

CITY OF WATERTOWN
Board of Election Commissioners
Nov 2, 2022

Present: Commissioners Adam Brewster, Christopher Dunn, Jonathan Hecht and Eugene Slaven; City Clerk & Chief Election Officer Janet M. Murphy, Head Clerk Noelle Gilligan and City Legal Counsel Atty. Lauren Goldberg

Chair Christopher Dunn called the meeting to order at 4:00 p.m.

Agenda

1. Complaint Against the Election Commission

Background:

On October 25, 2022, Watertown resident Deborah R. Dugan filed a complaint pursuant to [Massachusetts General Laws Chapter 51 Section 48](#) alleging that approximately 1,600 individuals are “illegally or incorrectly” registered to vote in Watertown and asking the Board to summon each individual to appear prior to the Nov 8, 2022 State Election to address the issue raised in the complaint.

As evidence, Ms. Dugan provided a report compiled by Stephen J. Stuart, president of Stuart Research, LLC, containing a list of registered Watertown voters purportedly with non-Watertown addresses.

According to Mr. Stuart, the report was generated by matching Watertown’s voter rolls against the USPS database of change of address records.

Board Discussion and Decision:

Atty. Goldberg provided an overview of the relevant statute and regulations pertaining to Ms. Dugan’s complaint and argued that the evidence raised in the complaint was insufficient grounds to warrant further action by the Board—i.e., summoning the listed individuals to appear before the Board. Ms. Goldberg’s opinion was based on the following key factors:

- A change of address is not sufficient evidence that a voter is illegally or incorrectly registered to vote in Massachusetts for several reasons, e.g., a voter may be a resident of more than one jurisdiction or have set up a P.O. Box for mail forward.
- To warrant Board action pursuant to Massachusetts General Laws Chapter 51 Section 48, the complaint must cite evidence that is “personal and specific” to the voter. A change of address does not satisfy these criteria.
- There is no precedent in Massachusetts for acting on such a complaint based solely on change of address data.
- Voter registration statutes and election laws generally are intended to protect the right of voters and ensure the process is free from fraud.
- Voters must sign under oath to register, change addresses, or, if they are inactive, to vote.

Atty. Goldberg read aloud her opinion summarizing the above points. Commissioner Slaven offered an amendment to remove language questioning the reliability of the data on grounds that since the data is itself insufficient to warrant further Board action, its accuracy is irrelevant.

The Board voted unanimously 4-0 to approve Atty. Goldberg's recommendation that the Board find that "the complainant has not demonstrated sufficient grounds for her approximately 1600 voter registration challenges" based on the arguments above and that therefore, the Board cannot take action on an invalid complaint.

2. Inactive Voters Procedures

Commissioner Hecht asked for clarification on how poll workers should address inactive voters, City Clerk Murphy and Atty. Goldberg confirmed that whether an ID is provided, all inactive voters must complete an Affirmation of Current & Continuous Residency. It was further confirmed that any inactive voter that does not produce ID in order to provide proof of residency, will be allowed to vote but will also be required to complete the Challenged Ballot process.

3. Precincts 4 & 5 Logistics

Ms. Murphy provided an update on entrances to polling locations for precincts 4 and 5 located at the Phillips School, noting that the school gave the Board permission to set up the location as the Board sees fit and utilize both the Senior Citizen Center entrance at 31 Marshall St. and the school's main entrance at 30 Common St.

Motion to Adjourn at 5:00 PM was unanimously approved.

