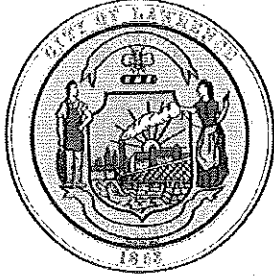


CITY OF LAWRENCE, MA

REPORT OF THE CITY CLERK

**RE: ELECTION TOPICS AND ISSUES RELATIVE
TO THE STATE PRIMARY HELD ON
TUESDAY, SEPTEMBER 14, 2010**

**PRESENTED TO THE BUDGET AND FINANCE
COMMITTEE ON 9-28-10**



City of Lawrence
Office of the City Clerk
Election Division
200 Common Street
Lawrence, Massachusetts 01840

TEL: (978) 620-3290
FAX: (978) 722-9230
www.cityoflawrence.com

WILLIAM LANTIGUA
MAYOR

WILLIAM J. MALONEY
CITY CLERK

CAROLE MORIN
ASSISTANT CITY CLERK

To:	Councilor Rivera,
From:	William J. Maloney, City Clerk
cc:	Council Vice President Silva, Councilor Maldonado, Councilor Aquino, Rafael Tejada, Bilingual Coordinator
Re:	Response to Election Inquiry by Council
Date:	9-24-10

The following is a response to the request for information from Councilor Rivera dated September 17, 2010.

The attached information will be supplemented by further narrative and/or information as may be required or necessary.

I. Current election equipment and the status of them:

A. Accuvote – 25 voting machines [State approved required]:

- Maintained annually – annual maintenance agreement;

B. Automark assisted voting machines [State approved required] - 25:

- Maintained annually

C. VRIS/CVR State Computer (5):

- installed and maintained by Commonwealth of Massachusetts

D. Voting Booths and voting tables:

- approximately 97 working voting booths – many in disrepair and poor condition – will need repair and/or replacement – intend to present additional appropriation in FY 2010.

II. Current staffing levels and process of training and compensation

A. The following information is provided in response to this section:

- A copy of the City Election Division Budget [identifying Election Division Staff and other budget elections personnel];
- A copy of the overtime payments to City Election Division Staff as approved by the Administration and required by LACE Union Contract as reflected in the State Primary held on 9-14-10;
- A copy of poll workers assigned to each poll location as reported by Rafael Tejada, Bilingual Coordinator [the rate of compensation is also attached – compensation rates established by the City Council on February 26, 2006 – Doc. 28-2006].
- A copy of the poll worker training schedule for the State Primary held on 9-14-10 with a detail of the poll worker pay rates – a copy of the 2006 Rule 60 Order from the Office of the Secretary of State requiring poll worker training sessions [see item #11];

III. A report on the last election and any issues that might have occurred and how they were resolved.

A. Accuvote malfunction at Diamond Springs [E1] - see attached e-mail from voter and return e-mail to voter.

B. Accuvote malfunction at Park Street [C-3] – report received at approximately 9:30 – repair completed by City Clerk at approximately 9:40 a.m.

C. Accuvote malfunction at Arlington School [A-4] – report received at approximately 5:00 p.m. – machine replaced by City Clerk at approximately 5:30 p.m.

D. Complaints alleged by poll observer – addressed through the Office of the Secretary of the Commonwealth with the assistance of Counsel [see attached correspondence and report filed with the Secretary of State].

***Investigation by the City Clerk and Bilingual Coordinator involves post election interviews of the C-1 Warden and Clerk regarding the claims presented by the Office of the Secretary of State as registered by poll observers. Report to be filed with the Office of the Secretary of State upon completion.**

IV. How the voter list is produced and what the different statuses of voters are.

Voter lists are prepared through a list of registered voters provided by the Secretary of State within the parameters set by the Commonwealth of Massachusetts. All information is obtained by the City Election Division as appearing on the Central Voter Registration System. Data is downloaded on computer systems and transmitted to the contracted elections materials provider [LHS Associates, Inc];

This task is completed by the City Election Division Staff who will be available to provide detailed information regarding the same that is part of their professional knowledge and information.

Various status' of voters are: Active, Inactive, Deleted, Deceased - each of the designations are reached by the occurrence of various events and through the application of State Law. More specific and detailed information will be provided by the City Clerk and Election Division Staff as requested.

2010 ELECTION DIVISION STAFFING BUDGET

CITY OF LAWRENCE PERSONAL SERVICES SUMMARY

Fund: 01 General Fund
 Dept: 06 City Clerk
 Div: 02 Elections
 Org: 010620

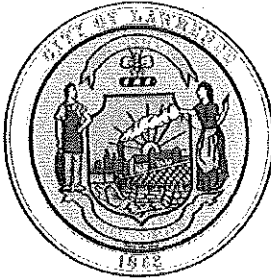
Title or Position	Budgeted		Proposed		FY2010 BUDGET	FY2011 BUDGET	FY10-11	
	Level 2010	Add (Reduced)	Level 2011				Change	Percent
Senior Accounting Clerk	3.00	(1.00)	2.00		104,898.39	71,436.95	(33,461.44)	-31.90%
Board of Registers	3.00	0.00	3.00		3,185.82	3,185.82	-	0.00%
Election Workers					102,824.40	85,000.00	(17,824.40)	-17.33%
Police Poll Coverage					221,256.60	40,000.00	(181,256.60)	-81.92%
Bilingual Coordinator	1.00	0.00	1.00		30,474.13	30,474.13	-	0.00%
Clerk Board of Registrar	0.00	1.00	1.00			1,506.00	1,506.00	100.00%
Longevity					1,600.00	1,600.00	-	0.00%
Other Stipend					1,500.00	0.00	(1,500.00)	-100.00%
Clothing Allowance					900.00	900.00	-	0.00%
Vacation Buy Back					663.00	663.00	-	0.00%
Furlough					(4,763.83)	0.00	4,763.83	-100.00%
Total Level and Salaries:	7.00	0.00	7.00		462,538.51	234,765.90	(227,772.61)	-49.24%

**ELECTION DIVISION STAFF OVERTIME
FOR STATE PRIMARY HELD ON 09-14-10**

STATE PRIMARY [9-14-10]

FY 2011 [STATE PRIMARY-ONLY]	AMOUNT	calculation	postion	CODE	TOTALS
POLL WORKER AND POLICE EXPENSES	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXX	XXXXXXXX
Sr. Accounting Clerk I	250.84	8.5 X 19.6997 X 1.5	Sr. Account Clerk (OT)	5120	250.84
Sr. Accounting Clerk II	115.21	8.5 X 19.2043 X 1.5	Sr. Account Clerk (OT)	5120	115.21
Bilingual Coordinator	225.01	8.5 X 16.6680 X 1.5	Bilingual Coord (OT)	5120	225.01
TOTALS	591.06	XXXXXXXXXX	XXXXXXXXXX	XXXXXX	591.06

**POLL WORKER ASSIGNMENT
AND RATE OF COMPENSATION
FOR STATE PRIMARY HELD ON 9-14-10**



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WILLIAM LANTIGUA
MAYOR

WILLIAM J. MALONEY
CITY CLERK

CAROLE MORIN
ASSISTANT CITY CLERK

CITY OF LAWRENCE/CIUDAD de LAWRENCE
POLL LOCATIONS/URNAS DE VOTACIÓN
[STATE/FEDERAL ELECTIONS ONLY]

DISTRICT A/DISTRITO A - PROSPECT HILL

- A1 PARTHUM SCHOOL 255 EAST HAVERHILL ST
- A2 PARTHUM SCHOOL, 255 EAST HAVERHILL ST
- A3 ROLLINS SCHOOL, 451 HOWARD ST.
- A4 STORROW SCHOOL, 40 PLEASANT ST.

DISTRICT B/DISTRITO B - PLAINS - NORTH COMMON

- B1 M.I. RESIDENTIAL COMMUNITY, INC., 189 MAPLE ST.
- B2 LAWLOR SCHOOL, 44 LEXINGTON ST., (PARK ST.)
- B3 LEAHY SCHOOL, 100 ERVING AVE., (BRUCE ST.)
- B4 VALEBROOK APARTMENTS, UNION & SUMMER STREETS

DISTRICT C/DISTRITO C - ARLINGTON NEIGHBORHOOD

- C1 GUILMETTE SCHOOL 80 BODWELL ST
- C2 PLAINS COMMUNITY CENTER, 246 HAMPSHIRE ST.
- C3 BRIEN BUILDING, 355 PARK St.
- C4 ARLINGTON SCHOOL, 150 ARLINGTON St.

DISTRICT D/DISTRITO D - TOWER HILL

- D1 BRUCE SCHOOL, 135 BUTLER ST.
- D2 ENGINE 8, 329 AMES ST
- D3 BRUCE SCHOOL 135 BUTLER ST.
- D4 ESSEX TOWERS, 18 FRANKLIN ST.

DISTRICT E/DISTRITO E - SOUTH LAWRENCE WEST

- E1 DIAMOND SPRING GARDENS, ONE BEACON AVE.
- E2 FROST SCHOOL, 33 HAMLET ST.
- E3 SOUTH CONGREGATIONAL CHURCH, 198 SOUTH BROADWAY
- E4 ELDERLY HOUSING, 339A SALEM ST.

DISTRICT F/DISTRITO F - SOUTH LAWRENCE EAST

- F1 SO. LAWRENCE EAST SCHOOL, 165 CRAWFORD ST.
- F2 SO. LAWRENCE EAST SCHOOL, 165 CRAWFORD ST.
- F3 BRANCH LIBRARY, 135 PARKER ST., (BAILEY ST.)
- F4 KNIGHTS OF COLUMBUS HALL, ONE MARKET ST.

**ELECTION POLL WORKERS
ACTUAL ELECTION OFFICIAL ASSIGNMENTS
STATE ELECTION HELD 09/14/2010**

*** = BILINGUAL WA = WARDEN; CL = CLERK; WO = POLL WORKER
D = DEMOCRAT; R = REPUBLICAN; U = UNENROLLED**

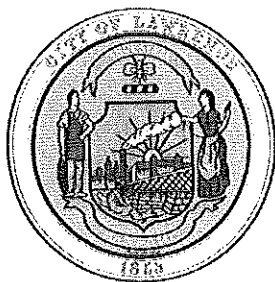
WARD	NAME	PARTY
A-1	WA HEIDI STOKES	U
A-1	CL MARY STOKES	U
A-1	WO JUDE CHARLES	U
A-1	WO ANGELA MONTERO*	U
A-1	WO JOSEFINA MENDRELL*	D
A-1	WO TERESA FAJARDO*	D
A-2	WA GEORGE TORRES*	D
A-2	CL ANNE MARTEL	D
A-2	CL Lionel Martel*	D
A-2	WO SALVATORE PAUTA	D
A-2	WO LUIS MEDINA*	D
A-2	WO Esperanza Germosen *	U
A-3	WA WILLIAM COLLINS	U
A-3	CL CHRISTINE PLONOWSKI	U
A-3	WO RAMONA MARTINEZ*	U
A-3	WO RICAR RODRIGUEZ *	D
A-3	WO NERCY OTERO *	D
A-4	WA LUIS MARTINEZ*	U
A-4	CL MIRTA MALDONADO *	D
A-4	CL Luis Martinez Jr. *	U
A-4	WO NANCY PLONIEWSKI	U
A-4	WO ANA TAVERAS *	D
A-4	WO RAFAELA MEDINA *	D
B-1	WA ANA LEVY *	D
B-1	CL BENJAMIN LEVY *	D
B-1	WO NELFA SANTIAGO*	U
B-1	WO EDGAR XILOJ *	U
B-1	WO ANA PICHARDO *	D
B-1	WO WILLIAM CRUZ*	D
B-1	WO NINA CRUZ *	D
B-2	WA Jayson Iarosi	U
B-2	CL Lisa Aneskevich	D

WARD	NAME	PARTY
B-2	WO ZUNILDA VARGAS*	D
B-2	WO JANICE ANESKEVICH *	D
B-2	WO RAMONA MONTILLA *	D
B-2	WO CARMEN VARGAS *	D
B-2	MARTA PENA *	D
B-3	WA JONAS STUNDZA	D
B-3	CL MARIE GOULET	D
B-3	WO ANA ABASCAL *	U
B-3	WO KARINA MONTILLA*	U
B-3	WO MARIA VAZQUEZ *	U
B-3	WO AMELIA STUNDZA	U
B-3	WO RENE GOULET	D
B-4	WA Annette Webster	D
B-4	CL JUDITH AVERY	U
B-4	WO ELEONOR HAAS	U
B-4	WO MICHELLE DOWNER	U
B-4	WO ANA CASTANOS *	D
B-4	WO JOSE GERONIMO *	D
B-4	WO CAROL RAGONESE	D
C-1	WA DIANNE KNEELAND	D
C-1	CL NORMA CUEVA *	R
C-1	WO JOHNNY PAREDES *	U
C-1	WO ANGELA SOSA *	U
C-1	WO MARIA PEREZ *	D
C-1	WO FRANCIA PENA *	D
C-1	WO ALFRED ROSARIO *	D
C-1	WO JUAN A. HILARIO *	U
C-1	WO MARIA E. ALVAREZ *	D
C-2	WO BELGICA URBAEZ *	U
C-2	CL SARAH RIVERA*	D
C-2	WO JANITTA ALVAREZ *	D
C-2	WO LENNY RODRIGUEZ*	D
C-2	WO ROSA MELENDEZ *	D
C-3	WA OSCAR RODRIGUEZ *	D
C-3	CL SARA SALDANA *	D
C-3	WO MARCELA BAEZ *	D
C-3	WO ROSA TAMAYO*	D
C-3	WO ERODITA MERCEDES*	U
C-3	WO LUZ SANTANA*	D

WARD	NAME	PARTY
C-4	WA ELEONOR FULGIONE	R
C-4	CL GREGORY FULGIONE	R
C-4	WO ALICE M KLUX	R
C-4	WO AUDREY PROVENCAL	R
C-4	WO ARAXY WRIGHT	D
C-4	WO ANA MATOS *	D
C-4	WO FAUSTINA DELEON *	D
C-4	WO MARIA BATTIATA *	D
C-4	WO CECILE COTE	D
C-4	WO SANDRA LINEHAN	R
D-1	WA ELEONOR BYRNE	D
D-1	CL FRANCES S. KEOGH	U
D-1	WO CHARLES KEOGH	D
D-1	WO CATHERINE POTTS	D
D-1	WO CAROLYN M. MCGOWAN	D
D-1	WO JUANITA SALDANA *	D
D-1	WO ANN GAGNE	D
D-1	WO DIMARIS VALENTIN *	D
D-1	WO MARY MCGOWAN	U
D-2	WA Mayra Lantigua*	D
D-2	CL HILARIUS ABDOO	D
D-2	WO LAWRENCE COLLOPY	R
D-2	WO SILVESTRE PIMENTEL*	D
D-2	WO LORETA NEVILLE	U
D-2	WO SARAH BUDD	D
D-2	WO RUTH MONTEDEOCA *	D
D-2	WO PEDRO CASTRO *	D
D-3	WA HELENA MILLER	D
D-3	CL MAUREN HALEY	D
D-3	WO EDUARDO LLERENA *	D
D-3	WO FRANCES KUCHAR	D
D-3	WO MAYRA BERRIOS *	D
D-3	WO CONSTANCE CLARK	R

WARD	NAME	PARTY
D-4	WA ANGEL MARMOL *	D
D-4	CL LEYDA MUNIZ *	D
D-4	WO LUIS MUNIZ *	D
D-4	WO ELIZABET XILOJ *	U
D-4	WO MILAGROS WILLIAMS *	D
D-4	WO FRANCISCA PENA *	D
D-4	WO ANGIE M. MARMOL *	D
E-1	WA MARILYN G MERCIER	U
E-1	CL ANN KEEGAN	D
E-1	WO DOLORES ROY	D
E-1	WO HELEN J. COUTURE	D
E-1	WO GLORIA MEDINA*	D
E-1	WO PURA SAINT HILAIRE*	D
E-1	WO PAT RIDDLE	D
E-1	WO Anna Cruz *	D
E-1	WO Belkis Jimenez *	D
E-2	WA MARILYN TWOMEY	R
E-2	WO MARY LOU FISHOUCK	U
E-2	WO FRANCES SAN ANTONIO	U
E-2	CL LYNNE MURPHY	U
E-2	WO GLADYS CABRAL*	D
E-2	WO NGUYEN THU	D
E_2	WO Lucille Dolan	R
E-3	WA GERMAN LEMBERT*	U
E-3	WO ANA BENCOSME *	D
E-3	WO Ernesto Nunez *	D
E-3	WO Juan Estrella *	D
E-3	WO ARELIS JIMENEZ *	D
E-3	WO Erik Webster	D
E-3	WO Marie Gosselin	U
E-4	WA Roberto Richardson *	D
E-4	CL Mario Marquez	D
E-4	WO JAMES LAWRENCE	D
E-4	WO Marcel Morel	D
E-4	WO BLANCA VELOZ *	D
E-4	WO ASHILY PEREZ *	D

WARD	NAME	PARTY
F-1	WA ROBERT CHRISTESEN	D
F-1	CL Susan Laplante	R
F-1	WO LILLIAM CHRISTENSEN	D
F-1	WO SOPHIE VEILEUX	U
F-1	WO CATHERINE COREY	U
F-1	WO KATHLEEN KNIGHTH	D
F-1	WO NOREEN RICHARDS	U
F-2	WA KATHY HENZE	U
F-2	CL DONNA HANSEN	U
F-2	WO DENNIS RICHARD	U
F-2	WO SHIRLEY LYNCH 243	D
F-2	WO PATRICIA TYLUS	U
F-2	WO Teresa Gagnon	U
F-2	WO RACHEL CONRAD	U
F-2	WO Dorothy Kissel	D
F_2	WO Yolanda Reyes*	U
F-2	WO Marie Aliano	U
F-2	WO Patricia Riley	D
F-3	WA ISABEL LUNA *	D
F-3	CL MILAGROS CID *	U
F-3	WO Juan Colon *	D
F-3	WO LIVIA COLON *	U
F-3	WO DAMASO LUNA *	D
F-3	WO ADALGISA TEJEDA *	D
F-3	WO LEOCADIO ROMERO *	D
F-3	WO Jose Cid *	D
F-4	WO RICHARD ZAHN	D
F-4	WO FRANCISCA SIGARAN *	D
F-4	WO ELLEN HATFIELD	U
F-4	WO CAROL ZAHN	D
F-4	WO NAPOLEON POTVIN	D
F-4	WO DAVID TROMBLEY	U
F-4	WO Juan Jimenez *	U
F-4	WO Richard Garvey	R



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WILLIAM LANTIGUA
MAYOR

WILLIAM J. MALONEY
CITY CLERK

CAROLE MORIN
ASSISTANT CITY CLERK

The following Poll Worker Training Sessions are scheduled for Election Poll Workers:

POLL WORKER TRAINING SESSIONS
[STATE PRIMARY – SEPTEMBER 14, 2010]

Tuesday – September 7, 2010 – 10:00 am – City Council Chambers – City Hall
Tuesday – September 7, 2010 – 2:00 pm – City Council Chambers – City Hall
Tuesday – September 7, 2010 – 6:00 pm – Lawrence Library, 51 Lawrence Street

Wednesday– September 8, 2010 – 10:00 am – City Council Chambers – City Hall
Wednesday– September 8, 2010 – 10:00 am – City Council Chambers – City Hall
Wednesday– September 8, 2010 – 6:00 pm – Lawrence Library, 51 Lawrence Street

Thursday- September 9, 2010 – 10:00 am – 10:00 am – City Council Chambers – City Hall

POLL WORKER PAY RATES – STATE/FEDERAL ELECTIONS

Poll workers = 120.00 per 13 hour day [9.23 per hour or 60.00 for ½ day [6.5 hours]

Clerks = 160 .00 per 13 hour day [12.31 per hour or 80.00 for ½ day [6.5 hours];

Wardens = 200 .00 per 13 hour day [15.39 per hour or 100.00 for ½ day [6.5 hours];

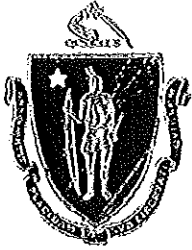
Additional stipends [all amounts are added into the check]:

Use of Cell Phone: \$20.00 is paid for the use of a personal cell phone [one time payment only –there is no multiple payment for the use of more than one cell phone];

Mandatory Training Stipend: \$20.00 is paid to those attending the training course [regardless of hours worked]. To apply, the poll worker must work at a poll.

20.00 State differential – the full \$20.00 is paid to those who worked the full 13 hours. Those working 6.5 hours or more will receive half of the \$20.00 [or \$10.00]; Poll workers working less than 6.5 hours receive no additional stipend from this fund and are paid hourly.

**POLL WORKER TRAINING SCHEDULE,
RATE OF COMPENSATION
FOR STATE PRIMARY HELD ON 9-14-10
[RULE 60 ORDER DATED 6-19-10 REGARDING CITY OF
LAWRENCE ELECTIONS]**



The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

William Francis Galvin
Secretary of the Commonwealth

June 19, 2006

RECEIVED
JUN 21 2006
CITY CLERK

William J. Maloney, City Clerk
City Hall—200 Common Street
Lawrence, Massachusetts 01840

RE: ORDER AGAINST THE CITY OF LAWRENCE ELECTION
OFFICIALS PURSUANT TO 950 C.M.R. § 56.04

Dear Mr. Maloney:

The Secretary of the Commonwealth initiated an investigation of certain matters concerning standards, practices and procedures of election officials in the City of Lawrence that were alleged to be contrary to election laws. After investigation and consultation with the City, a Report was issued pursuant to 950 C.M.R. § 56.03 and G. L. c. 56, § 60, substantiating virtually all of the allegations presented. The Report was provided to the City Clerk for review and comment. This Report is incorporated herein and made part of this Order by reference.

In accordance with the provisions of General Laws chapter 56, section 60 and 950 CMR § 56.04(3), the City Clerk and the Election Officials of the City of Lawrence are hereby ordered to:

1. No later than November 30th in years 2006, 2007, and 2008, the Clerk for the City of Lawrence shall forward to the Secretary a written plan for conducting the annual street listing, including a sample copy of the form the City intends to use, and the process for updating resident and voter data from responses received.
2. No later than June 21st in the year 2006 and no later than March 1st in the years 2007, 2008 and 2009, the Clerk for the City of Lawrence shall forward to the Secretary written confirmation that street listing forms have been disseminated including the number and manner of dissemination.
3. No later than June 21st in the year 2006 and no later than May 30th in the years 2007, 2008 and 2009, the Clerk for the City of Lawrence shall forward to the Secretary written confirmation that any updates to

the annual street listing have been completed and that the annual register has been prepared.

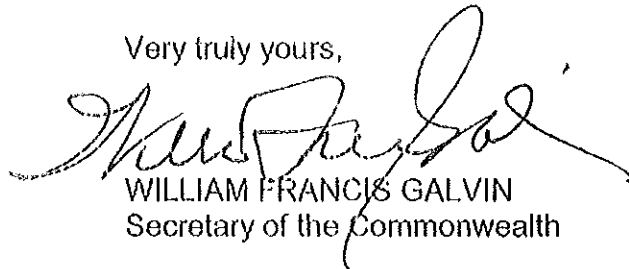
4. No later than June 21st in the year 2006 and no later than May 30th in the years 2007, 2008 and 2009, the Clerk provide information as to the number of residents who have not returned the Street Listing Forms and the number of individuals appearing on the inactive voters' list for that year.
5. No later than June 30th in the years 2006, 2007, 2008 and 2009, the Clerk for the City of Lawrence shall forward to the Secretary written acknowledgement that confirmation notices have been sent out including the number of such confirmation notices mailed in the particular year. The Clerk shall also provide a copy of such notice to the Secretary.
6. No later than November 30th in the years 2006 and 2008, the Clerk for the City of Lawrence shall provide the Secretary, in writing, with a plan, detailing the steps the City intends to take, to remove inactive voters from the voting list. Thereafter, the City shall purge its voters' list in accordance with applicable law and regulations.
7. No later than July 1st, 2006, the Clerk for the City of Lawrence shall provide this Office with a written plan on how the City intends to update the list of inactive voters, such as using the National Change of Address system to mail inactive voters a letter which includes a statement for the inactive voter to sign and return acknowledging that they are no longer a resident in the City and that they request for their name to be removed from the voting list.
8. No later than June 21st, 2006, the City shall designate, in writing, a person responsible for all VRIS related matters. Thereafter, all communications with this Office relating to VRIS shall be made in writing to the Director of the Elections Division, by and through that named individual.
9. No later than June 21st, 2006, the Clerk for the City of Lawrence shall contact this Office, in writing, to schedule training sessions to be conducted by this Office on the use of VRIS by the Clerk and personnel from the City's Election's Division.
10. No later than May 30th, August 15th and November 30th in each year through 2008, the Clerk for the City of Lawrence shall file with this Office interim compliance reports summarizing the major VRIS activity (i.e. street listing updates, annual register updates and voter activity).
11. The City shall conduct mandatory training sessions for all poll workers at least one (1) week prior to any election.

ORDER
Page Three
June 19, 2006

12. No later than April 10th, annually, the Clerk for the City of Lawrence shall contact this Office to schedule training sessions to be conducted by representatives of this Office for those wardens or other individuals who have been designated by the City to serve as trainers of the remainder of the City's poll workers. The City is also strongly encouraged to pay poll workers to attend training sessions.
13. No later than August 15th in each year, the Clerk for the City of Lawrence shall provide to this Office, in writing, the names of all poll workers and wardens and their assigned locations. The City Clerk will also provide the names of all bilingual poll workers and wardens and their designated assignments. At the same time, the City Clerk shall provide a written plan on how the City will fill vacancies in poll worker positions that may arise.
14. No later than September 1st annually until such time as the voting districts used in state and local elections are the same, the Clerk for the City of Lawrence shall mail to each registered voter in Districts C and D notification of their polling place for the upcoming election.
15. No later than June 30th annually in the years 2006, 2007, 2008, 2009, and 2010 the Clerk for the City of Lawrence shall provide this Office with a written public education plan to inform all voters as to their designated voting location for both local and state/federal elections and the importance of responding to the annual street listing.
16. No later than July 1, 2006, the Clerk for the City of Lawrence and other personnel responsible for conducting election shall review and sign the attached affidavits stating that they understand and will comply with the law regarding the issues contained in the Report.

A copy of this order has been provided to the Attorney General in accordance with 950 C.M.R. § 56.04(4). Failure to comply with this order will result in referral to the Attorney General for enforcement in accordance with General Laws chapter 56, section 60 and 950 C.M.R. § 56.05.

Very truly yours,



WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

Attachments

**COPY OF E-MAIL FROM VOTER RE: DIAMOND SPRINGS
[E-1] POLL LOCATION VOTER DELAY**

**COPY OF CORRESPONDENCE FROM COUNSEL TO THE
SECRETARY OF STATE REGARDING CLAIMS PRESENTED
BY POLL OBSERVER ON 9-14-10 [STATE PRIMARY]**

**COPY OF RESPONSE OF CITY CLERK
DATED 9-17-10 REGARDING SAME**

William J. Maloney

From: William J. Maloney
Sent: Tuesday, September 14, 2010 11:14 AM
To: [REDACTED]
Cc: Rafael Tejada
Subject: RE: Diamond Springs Voting Place

Dear [REDACTED]

Although I am not aware of the voting location at Diamond Springs not being set up on time for the last few years I am aware that the voting machine was not operable until about 7:45 this morning I received the report from the polling location about 7:20 or 7:25 and contacted the police officer and Warden at the poll instructing them to take custody of all ballots cast until repair of the voting machine could be completed I arrived about 7:35 or so and contacted our maintenance contractor who assisted by phone to complete the repairs. I immediately ordered the Police Officer and the Warden to cast all ballots that had been cast – which was done in my presence

Certainly, I do not believe there should be any delay at all. However, today's circumstances required the accuvote voting machine to be repaired which was done as soon as possible. On another note, I am informed by both the Warden and the Police Officer that the ballots cast prior to the machine being repaired were accounted for and all were cast without problem after the repair was completed.

If you have any question or concern with any assurance that your ballot may not have been cast, please let me know and I will address that matter.

Sorry for any inconvenience this may have caused and I will make every effort to be sure this does not occur in the future.

William Maloney
 City Clerk

From: [REDACTED]
Sent: Tuesday, September 14, 2010 9:03 AM
To: William J. Maloney
Subject: Diamond Springs Voting Place

Good Morning,

I'm not sure who to complain to about this but for the last few years now, whenever I go to vote they are never set up on time and nobody seems to know what to do. This morning the people there didn't know how to operate the machine and we weren't able to vote. I ended up leaving because I had to get to work. I wonder if the helpers get any kind of training because they all seem so clueless. Hopefully I can get out of work on time tonight so that I can vote.

[REDACTED]

From: Green, Kristen (SEC) [mailto:Kristen.Green@state.ma.us]
Sent: Friday, September 17, 2010 1:52 PM
To: William J. Maloney
Cc: Charles Boddy; billmcdermott@smlaw1.com; Tassinari, Michelle (SEC)
Subject: RE: Primary issues

Mr. Maloney,

Thank you for your letter dated September 17, 2010. I have reviewed the information in the letter and one thing I wanted to be sure of is that the poll workers know that inactive voters must sign the Affirmation of Current and Continuous Residence and show identification at check-in before receiving a ballot, instead of at the check-out table after voting their ballot. Otherwise, please share with me any additional information that you obtain during your inquiry into these matters.

Additionally, today, I received the below email from an observer at the polling location for Ward C, Precinct 3. Most of the allegations are similar to those raised on the day of the Primary and that were discussed in our previous correspondence. There is an additional allegation that I was not made aware of on September 14th and that relates to the check-in and check-out clerk allegedly calling back and forth to each other checking whose names they had checked off, crosschecking and adjusting their tallies to correct many discrepancies. As with the other allegations previously discussed, please let me know any information that you obtain concerning this matter and how it will be resolved moving forward.

Best regards,

Kristen R. Green, Esq.
Attorney, Elections Division
Office of the Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, MA 02108
Phone: (617) 727-2828
Fax: (617) 742-3238

SECRETARY OF THE COMMONWEALTH
Elections Division
McCormack Building Room 1705
One Ashburton Place
Boston, MA 02108
E-Mail: elections@sec.state.ma.us

Attention: Kristen Green

I was a volunteer for the recent Debbie Silberstein campaign for State Senate from the Second Essex and Middlesex district. On Tuesday September 14th I was asked by campaign staffers to meet another Silberstein volunteer, [REDACTED], at 355 Park Street in Lawrence known as the C-3 polling station and observe at the polling place. [REDACTED] met me in the parking lot and mentioned that some irregularities were occurring inside the polling place. At approximately 11:00 am I entered the polling place and introduced myself to the warden, Oscar, and the check-in and check-out clerks Sara and Luz. There were three other women in the room and a Lawrence Police sergeant detective in the far corner on a laptop computer. One of the unnamed women in the room occasionally sat in for the check-in or check-out clerks. I immediately began to witness, in my estimation, some compliance issues with election regulations. I observed this polling place from 11 am until 5pm.

I observed multiple occurrences of the warden asking elderly Spanish-speaking voters if they needed help completing the ballot in the voting booth. He would then gesture to one of the ladies sitting in the room to assist the voter in the booth. I was unable to understand all of the conversations that took place in the booth but it was clear that the voter assistants would point and nod to voter questions. There were also instances of voters arriving with another person who would accompany them to the booths and assist them in the process. Only the voter checked in with the clerk, but the companion would join them in the voting booth. I was alarmed to see a person accompany an elderly man into the booth and complete his ballot for him, then hand it back to him so that he could check out and put the ballot in the ballot box. I was told later by the poll workers that this companion's name was " Matos", a republican candidate for representative.

I observed the warden process approximately six absentee ballots at around noon time. He would open the envelopes and call the name out. The in and out clerks would verify that the name was on their list and he would then place the ballot into the ballot box. Many of these ballots would not process face up into the ballot box so the warden would turn them over and process them face down. In one instance, the ballot still would not be accepted by the machine so the warden pulled it out, examined it and then, using a ballot marker, marked the ballot and processed the ballot into the ballot box. At approximately 2 pm Rafael Tejada, the city's bilingual elections coordinator, delivered to the warden another three absentee ballots that were processed.

I observed the check-in clerk identify voters on an inactive list and provide them a ballot, let them vote and place the ballot in the ballot box then ask them to complete a form that seemed like an affidavit that stipulated they were continuous residents in the city. In only one instance did I observe the clerk challenge a voter for an ID or other form of

identification, after the voter had already placed the ballot in the ballot box, he noted that he could not produce an positive ID. William J. Maloney, the City Clerk, entered the polling place at this time and vouched that he knew the man and he would be back with an ID. I did not observe this man return to the polling place before 5 pm when I left. I observed at least a dozen instances of inactive voters not challenged for ID.

I observed the check-in and check-out clerk spending most of the day calling back and forth to each other whose names they had checked off, crosschecking and adjusting their tallies to correct many discrepancies. In some instances, Sara, the check-in clerk did not have names checked off, but Luz the check out clerk said she did have the names checked off. I observed many instances where the check out clerk would listen to the voter check in and mark the voter checked out before the ballots were placed in the ballot box.

I did contact you on September 14th to notify you of my observations.

I anxiously await your response and will wait five days before forwarding to appropriate media outlets.

I hope you find these observations useful, and you can use them to strengthen our democratic processes and institutions and maintain the integrity of the voting process.

Sincerely,



City of Lawrence
Office of the City Clerk
Election Division
200 Common Street
Lawrence, Massachusetts 01840

WILLIAM LANTIGUA
MAYOR

WILLIAM J. MALONEY
CITY CLERK

CAROLE MORIN
ASSISTANT CITY CLERK

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September 17, 2010

Commonwealth of Massachusetts
Office of the Secretary of State
William Francis Galvin, Secretary of State
c/o Attorney Kristin Green
One Ashburton Place – 17th Floor
Boston, MA. 02133

E-MAIL FAX AND REGULAR MAIL: 1-617-742-3238 3 pages.

Dear Attorney Green:

This letter is in response to your e-mail letter sent earlier today regarding specific issues of concern as stated in that letter.

At approximately 1:30 p.m., Tuesday, September 13, 2010, Attorney McDermott contacted me to inform me that there was an allegation of poll worker misconduct being filed by the Silberstein Campaign for Senate against City of Lawrence for poll worker misconduct occurring at the C-3 polling location at the Brien Building, 355 Park Street, Lawrence, MA. Attorney McDermott provided me with information about the nature of the complaint which concerned an allegation that poll workers at this polling place were advising voters to vote for Barry Feingold [a candidate in opposition to Debbie Silberstein for Senate]. At the suggestion of Attorney McDermott I began an immediate inquiry and investigation into the allegation.

The City Election Division Office Staff was contacted to determine if a written or verbal allegation or statement had been filed or presented to the City Election Division by or on behalf of Candidate Silberstein. After it was determined that no such complaint could be found to have been filed with the City Election Division Office Staff or in the Office of the City Clerk, I called Bilingual Coordinator Rafael Tejada and asked that we meet at the C-3 poll location.

I also asked the main office staff for the City Election Division [Daniel Taveras, Richard Reyes, and Raul Batistine] if they received any reports of poll worker misconduct or irregularities from the Silberstein Campaign or any other source particularly in regard to poll C-3 and claims that poll workers were advising voters to vote for Barry Feingold rather than any other candidate [or to vote for any candidate whatsoever]. The City Election Division Staff informed me that they had not received any such report or

claim. The central office staff was asked to contact me immediately if such a report was received and to obtain as much information about any such claim as possible.

I informed him of the nature of the complaint and stated that it would be best to meet to discuss the matter in person at the C-3 poll location. Mr. Tejeda stated he would immediately meet me at the C-3 poll location.

Upon arrival at the C-3 poll location, I asked the Warden if he observed any of the poll staff advising voters to vote for Barry Finegold at any time during the day. The Warden stated that he did not see any of the poll workers provide any such information or advice to any voter at any time. I then asked the police officer present at the poll location if he had observed or suspected that any of the poll workers advise voters to vote for Barry Finegold at any time. The police officer stated that he was not aware that any poll worker was providing voters with advice to vote for Barry Finegold but stated that all the poll workers were speaking Spanish throughout the day and he may not be aware that it was being done since he did not speak or understand Spanish [all poll workers at this location speak Spanish]. He stated that he had not received any complaints from any voter or anyone else alleging poll worker misconduct. Upon concluding my inquiry with both the Warden and police officer on duty, I reminded the poll workers and police officer that they were not allowed to endorse or advocate for any candidate at any time.

After completing this inquiry, Mr. Tejeda arrived at the poll location and informed me that he did receive a call from an observer for the Silberstein Campaign [an individual known to him] about fifteen minutes before I had contacted him and asked to meet with him at C-3. Mr. Tejeda informed me that the observer for Candidate Silberstein stated to Mr. Tejeda that he observed a poll worker at the C-3 [Brien Building] poll location advise voters to cast their vote for Candidate Barry Finegold when asked by voters. Mr. Tejeda stated further that the campaign worker/observer for Candidate Silberstein claimed that he approached the voter and asked her to join in by filing a complaint with the observer regarding this incident. However, the voter refused. After discussions with Mr. Tejeda, I returned to the City Election Division Office in order to begin preparing a report regarding these matters.

While investigating the complaints at the C-3 polling location [The Brien Building] [probably about 2:00 p.m. or shortly thereafter], I noticed an inactive voter was being processed at the "out table" – the poll worker commented that the voter had just completed a "affirmation of current and continuous residency" form [which I informed the poll worker was required before the voter was provided a ballot]. The poll worker informed me that the voter did not have any form of identification available. I informed the poll worker that she was required to challenge the ballot and to proceed with the challenge process and then allow the voter to cast the ballot after the challenge process was completed. The poll worker informed me that the voter had already cast the ballot into the voting machine. Upon learning that the ballot had been cast into the machine, I instructed the Warden to make note of the matter in the Clerk's Journal and asked the voter if he had any utility bills or identification documents at home that could be easily accessed. The voter stated that he did and that he would return later in the day and provide it to the Warden so that it could be noted. I reminded the poll worker of the correct manner to process "inactive voters" and also provided her with the poll worker manual copy of the process. I asked the poll worker if she had any difficulty following the process correctly – she stated that she had not problem following the required process. A Silberstein Campaign observer [the only observer at this location at that time] asked me what could be done about the ballot that was cast without following the required process. I informed the observer that I had the Warden enter the matter on his Clerk's Journal and would report the matter in any report that may be generated regarding the incident. Later that day [approximately 5:30 p.m.], at my request Mr. Tejeda went to the poll location and asked if the voter had returned with any identification to support the affirmation. Mr. Tejeda reported that it appeared that the voter did not return as discussed.

Later in the day on September 14, 2010, Attorney McDermott [Counsel to the City of Lawrence] informed me that he had received a report that a poll worker or the Warden at one of the poll locations in Lawrence was observed trying to cast an absentee ballot but the voting machine rejected the ballot and would not count it. It was claimed by an observer that the poll worker noticed the ovals appearing next to the candidate's names on the ballot were not completely filled so the poll worker filled in the ovals with a ballot pen and then cast the absentee ballot.

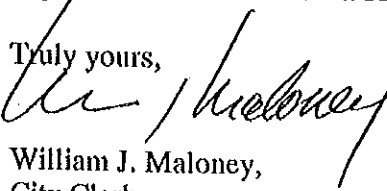
Although I had not as yet fully investigated the matter, a review of the Clerk's Journal for C-3 indicates that the Warden received a complaint from an observer at about 10:15 a.m. stating that the observer brought to the attention of the Warden that he [the observer] "... got a complaint that one of our worker(s) filled out a ballot for a person." The Warden reports that he spoke to all staff addressing the situation. Further inquiry of the Warden is expected to take place.

The last item provided in the e-mail sent by Attorney Green concerns a claim that poll workers at C-3 were initiating contact with elderly people by asking if they wanted assistance upon entering the polling place. This is the first time that I have been apprised of the issue and have not otherwise received any complaint concerning this conduct from any source until now. Poll workers are instructed during training sessions not to initiate contact with voters and to only address voters upon the request of the voter. Further inquiry into the allegation is necessary before any further comment on the issue can be made.

All the issues present great concern to the City Election Division. Further investigation is warranted and the City Clerk will conduct individual interviews with the C-3 Warden and each of the poll workers regarding each of these matters. Subsequent corrective and remedial measures including additional training and/or outright removal of the Warden and/or workers from their positions may be necessary and will be implemented. Certainly, further or additional action to remedy these issues that may be recommended or required will be taken.

Please contact me and Counsel to the City of Lawrence so we may all be aware of any additional requirements or information sought regarding the matters addressed or any other matters of concern.

Truly yours,


William J. Maloney,
City Clerk

cc: Attorney Charles Boddy, City Attorney
Attorney William McDermott, Counsel