



CITY OF CAMBRIDGE

BOARD OF ELECTION COMMISSIONERS

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COMMISSIONERS

Ethridge A. King, Jr.
Larry W. Ward
Charles J. Marquardt
Victoria A. Harris

EXECUTIVE DIRECTOR
Tanya L. Ford-Crump

ASSISTANT DIRECTOR
Lesley Waxman

BOARD OF ELECTION COMMISSIONERS MEETING

Minutes of November 2nd, 2022

Commissioner Marquardt called the meeting to order at 3:00 pm on November 2, 2022, via Zoom.

Roll Call:

Commissioner King	Present
Commissioner Marquardt	Present
Commissioner Harris	Present
Commissioner Ward	Present

Also present was Executive Director Tanya Ford, Assistant Director Lesley Waxman, City Solicitor Nancy Glowa and Deputy City Solicitor Megan Bayer.

Commissioner Marquardt moved to bring forward the voter registration complaint.

Megan Bayer provided an overview of a complaint filed on October 25, 2022 and what the options for dealing with it were. It is a 102-page complaint brought by a Cambridge registered voter under chapter 51, section 48 to challenge if people voting in Cambridge are properly registered to vote.

Ms. Bayer stated there are not sufficient grounds to go forth with this complaint and conduct a hearing. According to the state regulation (950 CMR Section 54), it is the burden of the person bringing forth the challenge to briefly set forth factual information, specific and personal to the challenged voter as to the reason that voter is not qualified to vote in the election. The election officer shall reject the challenge if it is not based on sufficient legal ground and if there is not specific and personal information demonstrating the voter is not qualified to the vote.

Ms. Bayer stated all we have is a list of voters that are registered in Cambridge and a list of changed addresses. She goes on to state the following:

- 1) It is not clear where the list of Cambridge addresses came from or if it is current or altered.
- 2) A change in address does not necessarily mean the voter does not live in Cambridge.
- 3) Statute requires the complaint be "signed and sworn by a registered voter," which means it must be notarized. This complaint is not notarized.
- 4) There is not sufficient information to determine if an accurate up-to-date list of registered voters was used.
- 5) To undertake a hearing to summon the subject of the complaint and each one of the voters would be extremely difficult before the election.

Ms. Bayer recommends that without having sufficient grounds in the complaint that the Commissioners do not find sufficient grounds and do not accept the complaint.

Commissioner Marquardt asked whether the law requires a physical signature to file a complaint or is a facsimile signature enough. She replied, because the law says, "signed and sworn," it is implied that it must be original.

Commissioner Harris asked if the framework of the complaint filed in neighboring communities was the same as the one the Commission has. Ms. Bayer stated other attorneys from surrounding communities described one very similar to the one we received.

Commissioner King commented that the domicile is where a person votes, not necessarily where they receive mail. Ms. Bayer pointed that without more information it is not known what is meant and is a reason not to accept this complaint.

Ms. Waxman pointed out the law in MA states you can vote at your last address if you have not registered in a new city or town within six months of moving.

Commissioner Marquardt stated the commissioners should follow the advice of Ms. Bayer and not accept this complaint.

Commissioner Harris agrees with Commissioner Marquardt. She also thinks there are not sufficient grounds, and the Commission should not move forward with conducting any hearings.

Commissioner Ward agrees with both commissioners and stresses lack of sufficient grounds to go forward.

Commissioner King agreed with all other commissioners and stated this is busy work right before an election.

Commissioner Marquardt commented that in the past we did not require complaints to be notarized, and asked if it would be a problem if the Commission uses that reason to reject this complaint. Ms. Bayer replied that just because it was not required in the past it would not cause a problem now. She added there are sufficient grounds to reject with that being left out. For instance, the complainant stated he signed under the pains and penalty of perjury yet all the signatures appear to be copies. So, whether the signature is an actual signature could be questioned.

Motion:

I move that the Board of Election Commissioners find that the complainant has not demonstrated sufficient grounds for their 7,182 voter registration challenges, in that the data is unreliable, the allegations are not specific and personal to any voter, the complaint is not supported by evidence that is specific and personal to any voter, that a change of mailing address does not mean that a person is not properly registered to vote in the City of Cambridge and further, that the voter registration statutes and election laws generally are intended to protect the right of voters and to ensure that the process is free from fraud, that voters must sign under oath to register, change addresses, or, if they are inactive, to vote; and further, that the Board hereby confirms its commitment to the enfranchisement of those persons who are eligible to vote and to remove from the voting list those who are not so eligible, using the state-mandated eligibility process, which it does, and reminds all that it is illegal to vote in any location where they are not a resident for voting purposes.

Commissioner Harris asked do we need to name the complainant. Ms. Glowa stated no because the name is an item on the agenda.

Moved: Commissioner Marquardt
Seconded: Commissioner Ward

Roll Call:

Commissioner King	Yes
Commissioner Marquardt	Yes
Commissioner Harris	Yes
Commissioner Ward	Yes

Passed: 4-0

Commissioner Marquardt then moved to bring forward Mason Reese, a graduate student at MIT in political science. He is interested in how the physical architecture of the building affects the voting environment and would like to compare voting locations in Cambridge. He would like to know how he can be an election observer.

Commissioner Harris asked if the space provided to poll watchers would suffice for his purposes. Mr. Reese stated yes.

Ms. Waxman stated she will email Mr. Reese a memo laying out all the rules for a poll watcher.

Separate from Mr. Reese’s request, Commissioner Marquardt asked if there is a particular amount of space required for election offices. Mr. Reese was not aware of any studies which address that issue. He suggested reaching out to the Houston Election office since they just moved to a new location.

Commissioner Harris would like to keep in touch and hear about his results. He agreed to come back and share results.

I. PUBLIC COMMENT

There was no public comment.

Motion: To close public comment
Moved: Commissioner Marquardt
Seconded: Commissioner Harris

Roll Call:

Commissioner King	Yes
Commissioner Marquardt	Yes
Commissioner Harris	Yes
Commissioner Ward	Yes

Passed: 4-0

II. MINUTES

Motion: Minutes of October 26th 2022 accepted with corrections

Moved: Commissioner Marquardt
Seconded: Commissioner Harris

Roll Call:

Commissioner King	Yes
Commissioner Marquardt	Yes
Commissioner Harris	Yes
Commissioner Ward	Yes

Passed: 4-0

III: REPORTS

1. Executive Director's Report

None. Ms. Ford is at the Senior Center supervising pre-processing.

2. Assistant Director's Report

The Commission received the resignation of School Committee Member Akriti Bhambi (R2) from the city clerk's office. Will schedule recount when Choice Plus Pro Consultants are available. At least three days are needed to inform all school committee candidates who are in the running for the open seat. Her resignation is effective November 15, 2022.

Motion: To accept the notice of the resignation and authorize the election commission staff to schedule a vacancy recount based upon the availability of the Choice Plus Pro Consultants.

Moved: Commissioner Marquardt

Seconded: Commissioner Harris

Roll Call:

Commissioner King	Yes
Commissioner Marquardt	Yes
Commissioner Harris	Yes
Commissioner Ward	Yes

Passed: 4-0

Ms. Waxman next reviewed three options available for counting mail-in ballots as outlined in her report (R1). She recommends the commissioners choose option 3, and count all ballots received on Election Day after Election Day during the post-election tabulation process. The State must be notified by November 4 as to which option the Commission will use.

Commissioner Harris asked if we should be emptying the drop boxes twice on Election Day.

Motion: To adopt option number three in Ms. Waxman presentation (R1) for the election of November 8th, 2022.

Moved: Commissioner Marquardt

Seconded: Commissioner Harris

Roll Call:

Commissioner King	Yes
Commissioner Marquardt	Yes
Commissioner Harris	Yes
Commissioner Ward	Yes

Passed: 4-0

Early Voting Update:

Ms. Waxman reported there was over 18,000 ballots mailed through November 1, which was the deadline. Approximately 2,050 voted early in person through November 1. There have been 9,621 EV ballots accepted through November 1 (including the 2,050 in person).

Advance Processing Update:

19 precincts and 5,303 ballots have been processed through November 2, 2022.

Commissioners Marquardt and Harris will perform ballot packing on November 4 at 9:00 am.

3. Commissioner Reports

Commissioner Marquardt tested Automarks that had been recently serviced.

Commissioner Harris – MIT students are set with paperwork. Commissioners Ward and Harris have continued to work with CRLS students. Commissioner Harris will send out a spreadsheet of where students will be placed. Commissioners are encouraged to contact students and remind them of the 6:30 am start time and which site they will be working. She also did assisted voting at Neville Place on November 1. She did a site visit at Cadbury Commons to view the layout given the new entrance off the patio. She conducted sub-precinct training along with Commissioner Ward on November 1. She asked if there could be hands-on training to connect the scanner to the ballot box.

Commissioner King performed healthcare facility voting at Cambridge Homes on November 3. Twelve people voted.

IV. ACTION AGENDA

Old Business

State Election November 8th, 2022

Drop Boxes- Ms. Waxman asked that commissioners do more than one pick up on Election Day.

Commissioner King asked when will the Election Day voting list be printed. Ms. Waxman stated on Saturday prior to the Tuesday November 8th election.

Commissioner King also mentioned a question from the sub-precinct training related to contents of the bags. Ms. Waxman stated the DPW bag contents will be shared, the precinct bags will contain everything as usual, and the sub-precinct bags will contain only what is needed for the sub-precinct.

Commissioner Marquardt mentioned what we need to do for the drop boxes on election night. We need to put a sticker from the Secretary of State's office on the drop boxes at 8 pm closing.

The schedule is:

Commissioner Ward will close the Police Station.

Commissioner Harris will close the O'Neil Library.

Ms. Ford or someone from the office will do 51 Inman Street.

Commissioner Marquardt will close Morse and a police officer will close City Hall.

Commissioner Marquardt will pick up the ballots after closing Morse.

Commissioner King will close Baldwin.

Vote by Mail Update

Early Voting Update

Advance Processing of Ballots

Post Processing will be 9 am on November 15 at the Senior Center.

Commissioner Harris ask if we are holding the Zoom Q&A at 2 pm Saturday and 11 am on Sunday. Commissioner King will provide a Zoom link. Commissioner Harris asked if there will be an opportunity to practice with the ballot box. Ms. Waxman will follow up with Commissioner Harris.

Next meeting schedule:

Tuesday, November 8, at 9:30 pm at the Senior Center

Friday, November 18, at 3:30 pm at 51 Inman Street on the 2nd Floor

Motion: To adjourn the meeting at 4:25 pm

Moved: Commissioner Marquardt

Seconded: Commissioner King

Roll Call:

Commissioner King Yes

Commissioner Marquardt Yes

Commissioner Harris Yes

Commissioner Ward Yes

Passed: 4-0

A True Record

Attested by:



Larry Ward, Secretary