

Election Commission 2/17/11

Call to Order by Chair Dube

Pledge of Allegiance

Roll Call – Commissioners Present:

Chairperson Mary Anne Dube

Commissioner Jon Goggins

Commissioner Ana Rodriguez

Commissioner Robert Winant

Old Business:

The first order of business was an update on actions regarding the complaint filed by 3 poll watchers regarding possible fraudulent activity that took place at different polling locations during the November, 2010 election. As a result of feedback from the Secretary of State, the City Solicitor was requested to review and provide an opinion on the legality of displaying logos of a group that do not explicitly show support of a particular candidate or political party but can be construed as supporting a particular candidate or political party because of the activities of the group within a polling place and leading up to the election. The solicitor provided a written response recommending a fact-finding hearing prior to each election so that the Board could evaluate organizations on a case-by-case basis taking into account their political activities and endorsements prior to Election Day. The Board discussed the communication and as a result of this discussion, it was determined such instances need to be addressed on a case-by-case basis prior to future elections and will be so addressed as necessary.

As a result of the feedback from the Secretary of State, the City Election Commission held a conference call with Ms. Michelle Tassinari from that office to discuss what steps could be taken to help minimize, if not eliminate, the actions noted in the complaints. The following actions are recommended as a result of that call:

1. Strengthen poll worker training
2. Work with the 2 major parties to have them recommend poll workers
3. Make sure poll workers are aware of proper voting procedures
4. Clarify what voter assistance means
5. Provide poll workers with color coded badges to identify them as members of a particular party and make sure when a voter asks poll worker assistance that one member from each party are involved in the assistance
6. If someone states they are present to assist a particular voter, the poll worker is to confirm that with the voter.
7. Voters who are listed as inactive on the voter list will be required to provide valid identification prior to receiving a ballot.

There were several attendees at the meeting who spoke representing both sides of the complaint. Those opposing the complaint were Mayor Joseph O'Brien of Worcester and State Representative James O'Day of West Boylston and 3 members of the group Neighbor to Neighbor. Those supporting the complaint included Desiree Awiszio, Deputy Campaign Manager for Marty Lamb and Bonnie Johnson of the Worcester Tea Party. Those opposed to the complaint questioned the legitimacy of the complainants as not being representative of the voters of Worcester as they were not residents, while those in support of the complaint emphasized that the complaint was drawn up using feedback not only from poll watchers from outside of Worcester, but from many who are Worcester residents. Other discussions focused on whether those members of Neighbor to Neighbor should be allowed to wear a t-shirt displaying their logo and whether they were representative of a particular political party.

The next order of business was an update on the 2011 street listing. The office of Elections is working on the responses received. Several staff members from the City Clerk's office have provided aid in the processing of street listing returns. As of today, there were a total of 19,895 forms returned. There has been approximately 30% response rate. The deadline for returns has passed, so once all the information has been processed, further confirmation mailings will be sent out to those who have not responded with a prepaid response card.

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**New Business:**

The City Council has voted on the Municipal Calendar for this year's City elections. Nomination papers will be available 9am on March 8<sup>th</sup>. The last day and hour to submit papers for signature certification is 5pm on July 26. The Preliminary Election (if needed) will be held September 20<sup>th</sup> and the Municipal Election will be November 8<sup>th</sup>.

The Commission filed the calendar as presented.

The next meeting is scheduled for March 21, 2011 at 5:30 p.m.

The meeting was adjourned at 6:30 p.m.



CITY OF WORCESTER  
LAW DEPARTMENT  
CITY HALL, ROOM 301  
WORCESTER, MASSACHUSETTS 01608

TELEPHONE  
(508) 799-1161  
FACSIMILE NUMBER  
(508) 799-1163

DAVID M. MOORE  
CITY SOLICITOR

January 19, 2011

David J. Rushford, City Clerk  
City of Worcester, Massachusetts

Re: *Election Commission Question on Campaigning at Polling Locations*

Dear Mr. Rushford:

You forwarded a request of the election commission for a legal opinion on the question whether the display of logo's and slogans indentifying individuals who provided voters with assistance at the polls on election day as members of the "Neighbor to Neighbor" organization violated the provisions of G.L. c. 54 § 65 or the regulations adopted under it in 950 CMR §54.04.

This matter was one among many brought to the attention of the commission in a letter from Jeffrey Rosenberg and Cecilia DelGaudio dated November 19, 2011. You provided a letter from Michelle K. Tassinari, Director/Legal Counsel of the elections division of the secretary of state's office dated December 17, 2010, which was written to you and the election commission in response to the complaints raised in the Rosenberg-DelGaudio letter.

The legal standard invoked by this portion of the complaint was correctly identified by Ms. Tassinari as G.L. c. 54 § 65 and the regulations promulgated in 950 CMR §54.04. (I have enclosed copies of each). After describing what official signage must appear at each polling location, section 65 provides: "no other poster, card, handbill, placard, picture or circular intended to influence the action of the voter shall be posted, exhibited, circulated or distributed in the polling place...". The related regulation, 950 CMR §54.04, phrases this prohibition with the words "No campaign material intended to influence the vote of a voter in the ongoing election, including campaign literature, buttons, signs, and ballot stickers, may be posted, exhibited, circulated, or distributed in the polling place, in the building where it is located, on the building walls, on the premises where the building stands, or within 150 feet of an entrance door to the building." Breaking this down into its parts, the statute applies to any information "other" than official election instructions and materials which is "posted, exhibited, circulated or distributed" within a polling place or within 150 of the doorway entrance to a polling location. The regulation uses different language by saying that no one shall "solicit votes, for or against, or otherwise

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promote or oppose, any person or political party or position on a ballot question.” 950 CMR §54.04(d).

Ms. Tassinari indicated that the secretary of state cannot tell from the information provided whether the individuals in the polling locations wearing t-shirts with Neighbor to Neighbor logo’s qualify under this statute and has asked the city to make that determination.

I understand the conclusion that it is not possible without further information to make any determination under this statute. As legal counsel, I can advise the commission of the legal standards that apply to this situation, but it is ultimately a fact-question to be decided by the commission based on the best evidence it can assemble. However, before the commission proceeds to make that determination, it may well be that the intent of Ms. Tassinari’s comment is forward-looking and not remedial. The results of the November election have been certified. Violations of section 65 carry a \$20 penalty. Any effort to seek criminal penalties would require a separate determination of a violation of the statute in the context of a criminal enforcement proceeding. Short of that, the commission could focus on the next election and take appropriate action when and if these potential violations arise again. To that end, commission could look into the events in the November 2<sup>nd</sup> election so as to better inform its response during the next election. Ms. Tassinari has offered to meet with the city to discuss this, along with any other of the issues raised by the Rosenberg-DelGaudio letter. I think it would be productive to have that meeting and for the commission to hear any guidance she might have on this particular subject relating to the conduct of future elections. The goal of this effort would be to articulate guidelines which could then be enforced during the next election.

Whether the commission is attempting to make a determination as to the events of the November 2<sup>nd</sup> election or is developing policies or guidelines for the next election, I offer the following procedural and substantive advice.

Procedurally, the commission could conduct a fact-finding hearing (or hearings) by setting a meeting date(s) at which it would give anyone with information on this subject an opportunity to be heard or submit written materials. The commission might also request a report from you as its executive adding any information that you or the election workers under your supervision might add.

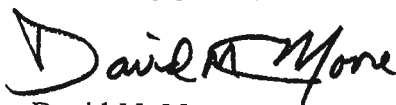
Substantively, making this determination requires a focus on information relevant to the provisions of the statute, in this case, whether the wearing of the t-shirts exhibited information intended to influence the actions of the voters. I would suggest that this effort would require evidence on:

- The message on the t-shirts: The Rosenberg-DelGaudio letter indicated that individuals providing assistance to voters wore “logo’s and slogans.” The commission should determine the content of these logo’s and slogans. It would be impossible to determine whether there is an intent to influence voters without coming to some conclusion as to the content of the messages and how they were being displayed on articles of clothing.

- Assuming that the t-shirts identified the wearer as a member of "Neighbor to Neighbor," the extent to which the organization involved itself in the electoral process prior to election day could be relevant to a determination whether there was an intent to influence voters. The Rosenberg-DelGaudio letter argues that "Neighbor to Neighbor" is a political entity and supports that argument with references to the "Neighbor to Neighbor" website.<sup>1</sup> The commission could receive more complete information on that point before making any conclusions.
- The manner in which the t-shirts were worn in the polling place: Another factor in the intent to influence voters inquiry would be the manner in which the t-shirts were worn. It would seem to make a difference whether a single t-shirt was worn by a voter or whether, as is the allegation, the t-shirts were worn by a number of people in apparent positions of authority in the polling place.

I do not propose this list as comprehensive and expect that commissioners will bring forth different factors to be considered. I would be happy to explore this further with you or the commission at any time.

Very truly yours,



David M. Moore  
City Solicitor

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<sup>1</sup> Your question also asks whether section 65 would apply to other organizations, such as labor unions and professional organizations that endorse candidates or ballot questions. This question cannot be answered in the abstract because I would think the answer would depend on the organization and its pre-election activities and any other relevant circumstances. For example, on one extreme I could envision a group of individuals wearing "Tea Party" t-shirts providing assistance to voters as being seen as attempting to influence voters in an election where the "Tea Party" organization endorsed candidates. On the other extreme, for example, would be a group of individuals providing assistance at the polls wearing Boston Red Sox t-shirts and logo's celebrating another World Series crown.

**General Laws, Chapter 54, Section 65:**

Section 65. At an election of state or city officers, and of town officers in towns where official ballots are used, the presiding election officer at each polling place shall, before the opening of the polls, post at least three cards of instruction, three cards containing abstracts of the laws imposing penalties upon voters, and at least three specimen ballots within the polling place outside the guard rail, and have available at the check in area at state elections a number of copies of the information for voters material provided for in section fifty-four at least one for every one hundred voters; and **no other poster, card, handbill, placard, picture or circular intended to influence the action of the voter shall be posted, exhibited, circulated or distributed in the polling place, in the building where the polling place is located, on the walls thereof, on the premises on which the building stands, or within one hundred and fifty feet of the building entrance door to such polling place.** In polling places in which voting machines or approved electronic voting systems are used, the samples of the ballot posted shall be, substantially, replicas of the ballot labels, cards or ballots upon which the voters must vote in using the particular machine or system. Pastors, commonly called stickers, shall not be posted, circulated or distributed in the polling place, in the building where the polling place is located, on the walls thereof, on the premises on which the building stands, or within one hundred and fifty feet of the building entrance door to such polling place. Such pasters shall be subject to all the restrictions imposed by sections forty-one and forty-four as to names and residences of candidates and the size of the type in which the names shall be printed; but no political or other designation shall appear on such pasters, and no vote by paster shall be counted if such designation appears. The presiding election officer shall, at the opening of the polls, publicly open the packages containing the ballots and deliver them to the ballot clerks. All specimen ballots not posted shall be kept in the custody of the presiding officer until after the closing of the polls.

No rule, regulation or provision of law shall prohibit a person who is a member of a police or fire department of the commonwealth, or any political subdivision thereof, who is not on active duty, from distributing such material one hundred and fifty feet distant from a building entrance door to a polling place in an election where there appears on the ballot a referendum pertaining to, or affecting, the conditions of employment, including hours of labor and compensation, in the department of which said person is a member subject to the provisions of this section.

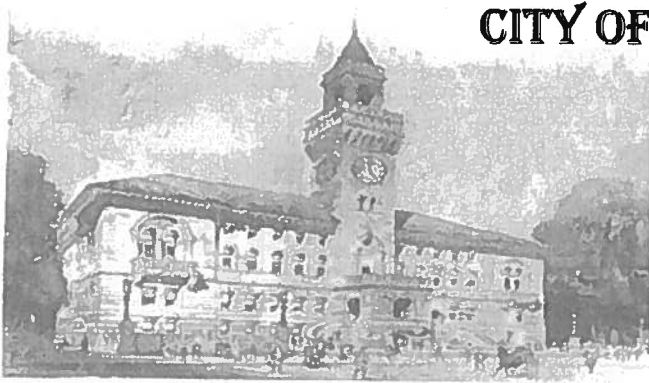
No person shall be allowed to collect signatures upon petitions, referendum petitions or nomination papers within one hundred and fifty feet from the building entrance door to a polling place.

Whoever posts, exhibits, circulates or distributes any poster, card, handbill, placard, picture or circular intended to influence the action of a voter, or any paster to be placed upon the official ballot, in violation of any provision of this section, shall be punished by a fine of not more than twenty dollars.

**950 CMR §54.04(22)(c)&(d):**

(c) Campaign Material. No campaign material intended to influence the vote of a voter in the ongoing election, including campaign literature, buttons, signs, and ballot stickers, may be posted, exhibited, circulated, or distributed in the polling place, in the building where it is located, on the building walls, on the premises where the building stands, or within 150 feet of an entrance door to the building. As used in this paragraph and M.G.L. c. 54, § 65, the "premises" where or on which the building stands means only the grounds in the immediate vicinity of the building, and does not include the entirety of a large parcel of real property. No person shall collect or solicit signatures on nomination papers or petitions of any kind within 150 feet of an entrance door to the building. The police officer shall enforce this rule under the direction of the warden. Access to the polling place must be open and unobstructed and the voters may not be hindered.

(d) Activities at Polling Place. Within 150 feet of a polling place as defined in 950 CMR 54.04(22)(c), no person shall solicit votes for or against, or otherwise promote or oppose, any person or political party or position on a ballot question, to be voted on at the current election.



# CITY OF WORCESTER, MASSACHUSETTS

## CITY CLERK DEPARTMENT

David J. Rushford, City Clerk

Susan M. Ledoux, Assistant City Clerk  
Michael J. Monfredo, Assistant City Clerk  
Joshua D. Meduna, Assistant Director of Elections

David Moore, City Solicitor  
455 Main Street, City Hall - Room 301  
Worcester, MA 01608

January 11, 2011

Dear Mr. Moore,

At the meeting of the Worcester Board of Election Commissioners held on November 22, 2010 a twelve page complaint (attached) was submitted alleging certain prohibited activities took place at Worcester polling locations during the course of the November 2, 2010 State Election. The Commission forwarded the affidavit, along with a request for a legal opinion, to the Secretary of the Commonwealth.

One of the issues that came up was if a voter, or individual assisting a voter, could wear an article of clothing in the polling location bearing the logo of an organization, in this case "Neighbor 2 Neighbor."

The complainant argues that the organization's mission, as stated on their website, "identifies them as creators of, and supporters of and campaigners for specific candidates. Thus, their logo is a campaign slogan, identification, marketing impression and the product of a campaign itself. Wearing this in or around a polling location is without a doubt illegal."

The Secretary's Legal Counsel, Michelle Tassinari, responded (attached) that "it is unclear from the information provided whether the logo for the organization was in some way intended to promote or oppose a certain candidate, political party or ballot question. If so, the provisions of chapter 54, section 65 and 950 CMR § 54.04 would apply. This determination would need to be made by the City."

On the January 10, 2011 Election Commission meeting, a vote was taken to solicit your legal opinion if the provisions found in Massachusetts General Law chapter 54, section 65 and/or regulations found in 950 CMR § 54.04 would apply to this organization's logo, and if so would these provisions also apply to logos of other organizations that publicly endorse candidates or ballot questions (ie. labor unions or professional organizations).

We look forward to your response,

For the Board of Election Commissioners,

David J. Rushford  
City Clerk

encs.





The Commonwealth of Massachusetts  
William Francis Galvin, Secretary of the Commonwealth  
Elections Division

December 17, 2010

David J. Rushford, City Clerk  
City of Worcester  
City Hall  
455 Main Street, Room 206  
Worcester, MA 01608-1889

Dear Mr. Rushford:

Our Office is in receipt of your letter dated November 23, 2010 in which you request clarification on behalf of the Worcester Board of Election Commissioners (Board) on a variety of subjects. As way of background, you indicate that the Board had received a communication alleging certain activities at polling places in the City at the November 2, 2010 State Election and that the Board held a hearing in the matter. As a result of the communication received and testimony presented at the hearing, the Board is now seeking an opinion from this Office on each issue raised in the communication and further requesting a course of action to follow moving forward.

Prior to this Office being able to direct the Board on a course of action to follow in each area moving forward, we would need additional information. In particular, we will need to know what information in the complaints has been verified and what the City's current practices are in various areas. We would be happy to set up a meeting with you to discuss this further.

In the meantime, below please find the different subject matters listed in your letter and the applicable laws and regulations.

**Community groups actions around polling locations:**

Chapter 54, section 65 of the Massachusetts General Laws provides as follows:

No other poster, card, handbill, placard, picture or circular intended to influence the action of the voter shall be posted, exhibited, circulated or distributed in the polling place, in the building where the polling place is located, on the walls thereof, on the premises on which the building

One Ashburton Place, 17th Floor, Boston, Massachusetts 02108  
(617) 727-2828 • 1-800-462-VOTE (8683)  
website: [www.sec.state.ma.us/ele](http://www.sec.state.ma.us/ele) • e-mail: [elections@sec.state.ma.us](mailto:elections@sec.state.ma.us)

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stands, or within one hundred and fifty feet of the building entrance door to such polling place.

Mass. G.L. c. 54 § 65 (2008 ed.).

This section further provides that:

No person shall be allowed to collect signatures upon petitions, referendum petitions or nomination papers within one hundred and fifty feet from the building entrance door to a polling place.

Whoever posts, exhibits, circulates or distributes any poster, card, handbill, placard, picture or circular intended to influence the action of a voter, or any paster to be placed upon the official ballot, in violation of any provision of this section, shall be punished by a fine of not more than twenty dollars.

Id.

Additionally, the Code of Massachusetts Regulations provides as follows:

**(c) Campaign Material.** No campaign material intended to influence the vote of a voter in the ongoing election, including campaign literature, buttons, signs, and ballot stickers, may be posted, exhibited, circulated, or distributed in the polling place, in the building where it is located, on the building walls, on the premises where the building stands, or within 150 feet of an entrance door to the building. As used in this paragraph and M.G.L. c. 54, § 65, the "premises" where or on which the building stands means only the grounds in the immediate vicinity of the building, and does not include the entirety of a large parcel of real property. No person shall collect or solicit signatures on nomination papers or petitions of any kind within 150 feet of an entrance door to the building. The police officer shall enforce this rule under the direction of the warden. Access to the polling place must be open and unobstructed and the voters may not be hindered.

**(d) Activities at Polling Place.** Within 150 feet of a polling place as defined in 950 CMR § 54.04(22)(c), no person shall solicit votes for or against, or otherwise promote or oppose, any person or political party or position on a ballot question, to be voted on at the current election.

950 CMR § 54.04 (22).

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The foregoing provisions apply to all individuals including those in community groups. We are not aware of any other provisions in the election laws that specifically apply to community groups organized as non-profit charities. However, there may be provisions regarding non-profits generally that may regulate their activities which are outside of the scope of the election laws.

**Organizations status as a political party:**

Chapter 50, section 1 defines a political party as follows:

"Political party" shall apply to a party which at the preceding biennial state election polled for any office to be filled by all the voters of the commonwealth at least three percent of the entire vote cast in the commonwealth for such office, or which shall have enrolled, according to the first count submitted under section thirty-eight A of chapter fifty-three, a number of voters with its political designation equal to or greater than one percent of the entire number of voters registered in the commonwealth according to said count. Such parties shall be eligible to conduct primary elections at the next following biennial state election. With reference to municipal elections and primaries and caucuses for the nomination of city and town officers, "political party" shall include a municipal party.

Mass. G.L. c. 50 § 1 (2008 ed.).

At the time of the November 2, 2010 State Election, the political parties in Massachusetts were Democrat, Republican and Libertarian. As a result of certification of the 2010 State Election, the present political parties in the state are Democrat, Republican and Green-Rainbow.

**Organization exchanging food or goods for voter participation:**

The United States Code has the following provision:

(c) False information in registering or voting; penalties. Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or **pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$ 10,000 or imprisoned not more than five years, or both: *Provided, however,*** That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate

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for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

42 USC § 1973(i) (2008) (emphasis added).

For further information on this federal law, please contact the Department of Justice's Public Integrity Section or the U.S. Attorney's office.

**Voter or helper wearing a shirt with organization's logo:**

The same rules apply as discussed above for activities in and around the polling location to any person entering a polling place, including voters, persons assisting voters and observers. It is unclear from the information provided whether the logo for the organization was in some way intended to promote or oppose a certain candidate, political party or ballot question. If so, the provisions of chapter 54, section 65 and 950 CMR § 54.04 would apply. This determination would need to be made by the City.

**Assistance to Voters:**

Chapter 54, section 79 of the General Laws provides as follows:

A voter who states to the presiding officer that from blindness or other physical disability or inability to read or to read in the English language he is unable to prepare his ballot or register his vote upon a voting machine shall be assisted in such marking or registering by any person whom he may designate.

Mass. G.L. c. 54 § 79 (2008).

Further, the Code of Massachusetts Regulations has the following provision:

**(9) Instruction and Assistance to Voters.**

**(a) Instruct Voters.** An election officer may answer questions and instruct the voter on the proper method of ... marking the ballot. Election officers shall use the demonstration model provided outside the voting booth.

**(b) Instruction is Different from Assistance.** Instruction shall consist of informing the voter on the proper method of ... marking a ballot;

David J. Rushford  
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assistance shall consist of actually voting for the voter. Except as the law permits, a voter must ...mark his ballot in secret.

**(c) Assistance to Voter.** If a voter asks for assistance in casting his ballot due to blindness, physical disability or inability to read or to read English, he may be assisted by a person of his own choice or if he desires instead by two election officers of different parties.

**(d) Do Not Influence Voter.** Election officers shall not in any manner request or seek to persuade or influence any voter to vote for or against any person or political party or ballot question.

**(19) One Person Per Voting Booth.** Only one person shall be allowed in a voting booth except in cases of assistance provided to a physically disabled or blind person or a person who cannot read or who cannot read English.

950 CMR § 54.04(9).

Federal law also provides for assistance:

Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union.

42 USC § 1973aa-6 (2008 ed.).

Additionally, as you are aware, every polling place in Massachusetts is equipped with at least one AutoMARK Voter Assist Terminal. Although the primary function of this unit is to provide voters with disabilities the same opportunity to vote privately and independently as other voters, it can also be effective for assisting voters who cannot read or read English. In Worcester, the AutoMARK Voter Assist Terminal is programmed to display and read the ballots in both English and Spanish. Accordingly, the AutoMARK Voter Assist Terminal is a great resource for voters who cannot read English or Spanish as the unit can read the ballot to them in English or Spanish.

**Preprinted materials:**

General Law chapter 54, section 65, discussed above, does not limit the voter themselves from bringing materials into the voting booth. They can bring preprinted brochures or pamphlets, or their own notes. The voter may also bring

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with them a sticker, handed to them on their way into the polls by one of the write-in candidates, to affix to the ballot. However, there are criminal penalties for exhibiting such materials in and around the polling place. Accordingly, voters should not display campaign literature while in the polling location. Additionally, it is incumbent on the election officers to check the voting booths regularly to see that no one has left any materials behind. 950 C.M.R. § 54.04(22)(b).

It is important to note that observers must also comply with chapter 54, section 65 and the applicable regulations. Accordingly, a person standing within 150 feet of a polling location, including observers inside the polling location itself, may not: hold any campaign sign; hand any person literature intended to influence the voter's action at the polls; wear any campaign buttons or identifying signage; solicit a person's vote for or against a candidate or question on the ballot; or, distribute stickers.

**Coercing voters, either by phone or in person:**

Chapter 56 of the General Laws contains criminal provisions for interference with voting and certain practices that are forbidden in relation to voting. Without first hand knowledge of the relevant facts, it is unclear whether any of these provisions would apply. If the City believes any provisions of chapter 56 apply, the matter could be referred to the District Attorney or Attorney General for criminal prosecution.

The federal laws also impose penalties for interference with an individual's right to vote. In particular, there are penalties for any person who intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce another person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or cause such other person to vote for, or not to vote for, any candidate for federal office. 18 USC § 594 (2008 ed.).

Also, section 1973(i) of title 42 of the U.S. Code provides as follows:

No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any persons to vote or attempt to vote.

42 USC § 1973(i) (2008 ed.).

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**Eligibility of voters of questionable mental competency:**

Chapter 51, section 1 provides the qualifications for voters and includes the following language:

Every citizen eighteen years of age or older, **not being a person under guardianship** or incarcerated in a correctional facility due to a felony conviction, and not being temporarily or permanently disqualified by law because of corrupt practices in respect to elections, who is a resident in the city or town where he claims the right to vote at the time he registers, and who has complied with the requirements of this chapter, may have his name entered on the list of voters in such city or town, and may vote therein in any such election.

Mass. G.L. c. 51 § 1 (2008 ed.) (emphasis added).

Our Office, in consultation with the Departments of Mental Health and Developmental Services and the Office of the Attorney General, has concluded that the words "under guardianship" in section 1 must be interpreted for voting purposes to refer only to guardianships that contain specific findings prohibiting voting. The reasoning of this opinion was based on decisions from the Supreme Judicial Court including Boyd v. Board of Registrars of Voters of Belchertown, 368 Mass. 631 (1975) and Guardianship of Hurley, 394 Mass. 554 (1985).

In Boyd, the Court held that the "plaintiffs, if otherwise qualified under the Constitution and laws of the Commonwealth, may not be precluded from registering to vote solely because they reside at a State-operated facility for mentally retarded persons." Boyd, 368 Mass. at 632.

The Court in Hurley discussed the probate court's finding that an individual under guardianship was "capable of making informed decisions concerning the exercise of his right to vote" and ordered that the individual "not be deemed to be under guardianship within the meaning of that term" as used in chapter 51, section 1. Hurley, 394 Mass. at 557. Accordingly, the individual was allowed to register and vote in the 1980 election. Id.

**Investigation of voters who perjure themselves when signing voter registration or absentee ballot applications or absentee ballot envelopes:**

On the local level, there are steps that can be taken by the board of registrars or election commissioners if they learn of information that indicates someone in their city or town is incorrectly or illegally registered to vote.

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Chapter 51, section 47B provides as follows:

If at any time subsequent to the registration of a voter the registrars have probable cause to believe that the voter has made a false statement in his affidavit of registration, they may prepare a complaint setting forth the basis for their belief, and summon the voter to appear before them in the manner set forth in section forty-eight. They shall examine the voter and determine his qualifications to vote in the manner set forth in section forty-nine.

Mass. G.L. c. 51 § 47B (2008 ed.).

A similar process is available to voters to challenge the registration of a voter in the municipality. Pursuant to section 48 of chapter 51, any registered voter may also file a complaint, signed and sworn to, with the registrars of voters.

Section 49 of chapter 51 provides for the process of examining the voter's qualifications when a complaint is made by either the registrars or a voter and if the registrars find that the person is not a qualified voter, they may strike him or her from the register.

Additionally, there are criminal penalties in chapter 56 for illegally registering to vote and voting absentee. Chapter 56, section 8 provides as follows:

Whoever causes or attempts to cause his name to be registered, knowing that he is not a qualified voter in the place of such registration or attempted registration; whoever registers or attempts to register under a name other than his own; whoever represents or attempts to represent himself as some other person to an election commissioner, registrar or assistant registrar; whoever gives a false answer to an election commissioner, registrar, or assistant registrar respecting any matter relating to his registration or his right to vote; whoever otherwise illegally registers or attempts to register; or whoever aids or abets any other person in doing any of the acts above mentioned, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than five years, or both.

Mass. G.L. c. 56 § 8 (2008 ed.).

The city or town can refer allegations concerning these matters to the District Attorney or Attorney General for criminal prosecution.



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Additionally, election officials and any other person may challenge a voter's right to vote, even voters voting by absentee ballot. If the clerk or registrars or any other person at the polling place has information that a voter is not qualified to vote or qualified to vote absentee, they can challenge the voter's ballot under section 96 of chapter 54.

Also, chapter 56, section 27 provides for the following penalties:

Whoever, not being entitled to vote under the laws relative to absent voting, votes or attempts to vote thereunder or whoever being entitled to vote under said laws knowingly votes or attempts to vote in violation thereof shall be punished by a fine of not more than ten thousand dollars and by imprisonment for not more than five years.

Mass. G.L. c. 56 § 27 (2008).

**Identification at the Polls:**

Federal and state law require certain individuals to show identification when voting. Inactive voters must sign the affirmation of current and continuous residence and show identification showing their name and current address. 950 CMR § 54.04. "Inactive voters who fail to show suitable identification must be allowed to vote. However, an election officer shall, and any other person may, challenge their right to vote". Id.

Also, pursuant to section 76B of chapter 54, registered voters who have registered to vote in the city or town by mail after January 1, 2003 and who have not previously voted in an election for federal office in the Commonwealth must show identification the first time they vote. This state law was implemented to comply with the federal Help America Vote Act of 2002.

Additionally, the Code of Massachusetts Regulations contains the following provision:

**Identification.** If so authorized by the city or town clerk or registrars of voters, an election officer may request any voter to present written identification. Such requests shall not discriminate in any way, but shall be entirely random, consistent, or based on reasonable suspicion. For the purpose of 950 CMR 54.04(6B), of M.G.L. c. 54, § 76B, and of 950 CMR § 54.04(6)(b), suitable written identification includes a driver's license, recent utility bill, rent receipt on a landlord's printed letterhead, lease, duplicate copy of a voter registration affidavit, or any other printed identification which contains the voter's name and address. If voters fail to

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present suitable written identification when so requested, they must still be allowed to vote, but an election officer or any other person may challenge their right to vote under M.G.L. c. 54, § 85 and 950 CMR § 54.04(23).

950 CMR § 54.04(6B).

**Voter listed at old address:**

Inactive voters who are on the voter's list at their old address but have moved within a municipality must vote at the polling place where their name appears on the voting list. As noted above, inactive voters must sign an affirmation of current and continuous residence.

The Code of Massachusetts Regulations provide the following:

If the inactive voter has moved within the city or town, the voter will write the address at which he or she last registered to vote, as well as his or her current address. The inactive voter will vote at the polling place which corresponds to his or her address as it appears on the inactive voting list. After the election, if the voter has moved within the city or town, the voter shall be restored to the active voting list at his or her current address, without requiring further action by the person.

950 CMR § 54.04(6)(b).

The regulations further provide that there must be a telephone available to the presiding officer at the polling place which should be used to contact city or town hall to check the status of voters who appear to vote but are not on the voter's list at the precinct so that the voter can be sent to the correct precinct to vote. 950 CMR §54.04(6)(c). As mentioned above, even if they moved, they should vote from the precinct where their name appears on the voter's list.

**Translation or Interpretation for voters in the polling place:**

As you are aware, the City is required to provide bilingual ballots in English and Spanish for all municipal elections pursuant to the Home Rule Petition sought by the City which was enacted as Chapter 99 of the Acts of 2008. As part of this legislation, the City is required to further provide for oral language assistance to voters. For guidance on this issue, we suggest reviewing the Code of Federal Regulations, title 28, part 55, subpart D, which can be found at <http://www.justice.gov/crt/voting/28cfr/55/28cfr55.htm>.

David J. Rushford  
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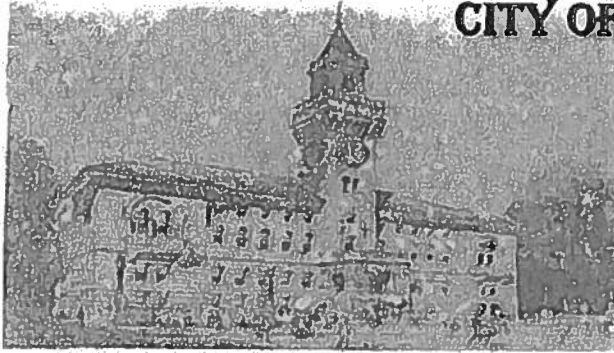
However, as we had discussed on Election Day, poll workers must ensure that only voters and persons providing assistance to voters at the request of the voter are allowed within the guard rail. Accordingly, we recommended that the City instruct their poll workers to ask persons attempting to enter the voting area what their purpose was. If they respond that they are assisting a voter, the poll workers should ask the voter themselves if they require assistance and if that person is who they want to assist them. Again, voters should be made aware of the availability of the AutoMARK Voter Assist Terminal.

I hope that you find this information helpful. We would also be interested in seeing any correspondence the City has sent to the complainants regarding these matters. Please contact me if you wish to set up a meeting to discuss these matters further.

Very truly yours,



Michelle K. Tassinari  
Director/Legal Counsel  
Elections Division



**CITY OF WORCESTER, MASSACHUSETTS**  
**BOARD OF ELECTION COMMISSIONERS**

Mary Anne Dube, Chairperson  
Joseph J. McGowan, Jr., Vice Chairperson  
Ana R. Rodriguez  
John M. Goggins  
Robert P. Winant

November 23, 2010

Michelle K. Tassinari, Director  
Elections Division  
Office of the Secretary of State  
One Ashburton Place, Room 1705  
Boston, MA 02108

Dear Ms Tassinari,

At the meeting of the Worcester Board of Election Commissioners held on November 22, 2010 the attached communication was considered by the Commission alleging certain activities at polling sites during the November 2, 2010 State Election. Following a one hour and 45 minute period of oral testimony, and a review of the attached communication, the Election Commission has asked me to request the Secretary of State's office to specifically clarify the Secretary's stance on each issue addressed in the communication and also to request a course of action to follow in future elections.

Specifically, the Commission requests clarification concerning:

- Community groups organized as non-profit charities and their actions around polling locations
- Such organizations' status as a political party
- Allegations of such organizations exchanging food or other tangible goods for voter participation outside the polling location
- Voter or helper wearing a shirt bearing the logo of said organization
- Assistance to voters
  - How to determine whether or not a voter is eligible for assistance
  - Who can assist a voter, and to what extent
  - Any requirements of oversight by election officials of said assistance
  - The legality of a single individual assisting multiple voters
  - The legality of helpers bringing printed materials into the polls and voting booth with the voter
- The legality of coercing voters, either by phone or in person
- Eligibility status of voters of questionable mental competency

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Room 206, City Hall ■ 455 Main Street ■ Worcester, Massachusetts 01608-1889  
Telephone (508) 799-1121 ■ Fax (508) 799-1194  
E-Mail: [clerk@ci.worcester.ma.us](mailto:clerk@ci.worcester.ma.us)

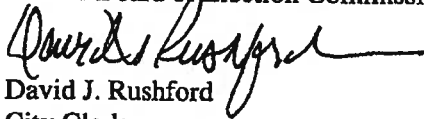
- What actions should be taken by poll workers if there is an observation or reasonable belief that someone is or should be under guardianship?
- What efforts should be made at the local level to investigate voters who perjure themselves when signing statements that they are qualified to vote, vote by absentee, or living at location they are not (ie voter registration cards)?
- Current laws, regulations, and procedures with regard to identification at the polls.
- How to handle voters who are listed at an old address
- Laws with regard to citizens' offering translation or interpretation to voters as they approach the polling location.

The Election Commission requests that each of the above points be addressed with any interpretation of law or regulation or court precedent to assist the Commission in deciding how to handle each allegation.

The authors of the letter, as well as other observers who provided oral testimony, have requested that the Commission ask the Secretary of State to provide legal instructions addressing all of the issues in detail that are mentioned in the letter.

We look forward to your timely response.

For the Board of Election Commissioners,



David J. Rushford  
City Clerk

cc: Board Members  
file

RECEIVED  
CITY CLERK

Jeffrey Rosenberg  
13 Ward Road Southborough, MA 01772  
(617) 964-0330

Cecilia DelGaudio  
3 Cranberry Lane Hopkinton, MA 01743  
(508) 497-0087

Wendy a poll observer

Board of Election Commission  
c/o Worcester Elections Commission  
City Hall Room 208  
455 Main Street  
Worcester, MA 01608-1886

November 19, 2010

Gentlemen:

Please consider this our formal request to have the issues voiced within this document added to the agenda for your next meeting. We would like to have a representative present to assist in the discussion.

In this document we want to bring to the forefront of your Commissions' discussions the voter fraud issues we witnessed in this past election, November 2, 2010. We would like to, where possible, put forth some ideas to help solve the problem. It is our purpose to ensure that voting in Massachusetts is conducted so that everyone who legally can vote and appears at the proper location exercises their vote, unhampered and without coercion of outside parties. A vote is sacred and should be wholly owned by the individual voter as their personal vote.

**Issues:**

- 1) There were many duplicate registrations on the voter rolls for Worcester
- 2) Voter registration information was not up to date, and some people were registered in two or more precincts
- 3) The voter registration list is inaccurate beyond a reasonable amount
- 4) Voters were not identified by the prescribed method (pole worker pointing to the list and saying this is you?) Or what was taking place was giving them the information instead of taking the information and verifying it.
- 5) Pole workers did not announce the parties' names as prescribed
- 6) Pole workers were not thoroughly trained and lacked answers in many cases
- 7) Electioneering was allowed within the polling places (details below)
- 8) Poll watchers communicated with voters and "Interpreters / Helpers"
- 9) Radio Communications were allowed in the polling places (cell phone use)
- 10) Out of state licenses were accepted as identification for inactive voters or voters not knowing their address

While all of these concerns are important and should be addressed, we found the most egregious abuse of the system to be by Neighbor to Neighbor (N2N) formally known as Neighbor to Neighbor Action Fund Inc. and Neighbor to Neighbor Massachusetts. Both of these groups are one and the same and are supposedly non-profit charities. N2N is also in violation of Massachusetts and Federal tax code by not having filed their returns for certain years and not filing their donor list.

N2N party members wearing logos and slogans were in the polls creating voter fraud. Their actions are in direct violation of the rule stating that there is no electioneering within 150 feet of a polling place. According to their website -

"Over the last 13 years, N2N-MA has played a critical role in electing candidates to statewide and municipal office. N2N-MA offers training and campaign support to candidates who support our values of economic and social justice. In particular, we believe that it is crucial to increase the number of people of color and women in elected office in Massachusetts to build a more authentic democracy."

The above statement makes them a member of a party or their own party. It identifies them as creators of, and supporters of and campaigners for specific candidates. Thus, their logo is a campaign slogan, identification, marketing impression and the product of a campaign itself. Wearing this in or around a polling place is without a doubt illegal.

They further state:

"Working with the Mass Alliance, we provide in-depth leadership development

and training, planning and strategy around preparing for an election, and campaign support if you decide to take the leap and run for office. By supporting you at every step of the way, from developing your leadership abilities, developing a fund raising program, to knocking that final door on Election Day, we will help you take the next step towards becoming an elected official."

This essentially says we will run your campaign, fund you, train you and promote you if you do what we want. That is the Definition of a political party. So their logo and insignia are then part and parcel to a campaign, a candidate, a party. It is no different than wearing a shirt proclaiming Republican or Democrat or a candidate's name.

Based on the above facts they should have been kicked out of the polls immediately. Further, their poll watchers communicated with the electioneering workers who were "assisting others to vote". Poll watchers are not allowed to speak or gesture to anyone in the polling place except for the election officials for information or to object.

Also, to our understanding each party with candidates on the ballot are allowed up to 3 poll watchers at a polling place. Since the poll watchers identified themselves as N2N, they should have been removed or are they a political party with candidates? Either way what they did is against the rules.

N2N workers also brought pre marked up ballots into the polls, with the words you vote here (address) and vote for the marked people. This too is electioneering.

N2N workers went into the voting kiosk multiple times with voters and told them how to vote.

N2N workers claimed they were interpreters but there is no need for them as the machine that speaks for the blind also speaks Spanish.

N2N Workers also started making calls at the end of the day stating they are the election commission and why have you not voted.



Listed here are some of the laws regarding elections. It is our strong informed opinion that Neighbor to Neighbor violated these laws.

- PART I ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)
- TITLE VIII ELECTIONS
- CHAPTER 56 VIOLATIONS OF ELECTION LAWS
- Section 25 Distinguishing marks; false statements or oaths

Section 25. Whoever, at a primary, caucus or election, places any distinguishing mark upon his ballot, or makes a false statement as to his ability to mark his ballot, or allows the marking of his ballot to be seen by any person for any purpose not authorized by law, or gives a false answer to or makes a false oath before a presiding officer, shall be punished by imprisonment for not more than six months or by a fine of not more than one hundred dollars.

- PART I ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)
- TITLE VIII ELECTIONS
- CHAPTER 56 VIOLATIONS OF ELECTION LAWS
- Section 29 Unlawful interference with voter

Section 29. Whoever willfully and without lawful authority hinders, delays or interferes with, or aids in hindering, delaying or interfering with, a voter while on his way to a primary, caucus or election, while within the guard rail, while marking his ballot or while voting or attempting to vote, or endeavors to induce a voter, before depositing his ballot, to disclose how he marks or has marked it, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year.

The testimonies from the Massachusetts residences who worked as poll watchers in Worcester in November 2, 2010 will support the above claims and give you insight to the problems and issues.

Testimony of Cecilia DelGaudio:

I spent close to 11 hours in District 8/1 in Worcester MA on Nov.2, 2010. The poll worker deliberately kept her voice quiet when taking the name and address of most voters and toward the end of the day when a group came in with very battered licensees, she merely recorded of the card without voter or poll taker mentioning name or address aloud.

During that time I saw several people from Neighbor to Neighbor (a term I first heard at the polls that day) group fill out ballots for individuals who seemed not to be engaged in the process at all. I question whether some of these people may be under guardianship and may not belong on the registration list. The registration list seemed to have names that do not belong there in general.

"Voters" were telling me they got the call from "Neighbor to Neighbor" and they don't know what to do ... at least twenty people over the course of the day were shown extensively how to vote by either the warden or one of these "neighbor to neighbor" individuals. This "assistance" was given in a lowered voice, often in Spanish and with much touching of the ballot, pointing to spots on the ballot and looking at progress and encouraging remarks.

In the cases where ID's were used, they were passed to the desk worker face down, without any spoken name or address given. The poll checker in turn worked to conceal it from my view. Nonetheless I could see that they were often quite old and tattered (and I suspected outdated, a fact unwittingly confirmed by a worker who mentioned aloud that one person's ID had an "old address" not on the list). Many times the voter mentioned they had moved away from this address years ago. One woman opened her purse and multiple ID's tumbled out, "Which one should I use?" she asked earnestly.

As the day wore on I noted a number of incidents. I attempted to question suspicious practices I was always overruled, ignored, or challenged in return by the station's workers and warden. Here are a few incidents I noted:

Samuel Q. of Endicott St. was listed twice on the sheet. When asked which one he responded: "I'm the only living one!" .

James R of 66 Sterling Street qualified his address with "I believe." He seemed relieved when he was given a ballot anyway.

Rosa N. of 701 Main St. "They called to send me here – what do I do?"

Several voters from 701 Main Street asked for help. One stated, "I never voted before, I need you to check it over." I got the distinct impression that my presence was impact the usual degree of "assistance" that would

be offered, and that these voters could not understand why the station workers and officials would not "help" them more.

Vivian B. of Seymour Street received a tremendous amount of help from the Warden who practically filled it out for her. Many people came in expecting her assistance.

Marisol N. of 80 Vernon shared a booth and voted entirely for her mother who did not seem to speak any English.

Halina K. of Ward St. mentioned they need to take her daughter's name off the list as "she is married and has lived in CT for years!".

The A----- family of 657 Main St. The adult son and daughter were obviously disabled; I was told they were unable to speak, hear or write so the mother did all the voting for them including the checking in and out, feeding the ballots into the tabulation machine. I strongly suspect the young man is under guardianship, as he clearly did not have the mental capabilities to vote. At check out he was completely confused by the fury of activity and did not appear to comprehend at all what was happening as the women abandoned him to vote for the younger woman in the wheel chair.

Many people came in saying things like "I think this is where I vote, I got the call so here I am, I don't know what to do?" The Warden often took them down the end of the poll booths and "helped them" extensively, pointing to areas of the ballot. She got very upset when I followed her because one man was obviously incapable of voting, having stated earlier that he had "never voted in my life" and kept asking over and over again what to check where.

The women at the registration table worked in concert with the Warden whenever one of the voters who would "need help" came in. The worker would attempt to get my attention away, suddenly getting very cooperative, "don't you want this one's address and name?" While the warden would walk off with a voter in need of "assistance."

Several of the suspicious voters mentioned being here because of "neighbor to neighbor", and several came in with what appeared to be plastic bags with a warm dinner inside (two pieces of covered foil tins wrapped in plastic. I thought it odd to be bringing this bag to the voting booth.

In general the atmosphere was noisy, ( warden played music videos on computer) , often voters were talking to each other and constantly questioning what and how to vote.

## Testimony of Jeffrey Rosenberg

On November 2, 2010 after voting in my home precinct, I proceeded to 40 Belmont Street, Worcester Massachusetts, Ward 04, Precinct 03. I arrived about 7:45 AM.

I was received by a friendly Warden and crew. I showed my appointment letter and was told it was unnecessary according to their training. I found this odd as there are requirements that poll watchers be one of up to three for each party with candidates on the ballot. Without verifying these letters, how is the election commission to know if the poll observer is supposed to be there?

I was seated with a rep from the democrat party, a defense attorney, and a member of MIPAC. Did MIPAC have a candidate on the ballot? Are they a party? Do they belong?

I will commend the Warden and crew for being friendly and cooperative with me and the voters. I truly believe they tried to make the best of what they had.

As the morning went on, things got stranger. There were conversations between the MIPAC poll watcher and the Neighbor To Neighbor "helper" Interpreter ". I objected and knew this was not allowed, so they took it outside, but not outside of the 150 feet.

Further, this Neighbor to Neighbor woman kept bringing voters in, in large groups of four to ten or more. She was going to the kiosk and helping them to vote and or actually voting for them. She pointed and spoke "this one check here", and she carried in a ballot marked "you vote here... address", and it was filled out with the choices they should make. On more than one occasion the warden had to say "you cannot vote for them", "no speaking to the poll observers". I objected many times.

I went out to take a break and sitting at the entrance of the polling place was a copy of the polling list, and checked off ballots on a clip board marked Neighbor to Neighbor. It was placed there by the same woman who brought all of these people in.

I overheard the people who at this point entered the polling place with this Neighbor to Neighbor rep that they had just been brought in by from the food pantry, and after voting, would be given a meal. They were given instructions, and proceeded to allow her to vote for them, with them, etc.

Later in the day while going out for a break, I witnessed two vans pull into the parking lot behind 40 Belmont, and a group formed of those I had witnessed voting. They followed the Neighbor to Neighbor people who where now bringing food into the building across the parking lot.

I witnessed out of state licenses being shown for id, voters who did not know where they lived. The City also appears not to know the difference between Everett Gaylord Street and Everett Gaylord Boulevard.

Some Examples;

Maria F – had an id that did not match, a call was made, voted anyway

Jose F – Listed twice

Israel R tried to vote twice as Moises R

Johnnie B Y also may have voted as Johnnie T Y

Santa F allowed Neighbor to Neighbor vote for them

Lilianna M is listed twice

Ruben F is listed twice

Will H had a wrong address

There were many more, but all of these people came in with, just before or after, the Neighbor to Neighbor workers.

This problem seemed to be made even more complicated by the poor voter lists. There is no excuse in the day of computers to have these issues with the lists.

The action I witnessed by Neighbor to Neighbor directly violates the law.

Whoever, at a primary, caucus, or election places any distinguishing mark upon his ballot, or makes a false statement as to his ability to mark his ballot, or allows the marking of his ballot to be seen by any person for any purpose not authorized by law, or gives a false answer to or makes a false oath before a presiding officer, shall be punished by imprisonment for not more than six months or by a fine of not more than one hundred dollars.

They made marks upon the ballot, for the voter; if the voter could not do this on their own it would be a false statement as to his ability to mark his ballot.

The voters were forced by the presence of these individuals to show the marking of their ballot or allow the marking of his ballot to be seen by any person for any purpose not authorized by law. Making sure the voter fulfilled its contract with Neighbor to Neighbor is not authorized by law.

By allowing others (Neighbor to Neighbor) to tell you what to vote for instead of making up your own mind constitutes a false answer to or making a false oath before a presiding officer of the polling place when they ask for their ballot to vote since it is not their vote being cast. Not knowing your address or misrepresenting your address is also false oath.

By intercepting these voters and coercing them, Neighbor to Neighbor willfully and without lawful authority was hindering, delaying, and interfering with a voter and is aiding in hindering, delaying, or interfering with a voter while on his way to a primary, caucus, or election.

Being present in the polling place as the Neighbor to Neighbor people were, or with the voter while within the guard rail, while marking his ballot or while voting or attempting to vote, or endeavors to induce a voter, before depositing his ballot, to disclose how he marks or has marked it, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year.

Yes, I believe they have done this as well.

My day culminated in seeing multiple people come in at the last hour. Saying, "They called me", They knew I did not vote", "Someone would be here to vote for me", "Help me vote. They said you would", "I never voted. Who do I vote for?".

It all climaxed when Maxine R came in really upset and angry saying, "The election commission called", "They wanted me to vote for", "Help me vote". The warden tried to handle this gracefully but ended up calling the election commission. Mr Rushford came, officers in tow, and discussed the day's matters with the warden and myself. He left and then the Neighbor to Neighbor main worker came back, and the warden called Mr. Rushford back. Moments later the poll closed, and she walked without even an admonishment.

Testimony of Wendy  
Poll Watcher, November 2, 2010  
Ward 8: Precinct 4

There were a number of incidences that need to be addressed with regard to potential voter fraud.

In the 5.5 hours I served as a poll watcher, the incidences I witnessed of great concern include:

1. Many individuals coming in to vote who were not sure of their address. Many individuals offered more than one address. Some individuals were not even sure of their name! (There were not the people mentioned below under problems with mentally retarded voters). Quite a few individuals offered variations of a name. Most of the people falling in these categories were found on my Voter List received from Worcester City Hall. The few that weren't located on the list were sent to the warden.

2. One woman who could not remember where she lived, pulled out a Florida ID, which looked like a license but I was not able to get a close enough look. I questioned the warden about a voter in Massachusetts having an ID being from Florida and she snidely stated "it's an ID, isn't it".

3. The worst offenses I witnessed were from the man wearing the priest collar, Jose. Jose was purportedly an interpreter for this location. Jose escorted many individuals to the booths. Some spoke English when they came to check in but he as the "interpreter" still escorted them. On most occasions, Jose was side by side with the voter in the voting booth. On the occasions that I did report his actions to the wardens, he was pointing at the ballots of the person he was "interpreting for". On other occasions, Jose appeared to be filling in the ballots for the "voters" as I witnessed him with voting pen in his hand. All such incidences were reported to the wardens. Some of such instances, a warden did speak with Jose and told me that Jose told them he was simply interpreting and the warden believes him. I informed the wardens that I don't believe him and I believe that his pointing to the ballot at multiple intervals and his use of pen in hand appearing to be marking the ballots are actions that I find to be suspect.

4. This same "interpreter" Jose had some involvement with the Patrick/Murray/McGovern group that was monitoring voters at this location. When the man who was checking off names, Jim, needed a bathroom break, he called Jose over to take his seat and continue checking off names.

Note: If I were the warden, he would have been removed Jose on mere question of impropriety with regard to voting rights and voting rules. Especially given the number of times I reported him.

5. Another interpreter, (Maria?), would yell out addresses of people walking through the door. The majority of these people were said to have residences within the towers (location of the poll). Others were unclear of where they lived but helped out by this woman. The pole workers simply checked off the "voters" named but did not ask the voter themselves to communicate their address, name or provide any sort of proof of person.

6. There were a handful of people that I witnessed coming in with actual ballot sized orange ballots. Some appeared to be filled in already.

7. There were many mentally retarded individuals with helpers that came through. Some were brought in by a neighbor to neighbor woman who had worked earlier in the day monitoring names at the poll check in. Others were escorted to the booth by another woman working with neighbor to neighbor. I knew they were neighbor to neighbor because they had on shirts that said it.

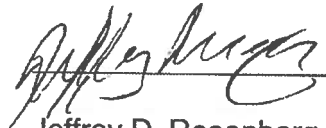
8. Pole workers frequently called out a name associated with the address the incoming individual put out.

Notes:

David Rushford came in, as he put it, on the "complaint" of the Mass GOP attorneys. He called together the wardens and Jose, but did not attempt to include me. When I walked over to hear the discussions, he did acknowledge me, although perhaps in a most unpleasant manner. David Rushford said he was sending a worker from his office to take over as "interpreter" and then Jose was to leave. Jose was not asked to leave immediately. I estimate it took the new interpreter about an hour or more to get to this location. And Jose was still there when I left, which was roughly 15 minutes after the Rushford appointed interpreter came in.

All ballots are in Spanish, so really there is no need for a Spanish interpreter. All ballots are in English, so are we to begin bringing in English speaking interpreters as well?



  
\_\_\_\_\_  
Jeffrey D. Rosenberg

Nov 19, 2010

Date

  
\_\_\_\_\_  
Cecilia DelGaudio

Nov 19 2010

Cecilia DelGaudio

Date