STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.
SOUTHERN DISTRICT

SUPERIOR COURT

Docket No. 226-2022-CV-00181

MILES BROWN,
ELIZABETH CROOKER,
CHRISTINE FAJARDO,
KENT HACKMANN,
BILL HAY,
PRESCOTT HERZOG,
PALANA HUNT-HAWKINS,
MATT MOOSHIAN,
THERESA NORELLI,
NATALIE QUEVEDO, and
JAMES WARD,

v.

DAVID M. SCANLAN,
in his official capacity as the New Hampshire Secretary of State

AFFIDAVIT OF STEVEN DUTTON IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

I, Steven Dutton, hereby declare as follows:

1. I am over 18 years of age and am competent to make this affidavit. I am a Director at McLane Middleton, P.A. and I am counsel for the Plaintiffs in this matter.

2. Attached to this affidavit as **Exhibit 1** is a true and correct copy of Governor Christopher T. Sununu's Veto Message Regarding House Bill 706, which was issued on August 9, 2019.

3. Attached to this affidavit as **Exhibit 2** is a true and correct copy of Governor Christopher T. Sununu's Veto Message Regarding House Bill 1665, which was issued on July 31, 2020.

4. Attached to this affidavit as **Exhibit 3** is a true and correct copy of a January 23,

2021 article written by John DiStaso and published by WMUR entitled *After 4-hour Zoom Chaos, NHGOP Adjourns Annual Meeting with no Vote on Chair, Vice Chair*.

5. Attached to this affidavit as **Exhibit 4** is a true and correct copy of a certified transcript of the November 4, 2021 meeting of the New Hampshire House Special Committee on Redistricting, the video of which is available at https://www.youtube.com/watch?v=TwdEXiXO2Ws.

6. Attached to this affidavit as **Exhibit 5** is at true and correct copy of a certified transcript of the November 16, 2021 meeting of the New Hampshire House Special Committee on Redistricting, the video of which is available at https://www.youtube.com/watch?v=wcMw_gym2zo.

7. Attached to this affidavit as **Exhibit 6** is a true and correct copy of the Senate Calendar for the Second Year of the 167th Session of the New Hampshire General Court, published on December 29, 2021.

8. Attached to this affidavit as **Exhibit 7** is a true and correct copy of a January 10, 2022 article written by Garry Rayno and published by InDepthNH.org entitled *People Urge Senators to Develop Bipartisan Redistricting Plans*.

9. Attached to this affidavit as **Exhibit 8** is a true and correct copy of the February 16, 2022 Senate roll call vote on New Hampshire Senate Bill 240 (2022).

10. Attached to this affidavit as **Exhibit 9** is a true and correct copy of an April 14, 2022 article written by Garry Rayno and published by InDepthNH.org entitled *House Panel Approves New District Plans for State Senate and Executive Council*.

11. Attached to this affidavit as **Exhibit 10** is a true and correct copy of a certified transcription of the April 14, 2022 meeting of the New Hampshire House Special Committee on

Redistricting, the video of which is available at https://www.youtube.com/watch?v=ZKHGHZSp3sA.

12. Attached to this affidavit as **Exhibit 11** is a true and correct copy of a press release issued by Governor Sununu dated May 6, 2022.

13. Attached to this affidavit as **Exhibit 12** is a true and correct copy of the bill docket for New Hampshire Senate Bill 241 (2022).

14. Attached to this affidavit as **Exhibit 13** is a true and correct copy of an affidavit by Dr. Jowei Chen, dated May 9, 2022.

15. Attached to this affidavit as **Exhibit 14** is a true and correct copy of the districting plan for the New Hampshire State Senate in place prior to enactment of Senate Bill 240 (2022).

16. Attached to this affidavit as **Exhibit 15** is a true and correct copy of an affidavit by Dr. Dante Scala, dated May 8, 2022.

17. Attached to this affidavit as **Exhibit 16** is a true and correct copy of an expert affidavit by Dr. Wesley Pegden, dated May 8, 2022.

18. Attached to this affidavit as **Exhibit 17** is a true and correct copy of a March 28, 2022 article written by Amanda Gokee and published by the New Hampshire Bulletin entitled *Sununu's Redistricting Proposal for Congressional Districts Raises Concerns for Some.*

19. Attached to this affidavit as **Exhibit 18** is a true and correct copy of an April 1, 2022 article published by the Keene Sentinel entitled *Gerrymander North; The Republican-Drawn Executive Council Map Somehow Made A Bad Situation Worse.*

20. Attached to this affidavit as **Exhibit 19** is a true and correct copy of an April 18, 2022 article written by Kevin Landrigan and published by the New Hampshire Union Leader entitled *Cryans Hopes to Unseat Executive Council's Lone Democrat in Primary Challenge.*

21. Attached to this affidavit as **Exhibit 20** is a true and correct copy of the districting plan for the New Hampshire Executive Council in place prior to enactment of Senate Bill 241 (2022).

22. Attached to this affidavit as **Exhibit 21** is a true and correct copy of the April 25, 2022 decision of the Wyandotte County, Kansas District Court, 29th Judicial District, in *Rivera v. Schwab*, No. 2022-cv-89.

23. Attached to this affidavit as **Exhibit 22** is a true and correct copy of an affidavit by Plaintiff Miles Brown, dated April 21, 2022.

24. Attached to this affidavit as **Exhibit 23** is a true and correct copy of an affidavit by Plaintiff Elizabeth Crooker, dated May 7, 2022.

25. Attached to this affidavit as **Exhibit 24** is a true and correct copy of an affidavit by Plaintiff Christine Fajardo, dated April 21, 2022.

26. Attached to this affidavit as **Exhibit 25** is a true and correct copy of an affidavit by Plaintiff Kent Hackmann, dated April 22, 2022.

27. Attached to this affidavit as **Exhibit 26** is a true and correct copy of an affidavit by Plaintiff Bill Hay, dated April 25, 2022.

28. Attached to this affidavit as **Exhibit 27** is a true and correct copy of an affidavit by Plaintiff Prescott Herzog, dated April 26, 2022.

29. Attached to this affidavit as **Exhibit 28** is a true and correct copy of an affidavit by Plaintiff Palana Hunt-Hawkins, dated April 21, 2022.

30. Attached to this affidavit as **Exhibit 29** is a true and correct copy of an affidavit by Plaintiff Matt Mooshian, dated April 22, 2022.

31. Attached to this affidavit as **Exhibit 30** is a true and correct copy of an affidavit by

Plaintiff Theresa Norelli, dated April 21, 2022.

32. Attached to this affidavit as **Exhibit 31** is a true and correct copy of an affidavit by Plaintiff Natalie Quevedo, dated April 22, 2022.

33. Attached to this affidavit as **Exhibit 32** is a true and correct copy of an affidavit by Plaintiff James Ward, dated April 22, 2022.

I swear that the above information is true and correct to the best of my knowledge and belief, this 9th day of May, 2022.

Steven J. Dutton

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

Sworn to and subscribed before me, the under-signed officer, this 9th day of May, 2022.

Notary Public/Justice of the Peace

CARRIE J. TARBOX
Notary Public - New Hampshire
My Commission Expires March 21, 2023