

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

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September 15, 2023

RECEIVED  
Laconia School District

SEP 20 2023

SAU # 30  
39 Harvard Street  
Laconia, NH 03246

The Laconia Education Association  
ATTN: Tara Columb, LEA Union President  
c/o Sean List, Esq.  
6 Garvin Falls Rd,  
Concord, NH 03301

Re: Tara Columb, Alleged Illegal Campaign Activity  
**CEASE AND DESIST ORDER**

Dear LEA Union President Columb:

On February 2, 2023, this Office received a complaint from the Laconia School Board, Ward 2 Candidate, Laura Dunn, regarding activities conducted on behalf of the Laconia Education Association (LEA) by you and other members of the organization. The complaint alleged that you used a school district e-mail address to distribute two letters to the editor from the Laconia Daily Sun, which explicitly advocated for readers to vote for Candidate Dunn's opponent.

Following an investigation, this Office concludes that this activity violated RSA 659:44-a, II, which prohibits public employees from using government property or equipment for electioneering. Accordingly, this Office orders the LEA and its members to cease and desist from using government property, including government computers and e-mail addresses, for electioneering.

**I. Background:**

On Friday, November 4, 2022, at 11:59 a.m., you sent an e-mail from your "@laconiaschools.org" e-mail address to Karen Abraham at her "@laconiaschools.org" e-mail address. In that e-mail, you asked Abraham to "send the following letters to the editor to all members regarding Tuesday's Election." You also stated: "Dear Members, Attached are two letters to the editor that provide important candidate information for all voters (but especially individuals in Laconia's Ward 2)."

The first attached letter was a letter to the editor of the Laconia Daily Sun written by Aaron Hayward, the outgoing Laconia School Board chairperson. In that letter, Hayward stated "Laura Dunn and Dawn Johnson have made this last year as difficult as I could have imagined." Hayward asked readers to support Candidate Dunn's opponent for school board in Ward 2, and another candidate for school board in Ward 3.

The second attached document was a letter to the editor of the Laconia Daily Sun written by Matt Lahey. In that letter, Lahey questioned how Candidate Dunn could represent Ward 2 when she was sending her kids to a school in another ward. Lahey further stated that “Ward 2 parents, their children and Woodland Heights School deserve the full support of their Ward 2 School Board Representative” and that he was “voting for [Candidate Dunn’s opponent].”

On Friday, November 4, 2022, at 3:27 p.m., Abraham e-mailed the articles from her “@laconiaschools.org” e-mail address to the LEA Executive Board at its “@laconiaschools.org” e-mail address. Abraham’s e-mail included the message: “I was instructed to forward to all union members. Please forward to your building members. Thanks!”

On Monday, November 7, 2022, at 8:13 a.m., Hayley Rogers e-mailed the articles from her “@laconiaschools.org” e-mail address to 15 other LEA members at their “@laconiaschools.org” e-mail addresses. Rogers’ e-mail included the message “See below on information regarding candidate information relevant to tomorrow’s election. GO VOTE!”

During its investigation, this Office spoke with Attorney List, counsel for the LEA. Attorney List explained that he believed the LEA members’ activity was proper because the 2022-2025 collective bargaining agreement between the Laconia School District and the LEA (the “CBA”) “embraces LEA having open and regular communications with its members.” Article V of the CBA provides that the LEA, as relevant here, “may, with permission of the Building Principal, use school equipment normally used by teachers for Association activities.”<sup>1</sup>

## **II. LAW AND ANALYSIS**

RSA 659:44-a, II, provides that “[n]o public employee shall use government property or equipment, including, but not limited to, telephones, facsimile machines, vehicles, and computers, for electioneering.” RSA 659:44-a, III defines “electioneer” for purposes of this requirement to mean “to act in any way specifically designed to influence the vote of a voter on any question or office.”

You, Abraham, and Rogers were public employees subject to the electioneering requirements of RSA 659:44-a because you were employed by the Laconia School District, which is a public employer. See RSA 273-A:1, IX (defining “public employee” as “any person employed by a public employer”); RSA 273-A:1, X (defining “public employer” as “the state and any political subdivision thereof”).

You, Abraham, and Rogers engaged in electioneering by sending communications that expressly advocated for the success or defeat of any person at an election. Although nothing in the body of your e-mail expressly advocated for the success or defeat of a candidate, your e-mail included two letters that did so. For example, the Hayward letter asked readers to vote for a specific candidate in the Ward 2 school board election and a second specific candidate in the Ward 3 school board election. Similarly, the Lahey letter stated that “Ward 2 parents, their children and Woodland Heights School deserve the full support of their Ward 2 School Board

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<sup>1</sup> Notably, Article XII, Section 12.1 provides that if any provision of the CBA is “held to be contrary to law, then such provision or application shall not be deemed valid and subsisting, extent to the extent permitted by law.”

Representative” and that he was “voting for [Candidate Dunn’s opponent].” Thus, each letter expressly advocated for the success of one or more school board candidates. Moreover, your e-mail stated that you were sending the articles to “provide important candidate information for all voters (but especially individuals in Laconia’s Ward 2),” indicating that the purpose of your e-mail was to influence voters by conveying Hayward’s and Lahey’s advocacy statements to LEA members.

Abraham and Rogers subsequently forwarded your email, with the attached letters, to LEA members. Notably, Rogers’ e-mail additionally urged LEA members to read the letters and to “GO VOTE” at the upcoming school board election, which indicates that the purpose of her e-mail was to influence voters by conveying Hayward’s and Lahey’s advocacy statements to LEA members and urging them to vote.

In sum, these LEA communications constitute electioneering within the meaning RSA 659:44-a because the communications were designed to influence the votes of voters in upcoming school board elections.

In making these communications, you and other LEA members used Laconia School District’s computers and/or e-mail domain. Although Article V of the CBA authorizes LEA members to use Laconia School District equipment, with permission, LEA members cannot use such public property or equipment in a manner that violates State law. Therefore, notwithstanding Article V of the CBA, you and other LEA members violated RSA 659:44-a, II by using government property or equipment for electioneering.

### **III. CONCLUSION**

For the reasons described above, this Office finds that you violated RSA 659:44-a, II by using government property or equipment for electioneering.

**ACCORDINGLY, THIS OFFICE ORDERS THE LEA AND ITS MEMBERS TO CEASE AND DESIST FROM USING GOVERNMENT PROPERTY OR EQUIPMENT FOR ELECTIONEERING.**

This matter is closed.

Sincerely,

/s/ Brendan O’Donnell  
Brendan A. O’Donnell  
Assistant Attorney General  
Civil Bureau

cc: Secretary of State - Elections Division, Secretary of State  
Department of Education Commissioner Frank Edelblut  
Laconia Superintendent Steve Tucker  
Laconia School Board Chair Jennifer Anderson  
Laura Dunn