servant performing their official function; or (2) the statement is required by law to be sworn or affirmed before a notary. See RSA 641:2.

Here, your declaration of candidacy included a section titled "AFFIDAVIT for Candidate for STATE REPRESENTATIVE." As relevant here, in this section you swore or affirmed that you were currently domiciled in Belknap District 2. This section did not require you to swear or affirm as to the specific address within Belknap District 2 at which you were domiciled.

The section of the declaration of candidacy in which you falsely stated that your mailing address was 59 Dale Road was not located within the affidavit portion of your declaration of candidacy.

Therefore, you did not violate RSA 641:2 because you were domiciled in Meredith and did not swear or affirm any false statement on your declaration of candidacy.

B. Unsworn Falsification:

A person is guilty of misdemeanor unsworn falsification if they make a written or electronic false statement that they do not believe to be true with a purpose to deceive a public servant in the performance of their official function. See RSA 641:3.

Here, you stated on your declaration of candidacy that your mailing address was 59 Dale Road, which was false. In doing so, you provided false information to the Secretary of State's Office regarding your correct mailing address, which resulted in the Secretary of State's Office mailing a packet of candidate information to you at an address at which you did not reside.

In sum, this Office concludes that you violated RSA 641:3 by falsely stating your mailing address on your declaration of candidacy with a purpose to deceive a public servant in the performance of their official function.

Although you violated RSA 641:3 by falsely stating your mailing address on your declaration of candidacy, this Office is exercising its discretion to not pursue criminal charges against you because: (1) you were qualified to run for state representative from Belknap District 2 because you were domiciled at another address within that district; (2) the affidavit portion of your declaration of candidacy did not contain any false information; and (3) you corrected your mailing address with the Secretary of State's Office a week after you filed your declaration of candidacy and prior to this Office contacting you.

You are hereby warned against making further false statements in official matters.

This matter is closed.

Sincerely,

/s/ Brendan O'Donnell

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CC: Melanie Lunney