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*The Commonwealth of Massachusetts*

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REPORT IN PART  
OF THE  
SPECIAL COMMITTEE OF THE HOUSE  
TO EXAMINE THE  
RETURNS OF THE VOTES FOR REPRESENTATIVE  
IN THE SEVERAL  
REPRESENTATIVE DISTRICTS OF THE  
COMMONWEALTH RELATIVE TO THE  
FIRST MIDDLESEX DISTRICT

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January 17, 2023

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3. Memorandum in Support of Margaret Scarsdale's Motion to Dismiss;
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Appendix E - Documents Submitted on Behalf of Andrew Shepherd

1. Copy of Complaint filed in *Shepherd v. Town of Townsend Registrars of Voters, et al.*, Civil Action No. 2281CV04326;
2. Affidavit of Representative Paul Frost;
3. Affidavit of Representative David Muradian;
4. Affidavit of Andrew Shepherd;
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## **Report of the Special Committee, In Part**

### **Factual Background**

On November 8, 2022, the Commonwealth of Massachusetts conducted elections for various state and federal offices. The election for State Representative was one of the many contests included on the ballot in the First Middlesex District, which consists of the Towns of Ashby, Dunstable, Groton (Precincts 2,3), Lunenburg (Precincts A, B1, C, D), Pepperell and Townsend. Three candidates appeared printed on the ballot for the State Representative contest: Margaret R. Scarsdale (“Ms. Scarsdale”), a Democrat, Andrew J. Shepherd (“Mr. Shepherd”), a Republican, and Catherine Lundeen (“Ms. Lundeen”), an unenrolled candidate.

The registrars of the various towns in the First Middlesex District counted the votes on their respective ballots and transmitted the results to the office of the Secretary of the Commonwealth, William F. Galvin. Secretary Galvin’s office thereafter released the results of the total of 20,303 ballots counted for the State Representative election: Ms. Scarsdale, 9,384 votes; Mr. Shepherd, 9,367 votes; Ms. Lundeen, 1,074 votes; Blanks, 393 votes; All Others, 85 votes. Secretary Galvin’s office declared Ms. Scarsdale the winner by a seventeen-vote margin.

Mr. Shepherd thereafter petitioned Secretary Galvin’s office to order a district-wide recount. The ordered recount occurred in each town in the district and ran from December 5, 2022 through December 10, 2022 (Pepperell, December 5, 2022; Townsend, December 5, 2022; Ashby, December 7, 2022; Dunstable, December 7, 2022; Groton December 8, 2022; Lunenburg, December 10, 2022). After the recount, Ms. Scarsdale’s margin of victory decreased to seven votes.

On December 14, 2022, the Governor and Governor’s Council certified Ms. Scarsdale as the winner of the First Middlesex District and issued a certificate to her bearing the signatures of the Governor and the Secretary of the Commonwealth in accordance with the provisions of section 116 of Chapter 54 of the General Laws. The Secretary then transmitted the certificate to Scarsdale, summoning her to appear on Wednesday, January 4, 2023 at the State House to be sworn in as the duly elected Representative of the First Middlesex District.

On December 23, 2022, at 6:09pm, Mr. Shepherd filed a Complaint in Middlesex Superior Court, Civil Action No. 2281CV04326. In his Complaint, Mr. Shepherd requested, *inter alia*, relief declaring that the “integrity” of the November 8, 2022 election for State Representative of the First Middlesex District was compromised. Mr. Shepherd also asked the Court to nullify the November 8, 2022 election and order a new election. Ms. Scarsdale stated she was made aware of Mr. Shepherd’s

filing on December 27, 2022. On January 4, 2023, Ms. Scarsdale filed a motion to dismiss Mr. Shepherd's Complaint. To date, the Middlesex Superior Court has not yet taken any action on Ms. Scarsdale's motion or on Mr. Shepherd's requests for relief.

Pursuant to Part II, Chapter ,1 Section 1, Article 1, as amended by Article 64 of the amendments to the Constitution of the Commonwealth, the House assembled on January 4, 2023. Having received a communication from the Secretary of the Commonwealth indicating the returns of the November 8, 2022 elections for Representatives in the General Court (Appendix A), the House unanimously adopted an order to form a Special Committee of the House to Examine the Returns of Votes for Representative in the Several Representative Districts of the Commonwealth (hereinafter "the Special Committee") (Appendix B). The House appointed Representative-Elect Michael S. Day of Stoneham, Representative-Elect Daniel J. Ryan of Charlestown and Representative-Elect Bradley H. Jones, Jr. of North Reading to serve on the Special Committee.

Following the Special Committee's review of the returns, it unanimously agreed to offer an order in the hands of the Clerk of the House declaring: that 158 candidates for office were duly elected and ought to be sworn in by the Governor; that, pending further review by the Special Committee, the term of Leonard Mirra shall continue as required by Article 64 of the Amendments to the Constitution of the Commonwealth, as amended by Article 82 of the Amendments to the Constitution of the Commonwealth, until a successor is chosen and qualified; and that the First Middlesex District ought to remain vacant until a Member is chosen and qualified.

On January 13, 2023 at 2:00pm in Room A-2 of the Massachusetts State House, the Special Committee held a public hearing to further examine the returns of the First Middlesex District House election. The Special Committee invited Ms. Scarsdale and Mr. Shepherd, along with their respective legal counsel, to submit any documents they wished the Special Committee to consider and invited them to appear and give testimony before the Special Committee. The Special Committee secured the presence of a stenographer to transcribe the proceedings which were livestreamed, closed captioned and recorded on the General Court's website. Ms. Scarsdale and Mr. Shepherd provided the Special Committee with a series of documents which are attached hereto at Appendices D and E.

On January 17, 2023 Counsel for Mr. Shepherd submitted *Andrew Shepherd's Supplemental Memorandum*. That document is adopted into the record through this report and is attached hereto at Appendix F. Ms. Scarsdale did not submit any supplemental materials for the Special Committee's consideration.

Findings and Conclusions:

After hearing from witnesses and examining the returns and all other relevant evidence, including documents and testimony offered by Ms. Scarsdale and Mr. Shepherd, the Special Committee concludes the following:

1. Pursuant to Part II, Chapter 1, Section 3, Article 10 of the Constitution of the Commonwealth, the House of Representatives has the exclusive and final jurisdiction over the “returns, elections and qualifications of its own members.” See, also *Opinion of the Justices to the Senate*, 375 Mass. 795, 815 (1978). The certificate and summons provided to Representative-Elect Scarsdale, coupled with the formation of this Special Committee and its hearing on the matter clearly manifests the House’s exercise of its exclusive jurisdiction in regard to the First Middlesex District. See *Greenwood v. Registrars of Voters of City of Fitchburg*, 282 Mass. 74, 79 (1933). The House is therefore now the sole arbiter of all claims to this seat and any requests pending in judicial proceedings or actions taken by a judicial court are moot. See *Wheatley v. Secretary of Commonwealth*, 439 Mass. 849, 854 (2003); see also *Greenwood*, supra at 80.
2. Mr. Shepherd alleges that the result of the election for the First Middlesex District was put in doubt by a variety of ministerial errors that occurred during the election process, including, *inter alia*, the separation of mailed ballots from their envelopes, a “disjointed administration” of a recount and the discovery of the inclusion of “test” ballots in one town.<sup>1</sup> (Appendix E, Exhibit 1) When asked about the nature of the remedy sought from the House, Mr. Shepherd, through counsel, asked that the November 8, 2022 election results be set aside, that the House declare the First Middlesex Representative seat be declared vacant, and that the House order a new election. (Appendix F, at p. 12) In his supplemental memorandum, Mr. Shepherd now asks that the House either declare him the rightful winner of the election or, alternatively, declare “that the House cannot seat either Mr. Shepherd or Ms. Scarsdale because the accuracy of the Election/Recount results has been placed in substantial doubt.” (Appendix G at p. 1)
3. Mr. Shepherd does not allege any fraud or intentional misconduct occurred at any time by the voters or the various Registrars charged with counting the returns. The Special Committee takes note of statements from Mr. Shepherd that “I do not believe there were any conspiracies nor nefarious intent. I simply believe that there was human error under the smallest of margins that

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<sup>1</sup> The Special Committee credits evidence that removal of the “test” ballots from the count would increase Scarsdale’s margin of victory.

had materially affected the outcome of this race.” (Appendix F, p. 34) The Special Committee further notes that Mr. Shepherd has publicly stated that “I believe that every single town clerk, registrar, and poll worker acted in good faith.” (Appendix D, Exhibit 2) The Special Committee concurs with Mr. Shepherd and finds that no fraud or intentional misconduct occurred during either the initial count of the returns or during the recount of the returns for the First Middlesex Representative District.

4. While the Special Committee came to a clear and unanimous decision that there was no evidence of fraud in the conduct of the election for the First Middlesex District, a review of the evidence presented to the Special Committee does raise concerns regarding minor missteps and, if occurring on a larger scale, their potential impact on future elections. The evidence presented to the Special Committee suggests that in one community there may have been instances where incorrect ballots were sent to qualified voters. In another community, it appears possible that fifty test ballots were inadvertently included during the recount with actual ballots cast. In another community, it appears uncast ballots were included in the blanks tally as a simple way of accounting for those uncast ballots. While these missteps had no impact on the integrity or the final outcome of the election, similar missteps in the future, if occurring on a larger scale, could affect future elections.
5. The Special Committee recognizes the critical role that municipal officers play in our state and national elections. The election process has evolved over time by both legislative design and simply by advances in technology and mobility. In each of the instances outlined, the ballots in question do not impact the integrity or the outcome of the election in the First Middlesex District. These missteps, while benign in the election for State Representative in the First Middlesex District, do highlight the need for continued close review of current regulations, training, policies and practices of elections in the Commonwealth.
6. Massachusetts election laws are designed to prevent fraud and secure voting rights, not to disenfranchise voters because of ministerial irregularities or omissions. *See Swift v. Registrars of Voters of Quincy*, 281 Mass. 271, 277 (1932); *McCavitt v. Registrars of Voters of Brockton*, 385 Mass. 833, 844 (1982). Failures on the part of election officers to perform the precise duties imposed on them by statute do not by themselves invalidate the votes or afford any grounds for

nullifying the count. See, e.g., *Fyntrilakis v. City of Springfield*, 47 Mass.App.Ct. 464, 469 (1999) citing *Swift*, supra at 278.<sup>2</sup>

7. A new election is only required when the irregularities alleged are also shown to have compromised the integrity of the election. See *McCavitt*, supra at 850. Furthermore, because a new election disenfranchises thousands of voters, any complaint against its legitimacy must overcome both the presumption that votes counted by election officials are legal and that voting disputes, when possible, should be resolved in favor of the voter. See *McCavitt*, supra at 846; see also *Santana v. Registrars of Voters of Worcester*, 384 Mass. 487, 491 (1981).
8. Mr. Shepherd failed to provide any corroborating evidence to support his claims that the irregularities that occurred in Pepperell, Groton, Dunstable and Lunenburg caused harm beyond pure speculation. He has not met his burden of proof in this matter.

The Special Committee recommends that the House of Representatives declare Representative-Elect Margaret R. Scarsdale the properly elected and qualified Representative for the First Middlesex District and adopt a resolution to that effect.

For the Committee,

Michael S. Day, Chair

Daniel J. Ryan

Bradley H. Jones Jr.

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<sup>2</sup> Counsel for Shepherd relied on *Connolly v. Secretary of the Commonwealth*, 404 Mass. 556 (1989) for his contention that an election must be overturned when the margin of conjecture is greater than that of victory. This reliance is misplaced where, as here, the conjecture offered includes no proof that the contested ballots separated from their envelopes were counted erroneously. In *Connolly* this showing of clear error was a prerequisite to consideration of any argument based on conjecture.

# Appendix A- Communication from Secretary of Commonwealth





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

*William Francis Galvin*  
*Secretary of the Commonwealth*

January 4, 2023

*To the Honorable House of Representatives:*

I have the honor to lay before you the returns of votes cast at the election held in this Commonwealth on the eighth day of November, 2022, for Representatives in the General Court in the several districts, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution and General Laws.

Very truly yours,

A handwritten signature in blue ink, appearing to read "W. Francis Galvin", written in a cursive style. The signature is positioned above the printed name and title.

WILLIAM FRANCIS GALVIN  
Secretary of the Commonwealth



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

*William Francis Galvin*  
*Secretary of the Commonwealth*

January 4, 2023

*To the Honorable Senate and House of Representatives:*

I have the honor to lay before you the returns of votes cast at the election held in this Commonwealth on the eighth day of November, 2022, for Councillors in the several districts, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the Senate and the House of Representatives, as required by the Constitution.

Very truly yours,

A handwritten signature in blue ink, appearing to read "William Francis Galvin".

WILLIAM FRANCIS GALVIN  
Secretary of the Commonwealth



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

*William Francis Galvin*  
*Secretary of the Commonwealth*

January 4, 2023

*To the Honorable Senate and House of Representatives:*

I have the honor to lay before you the returns of votes cast at the election held in this Commonwealth on the eighth day of November, 2022, for Governor and Lieutenant Governor, Attorney General, Secretary, Treasurer and Auditor, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the Senate, as required by the Constitution and General Laws.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Francis Galvin", written in a cursive style.

WILLIAM FRANCIS GALVIN  
Secretary of the Commonwealth

# Return of Votes

For Massachusetts State Election

November 8, 2022



Compiled by  
**William Francis Galvin**  
Secretary of the Commonwealth  
Elections Division

Certified by the  
Governor and Council

GOVERNOR AND LIEUTENANT GOVERNOR

ATTORNEY GENERAL

SECRETARY OF STATE

TREASURER

AUDITOR

REPRESENTATIVE IN CONGRESS

COUNCILLOR

SENATOR IN GENERAL COURT

REPRESENTATIVE IN GENERAL COURT

DISTRICT ATTORNEY

SHERIFF

STATEWIDE BALLOT QUESTIONS

PUBLIC POLICY QUESTIONS



# The Commonwealth of Massachusetts

## EXECUTIVE DEPARTMENT, COUNCIL CHAMBERS

December 14, 2022

His Excellency the Governor and Council, having examined the amended and recounted returns of votes for Representatives in Congress, State Officers, and ballot questions given in the several cities and towns in the manner prescribed by the Constitution and Laws of the Commonwealth on the eighth day of November last past, find that the following named persons have received the number of votes set against their names.

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### GOVERNOR and LIEUTENANT GOVERNOR

Diehl and Allen (Republican) have.....	859,343
Healey and Driscoll (Democratic) have.....	1,584,403
and appear to be elected.	
Reed and Everett (Libertarian) have.....	39,244
All others.....	2,806
Blanks .....	25,665
Total Votes Cast.....	2,511,461

### ATTORNEY GENERAL

Andrea Joy Campbell, of Boston (Democratic) has .....	1,539,624
and appears to be elected.	
James R. McMahon, III, of Bourne (Republican) has .....	908,608
All Others.....	1,550
Blanks .....	61,679
Total Votes Cast.....	2,511,461

### SECRETARY OF STATE

William Francis Galvin, of Boston (Democratic) has .....	1,665,808
and appears to be elected.	
Rayla Campbell, of Whitman (Republican) has .....	722,021
Juan Sanchez, of Holyoke (Green-Rainbow) has .....	71,717
All Others.....	1,396
Blanks .....	50,519
Total Votes Cast.....	2,511,461

## TREASURER and RECEIVER GENERAL

Deborah B. Goldberg, of Brookline (Democratic) has .....	1,709,555
and appears to be elected.	
Cristina Crawford, of Sherborn (Libertarian) .....	516,019
All Others .....	9,994
Blanks .....	275,893
Total Votes Cast.....	2,511,461

## AUDITOR

Anthony Amore, of Winchester (Republican) has.....	897,223
Diana DiZoglio, of Methuen (Democratic) has .....	1,310,773
and appears to be elected.	
Gloria A. Caballero-Roca, of Holyoke (Green-Rainbow) has.....	68,646
Dominic Giannone, III, of Weymouth (Workers Party) has.....	51,877
Daniel Riek, of Yarmouth (Libertarian) has .....	48,625
All Others.....	1,648
Blanks .....	132,669
Total Votes Cast.....	2,511,461

## REPRESENTATIVE IN CONGRESS

### FIRST DISTRICT

Richard E. Neal, of Springfield (Democratic) has.....	157,635
and is duly elected.	
Dean James Martilli, of West Springfield (Republican) has .....	98,386
All Others.....	378
Blanks .....	7,252
Total Votes Cast.....	263,651

### SECOND DISTRICT

James P. McGovern, of Worcester (Democratic) has.....	180,639
and is duly elected.	
Jeffrey A. Sossa-Paquette, of Shrewsbury (Republican) has.....	91,956
All Others.....	276
Blanks .....	7,200
Total Votes Cast.....	280,071

**THIRD DISTRICT**

Lori Loureiro Trahan, of Westford (Democratic) has .....	154,496
and is duly elected.	
Dean A. Tran, of Fitchburg (Republican) has.....	88,585
All Others.....	220
Blanks .....	8,088
Total Votes Cast.....	251,389

**FOURTH DISTRICT**

Jake Auchincloss, of Newton (Democratic) has .....	201,882
and is duly elected.	
All Others.....	6,397
Blanks .....	83,290
Total Votes Cast.....	291,569

**FIFTH DISTRICT**

Katherine M. Clark, of Revere (Democratic) has .....	203,994
and is duly elected.	
Caroline Colarusso, of Stoneham (Republican) has .....	71,491
All Others.....	186
Blanks .....	9,210
Total Votes Cast.....	284,881

**SIXTH DISTRICT**

Seth Moulton, of Salem (Democratic) has.....	198,119
and is duly elected.	
Bob May, of Peabody (Republican) has .....	110,770
Mark T. Tashjian, of Georgetown (Libertarian) has.....	5,995
All Others.....	197
Blanks .....	7,951
Total Votes Cast.....	323,032



**SEVENTH DISTRICT**

Ayanna S. Pressley, of Boston (Democratic) has .....	151,825
and is duly elected.	
Donnie Dionicio Palmer, Jr., of Boston (Republican) has.....	27,129
All Others.....	557
Blanks .....	10,319
Total Votes Cast.....	189,830

**EIGHTH DISTRICT**

Stephen F. Lynch, of Boston (Democratic) has .....	189,987
and is duly elected.	
Robert G. Burke, of Milton (Republican) has.....	82,126
All Others.....	451
Blanks .....	12,019
Total Votes Cast.....	284,583

**NINTH DISTRICT**

Bill Keating, of Bourne (Democratic) has .....	197,823
and is duly elected.	
Jesse G. Brown, of Plymouth (Republican) has .....	136,347
All Others.....	150
Blanks .....	8,135
Total Votes Cast.....	342,455

**COUNCILLOR**

**FIRST DISTRICT**

Joseph C. Ferreira, of Swansea (Democratic) has .....	232,118
and appears to be elected.	
All Others.....	6,177
Blanks .....	109,738
Total Votes Cast.....	348,033

**SECOND DISTRICT**

Robert L. Jubinville, of Milton (Democratic) has.....	194,480
and appears to be elected.	
Dashe M. Videira, of Franklin (Republican) has .....	112,941
All Others.....	183
Blanks .....	21,549
Total Votes Cast.....	329,153

**THIRD DISTRICT**

Marilyn M. Petitto Devaney, of Watertown (Democratic) has.....	248,736
and appears to be elected.	
All Others.....	4,456
Blanks .....	91,907
Total Votes Cast.....	345,099

**FOURTH DISTRICT**

Christopher A. Iannella, Jr., of Boston (Democratic) has.....	205,182
and appears to be elected.	
Helene "Teddy" MacNeal, of Boston (Republican) has.....	84,005
All Others.....	418
Blanks .....	21,438
Total Votes Cast.....	311,043

**FIFTH DISTRICT**

Eileen R. Duff, of Gloucester (Democratic) has .....	175,894
and appears to be elected.	
Michael C. Walsh, of Lynnfield (Republican) has .....	119,175
All Others.....	207
Blanks .....	14,885
Total Votes Cast.....	310,161

**SIXTH DISTRICT**

Terrence W. Kennedy, of Lynnfield (Democratic) has .....	203,576
and appears to be elected.	
All Others.....	3,666
Blanks .....	71,129
Total Votes Cast.....	278,371

**SEVENTH DISTRICT**

Paul M. DePalo, of Worcester (Democratic) .....	163,456
and appears to be elected.	
Gary Galonek, of Sturbridge (Republican).....	123,084
All Others.....	157
Blanks .....	13,825
Total Votes Cast.....	300,522

**EIGHTH DISTRICT**

John M. Comerford, of Palmer (Republican) has .....	104,839
Tara J. Jacobs, of North Adams (Democratic) has .....	170,120
and appears to be elected.	
All Others.....	235
Blanks .....	13,885
Total Votes Cast.....	289,079

**SENATOR IN GENERAL COURT**

**BERKSHIRE, HAMPDEN, FRANKLIN & HAMPSHIRE DISTRICT**

Paul W. Mark, of Becket (Democratic) has .....	47,989
and appears to be elected.	
Brendan M. Phair, of Pittsfield (Unenrolled) has .....	14,806
All Others.....	139
Blanks .....	6,306
Total Votes Cast.....	69,240

**BRISTOL & NORFOLK DISTRICT**

Paul R. Feeney, of Foxborough (Democratic) has.....	40,353
and appears to be elected.	
Michael Chaisson, of Foxborough (Republican) .....	26,221
Laura L. Saylor, of Mansfield (Workers Party).....	2,168
All Others.....	17
Blanks .....	2,733
Total Votes Cast.....	71,492

**FIRST BRISTOL & PLYMOUTH DISTRICT**

Michael J. Rodrigues, of Westport (Democratic) has.....	29,420
and appears to be elected.	
Russell T. Protentis, of Lakeville (Republican) has .....	21,600
All Others.....	34
Blanks .....	1,920
Total Votes Cast.....	52,974

**SECOND BRISTOL & PLYMOUTH DISTRICT**

Mark C. Montigny, of New Bedford (Democratic) has.....	35,193
and appears to be elected.	
All Others.....	1,018
Blanks .....	12,524
Total Votes Cast.....	48,735

**THIRD BRISTOL & PLYMOUTH DISTRICT**

Marc R. Pacheco, of Taunton (Democratic) has .....	35,556
and appears to be elected.	
Maria S. Collins, of Taunton (Republican) has .....	29,937
All Others.....	32
Blanks .....	2,105
Total Votes Cast.....	67,630

**CAPE & ISLANDS DISTRICT**

Julian Andre Cyr, of Truro (Democratic) has .....	54,714
and appears to be elected.	
Christopher Robert Lauzon, of Barnstable (Republican) has .....	31,176
All Others.....	32
Blanks .....	1,722
Total Votes Cast.....	87,644

**FIRST ESSEX DISTRICT**

Pavel Payano, of Lawrence (Democratic) has .....	21,591
and appears to be elected.	
All Others.....	1,256
Blanks .....	8,106
Total Votes Cast.....	30,953

**SECOND ESSEX DISTRICT**

Joan B. Lovely, of Salem (Democratic) has .....	44,277
and appears to be elected.	
Damian M. Anketell, of Peabody (Republican) has .....	21,108
All Others.....	50
Blanks .....	2,022
Total Votes Cast.....	67,457

**THIRD ESSEX DISTRICT**

Brendan P. Crighton, of Lynn (Democratic) has .....	34,620
Annalisa Sulustri, of Swampscott (Independent) has .....	13,910
All Others.....	205
Blanks .....	7,443
Total Votes Cast.....	56,178

**FIRST ESSEX & MIDDLESEX DISTRICT**

Bruce E. Tarr, of Gloucester (Republican) has .....	58,838
and appears to be elected.	
Terence William Cudney, of Gloucester (Independent) has .....	23,408
All Others .....	171
Blanks .....	7,075
Total Votes Cast.....	89,492

**SECOND ESSEX & MIDDLESEX DISTRICT**

Barry R. Finegold, of Andover (Democratic) has .....	42,932
and appears to be elected.	
Salvatore Paul DeFranco, of Haverhill (Republican) has .....	31,926
All Others .....	42
Blanks .....	1,727
Total Votes Cast.....	76,627

**HAMPDEN DISTRICT**

Adam Gomez, of Springfield (Democratic) has .....	23,665
and appears to be elected.	
All Others .....	845
Blanks .....	5,790
Total Votes Cast.....	30,300

**HAMPDEN & HAMPSHIRE DISTRICT**

John C. Velis, of Westfield (Democratic) has .....	37,130
and appears to be elected.	
Cecilia P. Calabrese, of Agawam (Republican) has .....	19,388
All Others .....	77
Blanks .....	1,244
Total Votes Cast.....	57,839

**HAMPDEN, HAMPSHIRE & WORCESTER DISTRICT**

William E. Johnson, of Granby (Republican) has .....	29,027
Jacob R. Oliveira, of Ludlow (Democratic) has .....	37,410
and appears to be elected.	
All Others.....	31
Blanks .....	1,681
Total Votes Cast.....	68,149

**HAMPSHIRE, FRANKLIN & WORCESTER DISTRICT**

Jo Comerford, of Northampton (Democratic) has .....	51,232
and appears to be elected.	
All Others.....	1,280
Blanks .....	11,039
Total Votes Cast.....	63,551

**FIRST MIDDLESEX DISTRICT**

Edward J. Kennedy, Jr., of Lowell (Democratic) has .....	32,003
and appears to be elected.	
All Others.....	847
Blanks .....	12,782
Total Votes Cast.....	45,632

**SECOND MIDDLESEX DISTRICT**

Patricia D. Jehlen, of Somerville (Democratic) has.....	53,866
and appears to be elected.	
All Others.....	439
Blanks .....	12,403
Total Votes Cast.....	66,708

**THIRD MIDDLESEX DISTRICT**

Michael J. Barrett, of Lexington (Democratic) has .....	50,728
and appears to be elected.	
All Others.....	672
Blanks .....	17,403
Total Votes Cast.....	68,803

**FOURTH MIDDLESEX DISTRICT**

Cindy F. Friedman, of Arlington (Democratic) has.....	54,112
and appears to be elected.	
All Others.....	1,107
Blanks .....	21,232
Total Votes Cast.....	76,451

**FIFTH MIDDLESEX DISTRICT**

Jason M. Lewis, of Winchester (Democratic) has .....	42,130
and appears to be elected.	
Edward F. Dombroski, Jr., of Wakefield (Republican) has.....	24,104
All Others.....	63
Blanks .....	2,625
Total Votes Cast.....	68,922

**MIDDLESEX & NORFOLK DISTRICT**

Karen E. Spilka, of Ashland (Democratic) has.....	52,484
and appears to be elected.	
All Others.....	952
Blanks .....	14,075
Total Votes Cast.....	67,511

**MIDDLESEX & SUFFOLK DISTRICT**

Sal N. DiDomenico, of Everett (Democratic) has .....	33,355
and appears to be elected.	
All Other .....	395
Blanks .....	7,831
Total Votes Cast.....	41,581

**MIDDLESEX & WORCESTER DISTRICT**

James B. Eldridge, of Acton (Democratic) has.....	51,574
and appears to be elected.	
Anthony Christakis, of Wayland (Republican) has .....	21,819
All Others.....	44
Blanks .....	2,528
Total Votes Cast.....	75,965



**NORFOLK & MIDDLESEX DISTRICT**

Cynthia Stone Creem, of Newton (Democratic) has .....	55,022
and appears to be elected.	
All Others.....	713
Blanks .....	15,213
Total Votes Cast.....	70,948

**NORFOLK & PLYMOUTH DISTRICT**

John F. Keenan, of Quincy (Democratic) has.....	36,063
and appears to be elected.	
Gary M. Innes, of Hanover (Republican) has .....	20,586
All Others.....	38
Blanks .....	2,248
Total Votes Cast.....	58,935

**NORFOLK, PLYMOUTH & BRISTOL DISTRICT**

Walter F. Timilty, of Milton (Democratic) has.....	40,311
and appears to be elected.	
Brian R. Muello, of Braintree (Republican) has .....	20,648
All Others.....	86
Blanks .....	2,996
Total Votes Cast.....	64,041

**NORFOLK & SUFFOLK DISTRICT**

Michael F. Rush, of Boston (Democratic) has.....	54,915
and appears to be elected.	
All Others.....	1,043
Blanks .....	19,742
Total Votes Cast.....	75,700

**NORFOLK, WORCESTER & MIDDLESEX DISTRICT**

Rebecca L. Rausch, of Needham (Democratic) has .....	41,893
and appears to be elected.	
Shawn C. Dooley, of Wrentham (Republican) has.....	34,452
All Others.....	53
Blanks .....	1,950
Total Votes Cast.....	78,348

**PLYMOUTH & BARNSTABLE DISTRICT**

Susan Lynn Moran, of Falmouth (Democratic) has.....	49,686
and appears to be elected.	
Kari MacRae, of Bourne (Republican) has.....	38,493
All Others.....	39
Blanks .....	2,832
Total Votes Cast.....	91,050

**FIRST PLYMOUTH & NORFOLK DISTRICT**

Patrick Michael O'Connor, of Weymouth (Republican) has.....	48,668
and appears to be elected.	
Robert William Stephens, Jr., of Hanson (Democratic) has .....	31,609
All Others.....	42
Blanks .....	2,952
Total Votes Cast.....	83,271

**SECOND PLYMOUTH & NORFOLK DISTRICT**

Michael D. Brady, of Brockton (Democratic) has.....	29,297
and appears to be elected.	
Jim Gordon, of Hanson (Republican) has.....	16,693
All Others.....	38
Blanks .....	1,733
Total Votes Cast.....	47,761

**FIRST SUFFOLK DISTRICT**

Nicholas P. Collins, of Boston (Democratic) has .....	41,069
and appears to be elected.	
All Others.....	929
Blanks .....	10,482
Total Votes Cast.....	52,480

**SECOND SUFFOLK DISTRICT**

Liz Miranda, of Boston (Democratic) has .....	35,207
and appears to be elected.	
All Others.....	439
Blanks .....	5,011
Total Votes Cast.....	40,657

**THIRD SUFFOLK DISTRICT**

Lydia Marie Edwards, of Boston (Democratic) has .....	32,396
and appears to be elected.	
All Others.....	1,006
Blanks .....	11,580
Total Votes Cast.....	44,982

**SUFFOLK & MIDDLESEX DISTRICT**

William N. Brownsberger, of Belmont (Democratic) has .....	42,713
and appears to be elected.	
All Others.....	437
Blanks .....	9,782
Total Votes Cast.....	52,932

**FIRST WORCESTER DISTRICT**

Robyn K. Kennedy, of Worcester (Democratic) has .....	30,138
and appears to be elected.	
Lisa K. Mair, of Berlin (Unenrolled) has.....	10,805
All Others.....	456
Blanks .....	3,318
Total Votes Cast.....	44,717

**SECOND WORCESTER DISTRICT**

Michael O. Moore, of Millbury (Democratic) has.....	40,946
and appears to be elected.	
All Others.....	793
Blanks .....	12,641
Total Votes Cast.....	54,380

**WORCESTER & HAMPDEN DISTRICT**

Ryan C. Fattman, of Sutton (Republican) has .....	53,456
and appears to be elected.	
All Others.....	833
Blanks .....	17,109
Total Votes Cast.....	71,398

**WORCESTER & HAMPSHIRE DISTRICT**

Anne M. Gobi, of Spencer (Democratic) has .....	35,409
and appears to be elected.	
James Anthony Amorello, of Holden (Republican) has .....	29,734
All Others.....	15
Blanks .....	1,580
Total Votes Cast.....	66,738

**WORCESTER & MIDDLESEX DISTRICT**

John J. Cronin, of Lunenburg (Democratic) has .....	36,784
and appears to be elected.	
Kenneth B. Hoyt, of Westford (Republican) has .....	24,238
All Others.....	35
Blanks .....	2,232
Total Votes Cast.....	63,289

**REPRESENTATIVE IN GENERAL COURT**

**FIRST BARNSTABLE DISTRICT**

Christopher Richard Flanagan, of Dennis (Democratic) has .....	12,454
and appears to be elected.	
Tracy A. Post, of Yarmouth (Republican) has.....	10,389
Abraham Kasparian, Jr., of Yarmouth (We The People) has .....	447
All Others.....	17
Blanks .....	457
Total Votes Cast.....	23,764

**SECOND BARNSTABLE DISTRICT**

Kip A. Diggs, of Barnstable (Democratic) has .....	11,664
and appears to be elected.	
William Buffington Peters, of Barnstable (Republican) has .....	7,098
All Others.....	18
Blanks .....	363
Total Votes Cast.....	19,143

**THIRD BARNSTABLE DISTRICT**

David T. Vieira, of Falmouth (Republican) has .....	12,715
and appears to be elected.	
Kathleen Fox Alfano, of Bourne (Democratic) has .....	10,227
All Others.....	7
Blanks .....	735
Total Votes Cast.....	23,684

**FOURTH BARNSTABLE DISTRICT**

Sarah K. Peake, of Provincetown (Democratic) has .....	18,786
and appears to be elected.	
All Others.....	240
Blanks .....	5,706
Total Votes Cast.....	24,732

**FIFTH BARNSTABLE DISTRICT**

Steven G. Xiarhos, of Barnstable (Republican) has .....	15,324
and appears to be elected.	
All Others.....	300
Blanks .....	5,704
Total Votes Cast.....	21,328

**BARNSTABLE, DUKES & NANTUCKET DISTRICT**

Dylan A. Fernandes, of Falmouth (Democratic) has .....	15,858
and appears to be elected.	
All Others.....	227
Blanks .....	4,359
Total Votes Cast.....	20,444

**FIRST BERKSHIRE DISTRICT**

John Barrett, III, of North Adams (Democratic) has .....	12,787
and appears to be elected.	
All Others.....	167
Blanks .....	2,817
Total Votes Cast.....	15,771

**SECOND BERKSHIRE DISTRICT**

Tricia Farley-Bouvier, of Pittsfield (Democratic) has .....	10,883
and appears to be elected.	
All Others.....	74
Blanks .....	3,277
Total Votes Cast.....	14,234

**THIRD BERKSHIRE DISTRICT**

William “Smitty” Pignatelli, of Lenox (Democratic) has.....	16,340
and appears to be elected.	
Michael Silvio Lavery, of Becket (Green-Rainbow Party) has .....	1,698
All Others.....	109
Blanks .....	1,490
Total Votes Cast.....	19,637

**FIRST BRISTOL DISTRICT**

Fred “Jay” Barrows, of Mansfield (Republican) has .....	9,680
and appears to be elected.	
Brendan A. Roche, of Mansfield (Democratic) .....	7,135
All Others.....	9
Blanks .....	669
Total Votes Cast.....	17,493

**SECOND BRISTOL DISTRICT**

James K. Hawkins, of Attleboro (Democratic) has .....	8,468
and appears to be elected.	
Steven Joseph Escobar, of Attleboro (Republican) has .....	5,516
All Others.....	3
Blanks .....	368
Total Votes Cast.....	14,355

**THIRD BRISTOL DISTRICT**

Carol A. Doherty, of Taunton (Democratic) has .....	8,011
and appears to be elected.	
Christopher P. Coute, of Taunton (Republican) has .....	6,036
All Others.....	4
Blanks .....	437
Total Votes Cast.....	14,488

**FOURTH BRISTOL DISTRICT**

Steven S. Howitt, of Seekonk (Republican) has .....	13,380
and appears to be elected.	
All Others.....	244
Blanks .....	4,149
Total Votes Cast.....	17,773

**FIFTH BRISTOL DISTRICT**

Patricia A. Haddad, of Somerset (Democratic) has .....	8,951
and appears to be elected.	
Justin Thurber, of Somerset (Republican) has .....	7,514
All Others.....	5
Blanks .....	393
Total Votes Cast.....	16,863

**SIXTH BRISTOL DISTRICT**

Carole A. Fiola, of Fall River (Democratic) has.....	7,321
and appears to be elected.	
All Others.....	256
Blanks .....	2,949
Total Votes Cast.....	10,526

**SEVENTH BRISTOL DISTRICT**

Alan Silvia, of Fall River (Democratic) has .....	4,886
and appears to be elected.	
All Others.....	179
Blanks .....	1,561
Total Votes Cast.....	6,626

**EIGHTH BRISTOL DISTRICT**

Paul A. Schmid, III, of Westport (Democratic) has.....	8,437
and appears to be elected.	
Evan Gendreau, of Westport (Republican) has.....	7,326
All Others.....	12
Blanks .....	418
Total Votes Cast.....	16,193

**NINTH BRISTOL DISTRICT**

Christopher Markey, of Dartmouth (Democratic) has.....	10,977
and appears to be elected.	
All Others.....	294
Blanks .....	4,410
Total Votes Cast.....	15,681

**TENTH BRISTOL DISTRICT**

William M. Straus, of Mattapoisett (Democratic) has.....	10,648
and appears to be elected.	
Jeffrey Gerald Swift, of Mattapoisett (Republican) has .....	8,280
All Others.....	7
Blanks .....	497
Total Votes Cast.....	19,432

**ELEVENTH BRISTOL DISTRICT**

Christopher Hendricks, of New Bedford (Democratic) has.....	4,906
and appears to be elected.	
All Others.....	161
Blanks .....	1,408
Total Votes Cast.....	6,475



**TWELFTH BRISTOL DISTRICT**

Norman J. Orrall, of Lakeville (Republican) has.....	12,370
and appears to be elected.	
All Others.....	186
Blanks .....	4,677
Total Votes Cast.....	17,233

**THIRTEENTH BRISTOL DISTRICT**

Antonio F.D. Cabral, of New Bedford (Democratic) has .....	6,977
and appears to be elected.	
All Others.....	225
Blanks .....	2,144
Total Votes Cast.....	9,346

**FOURTEENTH BRISTOL DISTRICT**

Adam Scanlon, of North Attleborough (Democratic) has .....	11,212
and appears to be elected.	
All Others.....	169
Blanks .....	4,823
Total Votes Cast.....	16,204

**FIRST ESSEX DISTRICT**

CJ Fitzwater, of Salisbury (Republican) has.....	8,657
Dawne F. Shand, of Newburyport (Democratic) has.....	12,790
and appears to be elected.	
All Others.....	18
Blanks .....	798
Total Votes Cast.....	22,263

**SECOND ESSEX DISTRICT  
(AMENDED PER RECOUNT)**

Leonard Mirra, of Georgetown (Republican) has.....	11,762
Kristin E. Kassner, of Hamilton (Democratic) has .....	11,763
and appears to be elected.	
All Others.....	5
Blanks .....	638
Total Votes Cast.....	24,168

**THIRD ESSEX DISTRICT**

Andres X. Vargas, of Haverhill (Democratic) has.....	9,176
and appears to be elected.	
All Others.....	385
Blanks .....	3,369
Total Votes Cast.....	12,930

**FOURTH ESSEX DISTRICT**

Estela A. Reyes, of Lawrence (Democratic) has .....	4,884
and appears to be elected.	
All Others.....	238
Blanks .....	1,755
Total Votes Cast.....	6,877

**FIFTH ESSEX DISTRICT**

Ann-Margaret Ferrante, of Gloucester (Democratic) has .....	14,971
and appears to be elected.	
Ashley Sullivan, of Gloucester (Republican) has .....	6,683
All Others.....	34
Blanks .....	756
Total Votes Cast.....	22,444

**SIXTH ESSEX DISTRICT**

Jerald A. Parisella, of Beverly (Democratic) has.....	14,666
and appears to be elected.	
All Others.....	183
Blanks .....	3,764
Total Votes Cast.....	18,613

**SEVENTH ESSEX DISTRICT**

Manny Cruz, of Salem (Democratic) has .....	13,608
and appears to be elected.	
All Others.....	46
Blanks .....	3,048
Total Votes Cast.....	16,702

**EIGHTH ESSEX DISTRICT**

Jennifer WB Armini, of Marblehead (Democratic) has.....	14,156
and appears to be elected.	
All Others.....	215
Blanks .....	4,956
Total Votes Cast.....	19,327

**NINTH ESSEX DISTRICT**

Donald H. Wong, of Saugus (Republican) has .....	13,664
and appears to be elected	
All Others.....	133
Blanks .....	4,604
Total Votes Cast.....	18,401

**TENTH ESSEX DISTRICT**

Daniel Cahill, of Lynn (Democratic) has.....	6,042
and appears to be elected.	
All Others.....	217
Blanks .....	1,870
Total Votes Cast.....	8,129

**ELEVENTH ESSEX DISTRICT**

Peter L. Capano, of Lynn (Democratic) has .....	7,135
and appears to be elected.	
All Others.....	201
Blanks .....	1,999
Total Votes Cast.....	9,335

**TWELFTH ESSEX DISTRICT**

Thomas P. Walsh, of Peabody (Democratic) has .....	12,021
and appears to be elected.	
All Others.....	335
Blanks .....	3,729
Total Votes Cast.....	16,085

**THIRTEENTH ESSEX DISTRICT**

Sally P. Kerans, of Danvers (Democratic) has .....	13,923
and appears to be elected.	
Michael D. Bean (Write-in), of Danvers has .....	571
All Others.....	307
Blanks .....	6,009
Total Votes Cast.....	20,810

**FOURTEENTH ESSEX DISTRICT**

Joseph G. Finn, of North Andover (Republican) has.....	9,161
Adrienne Ramos, of North Andover (Democratic) has .....	10,879
and appears to be elected	
All Others.....	12
Blanks .....	544
Total Votes Cast.....	20,596

**FIFTEENTH ESSEX DISTRICT**

Ryan M. Hamilton, of Methuen (Democratic) has .....	10,822
and appears to be elected.	
All Others.....	543
Blanks .....	5,566
Total Votes Cast.....	16,931

**SIXTEENTH ESSEX DISTRICT**

Francisco E. Paulino, of Methuen (Democratic) has .....	5,363
and appears to be elected.	
All Others.....	224
Blanks .....	1,808
Total Votes Cast.....	7,395

**SEVENTEENTH ESSEX DISTRICT**

Frank A. Moran, of Lawrence (Democratic) has .....	6,031
and appears to be elected.	
All Others.....	145
Blanks .....	1,792
Total Votes Cast.....	7,968

**EIGHTEENTH ESSEX DISTRICT**

Tram T. Nguyen, of Andover (Democratic) has .....	11,812
and appears to be elected.	
Jeffrey Peter Dufour., of Andover (Republican) has .....	7,738
All Others.....	17
Blanks .....	400
Total Votes Cast.....	19,967

**FIRST FRANKLIN DISTRICT**

Natalie M. Blais, of Deerfield (Democratic) has .....	16,086
and appears to be elected.	
All Others.....	158
Blanks .....	3,460
Total Votes Cast.....	19,704

**SECOND FRANKLIN DISTRICT**

Susannah M. Whipps, of Athol (Independent) has .....	9,797
and appears to be elected.	
Jeffrey L. Raymond, of Athol (Republican) has .....	4,892
Kevin Patrick McKeown, of Gill (Unenrolled) has .....	736
All Others.....	24
Blanks .....	837
Total Votes Cast.....	16,286

**FIRST HAMPDEN DISTRICT**

Todd M. Smola, of Warren (Republican) has .....	13,297
and appears to be elected.	
All Others.....	218
Blanks .....	3,178
Total Votes Cast.....	16,693

**SECOND HAMPDEN DISTRICT**

Brian M. Ashe, of Longmeadow (Democratic) has .....	13,670
and appears to be elected.	
All Others.....	349
Blanks .....	4,748
Total Votes Cast.....	18,767

**THIRD HAMPDEN DISTRICT**

Nicholas A. Boldyga, of Southwick (Republican) has .....	11,093
and appears to be elected.	
Anthony J. Russo, of Agawam (Democratic) has .....	7,397
All Others .....	6
Blanks .....	360
Total Votes Cast.....	18,856

**FOURTH HAMPDEN DISTRICT**

Kelly W. Pease, of Westfield (Republican) has.....	12,256
and appears to be elected.	
All Others.....	225
Blanks .....	3,868
Total Votes Cast.....	16,349

**FIFTH HAMPDEN DISTRICT**

Patricia A. Duffy, of Holyoke (Democratic) has .....	7,990
and appears to be elected.	
All Others.....	219
Blanks .....	2,302
Total Votes Cast.....	10,511

**SIXTH HAMPDEN DISTRICT**

Michael J. Finn, of West Springfield (Democratic) has .....	9,055
and appears to be elected.	
All Others.....	180
Blanks .....	3,602
Total Votes Cast.....	12,837

**SEVENTH HAMPDEN DISTRICT**

James Chip Harrington, of Ludlow (Republican) has .....	8,573
Aaron L. Saunders, of Belchertown (Democratic) has .....	9,577
and appears to be elected.	
All Others.....	14
Blanks .....	454
Total Votes Cast.....	18,618

**EIGHTH HAMPDEN DISTRICT**

Shirley B. Arriaga, of Chicopee (Democratic) .....	8,129
and appears to be elected.	
Sean Goonan, of Chicopee (Independent) .....	4,420
All Others.....	65
Blanks .....	775
Total Votes Cast.....	13,389

**NINTH HAMPDEN DISTRICT**

Orlando Ramos, of Springfield (Democratic) has .....	5,913
and appears to be elected.	
All Others.....	216
Blanks .....	1,442
Total Votes Cast.....	7,571

**TENTH HAMPDEN DISTRICT**

Carlos Gonzalez, of Springfield (Democratic) has .....	4,069
and appears to be elected.	
All Others.....	105
Blanks .....	740
Total Votes Cast.....	4,914

**ELEVENTH HAMPDEN DISTRICT**

Bud L. Williams, of Springfield (Democratic) has .....	6,165
and appears to be elected.	
All Others.....	245
Blanks .....	1,358
Total Votes Cast.....	7,768

**TWELFTH HAMPDEN DISTRICT**

Angelo J. Puppolo, Jr., of Springfield (Democratic) has .....	12,882
and appears to be elected.	
All Others.....	340
Blanks .....	3,763
Total Votes Cast.....	16,985

**FIRST HAMPSHIRE DISTRICT**

Lindsay N. Sabadosa, of Northampton (Democratic) has .....	17,592
and appears to be elected.	
All Others.....	68
Blanks .....	3,164
Total Votes Cast.....	20,824

**SECOND HAMPSHIRE DISTRICT**

Daniel R. Carey, of Easthampton (Democratic) has.....	15,492
and appears to be elected.	
All Others.....	209
Blanks .....	3,703
Total Votes Cast.....	19,404

**THIRD HAMPSHIRE DISTRICT**

Mindy Domb, of Amherst (Democratic) has .....	8,333
and appears to be elected.	
All Others.....	68
Blanks .....	1,269
Total Votes Cast.....	9,670

**FIRST MIDDLESEX DISTRICT  
(AMENDED PER RECOUNT)**

Margaret R. Scarsdale, of Pepperell (Democratic) has.....	9,409
and appears to be elected.	
Andrew James Shepherd, of Townsend (Republican) has.....	9,402
Catherine Lundeen, of Pepperell (Independent) has.....	1,075
All Others.....	91
Blanks .....	440
Total Votes Cast.....	20,417

**SECOND MIDDLESEX DISTRICT**

James Arciero, of Westford (Democratic) has.....	12,792
and appears to be elected.	
Raymond Yinggang Xie, of Westford (Republican) has .....	6,931
All Others.....	7
Blanks .....	455



Total Votes Cast..... 20,185

**THIRD MIDDLESEX DISTRICT**

Kate Hogan, of Stow (Democratic) has ..... 15,844  
and appears to be elected.

All Others..... 309

Blanks ..... 4,162

Total Votes Cast..... 20,315

**FOURTH MIDDLESEX DISTRICT**

Danielle W. Gregoire, of Marlborough (Democratic) has ..... 10,157  
and appears to be elected.

All Others..... 133

Blanks ..... 3,663

Total Votes Cast..... 13,953

**FIFTH MIDDLESEX DISTRICT**

David Paul Linsky, of Natick (Democratic) has ..... 15,019  
and appears to be elected.

All Others..... 139

Blanks ..... 4,400

Total Votes Cast..... 19,558

**SIXTH MIDDLESEX DISTRICT**

Priscila S. Sousa, of Framingham (Democratic) has ..... 6,839  
and appears to be elected.

All Others..... 202

Blanks ..... 1,524

Total Votes Cast..... 8,565

**SEVENTH MIDDLESEX DISTRICT**

Jack Patrick Lewis, of Framingham (Democratic) has ..... 13,362  
and appears to be elected.

All Others..... 170

Blanks ..... 3,822

Total Votes Cast..... 17,354

**EIGHTH MIDDLESEX DISTRICT**

James C. Arena-DeRosa, of Holliston (Democratic) has .....	12,916
and appears to be elected.	
Loring Barnes, of Millis (Republican) has .....	6,947
All Others.....	10
Blanks .....	636
Total Votes Cast.....	20,509

**NINTH MIDDLESEX DISTRICT**

Thomas M. Stanley, of Waltham (Democratic) has .....	11,372
and appears to be elected.	
All Others.....	224
Blanks .....	3,408
Total Votes Cast.....	15,004

**TENTH MIDDLESEX DISTRICT**

John J. Lawn, Jr., of Watertown (Democratic) has.....	9,979
and appears to be elected.	
All Others.....	138
Blanks .....	2,862
Total Votes Cast.....	12,979

**ELEVENTH MIDDLESEX DISTRICT**

Kay S. Khan, of Newton (Democratic) has .....	13,394
and appears to be elected.	
All Others.....	229
Blanks .....	3,857
Total Votes Cast.....	17,480

**TWELFTH MIDDLESEX DISTRICT**

Ruth B. Balsler, of Newton (Democratic) has .....	15,164
and appears to be elected.	
All Others.....	197
Blanks .....	4,281
Total Votes Cast.....	19,642

**THIRTEENTH MIDDLESEX DISTRICT**

Carmine Lawrence Gentile, of Sudbury (Democratic) has.....	16,338
and appears to be elected.	
All Others.....	100
Blanks .....	5,002
Total Votes Cast.....	21,440

**FOURTEENTH MIDDLESEX DISTRICT**

Simon Cataldo, of Concord (Democratic) has.....	14,542
and appears to be elected.	
Rodney E. Cleaves, of Chelmsford (Republican) has.....	5,400
All Others.....	16
Blanks .....	831
Total Votes Cast.....	20,789

**FIFTEENTH MIDDLESEX DISTRICT**

Michelle Ciccolo, of Lexington (Democratic) has .....	14,123
and appears to be elected.	
All Others.....	179
Blanks .....	4,912
Total Votes Cast.....	19,214

**SIXTEENTH MIDDLESEX DISTRICT**

Rodney M. Elliott., of Lowell (Democratic) has .....	7,270
and appears to be elected.	
Karla Jean Miller., of Lowell (Republican) has.....	3,838
All Others.....	24
Blanks .....	707
Total Votes Cast.....	11,839

**SEVENTEENTH MIDDLESEX DISTRICT**

Vanna Howard, of Lowell (Democratic) has .....	7,168
and appears to be elected.	
All Others.....	266
Blanks .....	2,571
Total Votes Cast.....	10,005

**EIGHTEENTH MIDDLESEX DISTRICT**

Rady Mom, of Lowell (Democratic) has .....	4,434
and appears to be elected.	
All Others.....	225
Blanks .....	1,565
Total Votes Cast.....	6,224

**NINETEENTH MIDDLESEX DISTRICT**

David A. Robertson, of Wilmington (Democratic) has .....	10,248
and appears to be elected.	
Paul Sarnowski, of Wilmington (Republican) has.....	7,955
All Others.....	14
Blanks .....	532
Total Votes Cast.....	18,749

**TWENTIETH MIDDLESEX DISTRICT**

Bradley H. Jones, Jr., of North Reading (Republican) has .....	16,194
and appears to be elected.	
All Others.....	162
Blanks .....	5,134
Total Votes Cast.....	21,490

**TWENTY-FIRST MIDDLESEX DISTRICT**

Kenneth I. Gordon, of Bedford (Democratic) has .....	13,510
and appears to be elected.	
All Others.....	409
Blanks .....	5,306
Total Votes Cast.....	19,225

**TWENTY-SECOND MIDDLESEX DISTRICT**

Marc T. Lombardo, of Billerica (Republican) has.....	9,224
and appears to be elected.	
Teresa Nicole English, of Billerica (Democratic) has .....	7,747
All Others.....	25
Blanks .....	347
Total Votes Cast.....	17,343

**TWENTY-THIRD MIDDLESEX DISTRICT**

Sean Garballey, of Arlington (Democratic) has .....	16,822
and appears to be elected.	
All Others.....	83
Blanks .....	3,938
Total Votes Cast.....	20,843

**TWENTY-FOURTH MIDDLESEX DISTRICT**

David M. Rogers, of Cambridge (Democratic) has .....	16,223
and appears to be elected.	
All Others.....	68
Blanks .....	4,397
Total Votes Cast.....	20,698

**TWENTY-FIFTH MIDDLESEX DISTRICT**

Marjorie C. Decker, of Cambridge (Democratic) has.....	11,018
and appears to be elected.	
All Others.....	56
Blanks .....	1,897
Total Votes Cast.....	12,971

**TWENTY-SIXTH MIDDLESEX DISTRICT**

Mike Connolly, of Cambridge (Democratic) has .....	11,714
and appears to be elected.	
All Others.....	111
Blanks .....	2,506
Total Votes Cast.....	14,331

**TWENTY-SEVENTH MIDDLESEX DISTRICT**

Erika Uyterhoeven, of Somerville (Democratic) has.....	15,698
and appears to be elected.	
All Others.....	227
Blanks .....	2,262
Total Votes Cast.....	18,187

**TWENTY-EIGHTH MIDDLESEX DISTRICT**

Joseph W. McGonagle, of Everett (Democratic) has .....	4,713
and appears to be elected.	
Michael W. Marchese, of Everett (Unenrolled) has .....	1,943
All Others.....	68
Blanks .....	747
Total Votes Cast.....	7,471

**TWENTY-NINTH MIDDLESEX DISTRICT**

Steven C. Owens, of Watertown (Democratic) has .....	14,817
and appears to be elected.	
All Others.....	51
Blanks .....	3,226
Total Votes Cast.....	18,094

**THIRTIETH MIDDLESEX DISTRICT**

Richard M. Haggerty, of Woburn (Democratic) has .....	13,027
and appears to be elected.	
All Others.....	80
Blanks .....	5,742
Total Votes Cast.....	18,849

**THIRTY-FIRST MIDDLESEX DISTRICT**

Michael Seamus Day, of Stoneham (Democratic) has .....	12,527
and appears to be elected.	
Theodore Christos Menounos, of Winchester (Independent) has.....	5,079
All Others.....	66
Blanks .....	1,856
Total Votes Cast.....	19,528

**THIRTY-SECOND MIDDLESEX DISTRICT**

Kate Lipper-Garabedian, of Melrose (Democratic) has .....	14,673
and appears to be elected.	
All Others.....	338
Blanks .....	4,962
Total Votes Cast.....	19,973

**THIRTY-THIRD MIDDLESEX DISTRICT**

Steven Ultrino, of Malden (Democratic) has .....	7,817
and appears to be elected.	
All Others.....	216
Blanks .....	2,027
Total Votes Cast.....	10,060

**THIRTY-FOURTH MIDDLESEX DISTRICT**

Christine P. Barber, of Somerville (Democratic) has .....	11,675
and appears to be elected.	
All Others.....	76
Blanks .....	2,621
Total Votes Cast.....	14,372

**THIRTY-FIFTH MIDDLESEX DISTRICT**

Paul J. Donato, of Medford (Democratic) has .....	10,474
and appears to be elected.	
All Others.....	112
Blanks .....	3,245
Total Votes Cast.....	13,831

**THIRTY-SIXTH MIDDLESEX DISTRICT**

Colleen M. Garry, of Dracut (Democratic) has .....	10,025
and appears to be elected.	
George Derek Boag, of Dracut (Republican) has .....	6,506
All Others.....	0
Blanks .....	581
Total Votes Cast.....	17,112

**THIRTY-SEVENTH MIDDLESEX DISTRICT**

Danillo A. Sena, of Acton (Democratic) has .....	14,330
and appears to be elected.	
All Others.....	197
Blanks .....	4,477
Total Votes Cast.....	19,004

**FIRST NORFOLK DISTRICT**

Bruce J. Ayers, of Quincy (Democratic) has .....	11,027
and appears to be elected.	
All Others.....	199
Blanks .....	2,565
Total Votes Cast.....	13,791

**SECOND NORFOLK DISTRICT**

Tackey Chan, of Quincy (Democratic) has.....	9,888
and appears to be elected.	
Sharon Marie Cintolo, of Quincy (Republican) has .....	4,119
All Others.....	14
Blanks .....	671
Total Votes Cast.....	14,692

**THIRD NORFOLK DISTRICT**

Ronald Mariano, of Quincy (Democratic) has.....	10,085
and appears to be elected.	
All Others.....	273
Blanks .....	3,358
Total Votes Cast.....	13,716

**FOURTH NORFOLK DISTRICT**

James Michael Murphy, of Weymouth (Democratic) has .....	10,255
and appears to be elected.	
Paul J. Rotondo, of Weymouth (Republican) has.....	5,778
All Others.....	12
Blanks .....	444
Total Votes Cast.....	16,489

**FIFTH NORFOLK DISTRICT**

Mark J. Cusack, of Braintree (Democratic) has.....	11,309
and appears to be elected.	
All Others.....	376
Blanks .....	5,406
Total Votes Cast.....	17,091



**SIXTH NORFOLK DISTRICT**

William C. Galvin, of Canton (Democratic) has .....	12,778
and appears to be elected.	
All Others.....	113
Blanks .....	3,909
Total Votes Cast.....	16,800

**SEVENTH NORFOLK DISTRICT**

William J. Driscoll, Jr., of Milton (Democratic) has .....	12,322
and appears to be elected.	
All Others.....	192
Blanks .....	3,793
Total Votes Cast.....	16,307

**EIGHTH NORFOLK DISTRICT**

Ted Philips, of Sharon (Democratic) has .....	12,257
and appears to be elected.	
Howard L. Terban, of Stoughton (Republican) has.....	5,400
All Others.....	8
Blanks .....	1,059
Total Votes Cast.....	18,724

**NINTH NORFOLK DISTRICT**

Kevin Kalkut, of Norfolk (Democratic) has .....	10,174
Marcus S. Vaughn, of Wrentham (Republican) has .....	10,534
and appears to be elected.	
All Others.....	12
Blanks .....	582
Total Votes Cast.....	21,302

**TENTH NORFOLK DISTRICT**

Jeffrey N. Roy, of Franklin (Democratic) has .....	12,045
and appears to be elected.	
Charles F. Bailey, III, of Franklin (Republican) has.....	6,852
All Others.....	16
Blanks .....	501
Total Votes Cast.....	19,414

**ELEVENTH NORFOLK DISTRICT**

Paul McMurtry, of Dedham (Democratic) has .....	14,495
and appears to be elected.	
All Others.....	215
Blanks .....	5,966
Total Votes Cast.....	20,676

**TWELFTH NORFOLK DISTRICT**

John H. Rogers, of Norwood (Democratic) has.....	12,798
and appears to be elected.	
All Others.....	272
Blanks .....	4,975
Total Votes Cast.....	18,045

**THIRTEENTH NORFOLK DISTRICT**

Denise C. Garlick, of Needham (Democratic) has .....	17,056
and appears to be elected.	
All Others.....	356
Blanks .....	4,312
Total Votes Cast.....	21,724

**FOURTEENTH NORFOLK DISTRICT**

Alice Hanlon Peisch, of Wellesley (Democratic) has.....	14,057
and appears to be elected.	
David Rolde, of Weston (Green-Rainbow) has .....	1,167
All Others.....	120
Blanks .....	3,225
Total Votes Cast.....	18,569

**FIFTEENTH NORFOLK DISTRICT**

Tommy Vitolo, of Brookline (Democratic) has.....	12,906
and appears to be elected.	
All Others.....	190
Blanks .....	2,301
Total Votes Cast.....	15,397

**FIRST PLYMOUTH DISTRICT**

Mathew J. Muratore, of Plymouth (Republican) has .....	12,470
and appears to be elected.	
Stephen Michael Palmer, of Plymouth (Democratic) has .....	9,121
All Others.....	19
Blanks .....	588
Total Votes Cast.....	22,198

**SECOND PLYMOUTH DISTRICT**

Susan Williams Gifford, of Wareham (Republican) has .....	13,019
and appears to be elected.	
All Others.....	206
Blanks .....	4,048
Total Votes Cast.....	17,273

**THIRD PLYMOUTH DISTRICT**

Joan Meschino, of Hull (Democratic) has .....	15,999
and appears to be elected.	
All Others.....	375
Blanks .....	5,849
Total Votes Cast.....	22,223

**FOURTH PLYMOUTH DISTRICT**

Patrick Joseph Kearney, of Scituate (Democratic) has .....	17,384
and appears to be elected.	
All Others.....	137
Blanks .....	6,218
Total Votes Cast.....	23,739

**FIFTH PLYMOUTH DISTRICT**

David F. DeCoste, of Norwell (Republican) has .....	10,039
and appears to be elected.	
Emmanuel J. Dockter, of Hanover (Democratic) has .....	9,363
All Others.....	11
Blanks .....	419
Total Votes Cast.....	19,832

**SIXTH PLYMOUTH DISTRICT**

Josh S. Cutler, of Duxbury (Democratic) has .....	12,163
and appears to be elected.	
Kenneth Sweezey, of Hanson (Republican) has .....	9,503
All Others.....	1
Blanks .....	373
Total Votes Cast.....	22,040

**SEVENTH PLYMOUTH DISTRICT**

Alyson M. Sullivan, of Abington (Republican) has .....	12,083
and appears to be elected.	
Brandon J. Griffin, of Whitman (Workers Party) has.....	3,945
All Others.....	23
Blanks .....	1,636
Total Votes Cast.....	17,687

**EIGHTH PLYMOUTH DISTRICT**

Angelo L. D’Emilia, of Bridgewater (Republican) has .....	9,449
and appears to be elected.	
Eric J. Haikola, of Raynham (Democratic) has .....	6,299
All Others.....	4
Blanks .....	620
Total Votes Cast.....	16,372

**NINTH PLYMOUTH DISTRICT**

Gerard J. Cassidy, of Brockton (Democratic) has .....	9,357
and appears to be elected.	
Lawrence P. Novak, of Brockton (Republican) has .....	6,072
All Others.....	25
Blanks .....	896
Total Votes Cast.....	16,350

**TENTH PLYMOUTH DISTRICT**

Michelle M. DuBois, of Brockton (Democratic) has.....	7,031
and appears to be elected.	
All Others.....	103
Blanks .....	2,220
Total Votes Cast.....	9,354

**ELEVENTH PLYMOUTH DISTRICT**

Rita A. Mendes, of Brockton (Democratic) has .....	5,066
and appears to be elected.	
Fred Fontaine (Write-in), of Brockton has .....	414
All Others.....	53
Blanks .....	863
Total Votes Cast.....	6,396

**TWELFTH PLYMOUTH DISTRICT**

Kathleen R. LaNatra, of Kingston (Democratic) has.....	10,603
and appears to be elected.	
Eric J. Meschino, of Plymouth (Republican) has .....	8,767
Charles F. McCoy, Jr., of Kingston (Non-Party Candidate) has .....	856
All Others.....	5
Blanks .....	593
Total Votes Cast.....	20,824

**FIRST SUFFOLK DISTRICT**

Adrian C. Madaro, of Boston (Democratic) has .....	7,022
and appears to be elected.	
All Others.....	165
Blanks .....	1,640
Total Votes Cast.....	8,827

**SECOND SUFFOLK DISTRICT**

Daniel Joseph Ryan, of Boston (Democratic) has .....	8,963
and appears to be elected.	
All Others.....	130
Blanks .....	2,174
Total Votes Cast.....	11,267

**THIRD SUFFOLK DISTRICT**

Aaron M. Michlewitz, of Boston (Democratic) has .....	9,238
and appears to be elected.	
All Others.....	161
Blanks .....	2,753
Total Votes Cast.....	12,152

**FOURTH SUFFOLK DISTRICT**

David M. Biele, of Boston (Democratic) has .....	11,566
and appears to be elected.	
All Others.....	282
Blanks .....	3,123
Total Votes Cast.....	14,971

**FIFTH SUFFOLK DISTRICT**

Christopher J. Worrell, of Boston (Democratic) has .....	5,939
and appears to be elected.	
Roy A. Owens, Sr., of Boston (Independent) has.....	750
Althea Garrison (Write-in), of Boston has.....	15
All Others.....	29
Blanks .....	676
Total Votes Cast.....	7,409

**SIXTH SUFFOLK DISTRICT**

Russell E. Holmes, of Boston (Democratic) has.....	7,675
and appears to be elected.	
All Others.....	109
Blanks .....	1,342
Total Votes Cast.....	9,126

**SEVENTH SUFFOLK DISTRICT**

Chynah Tyler, of Boston (Democratic) has .....	5,317
and appears to be elected.	
All Others.....	77
Blanks .....	932
Total Votes Cast.....	6,326

**EIGHTH SUFFOLK DISTRICT**

Jay D. Livingstone, of Boston (Democratic) has .....	9,701
and appears to be elected.	
All Others.....	185
Blanks .....	2,457
Total Votes Cast.....	12,343

**NINTH SUFFOLK DISTRICT**

Jon Santiago, of Boston (Democratic) has.....	9,957
and appears to be elected.	
All Others.....	141
Blanks .....	2,082
Total Votes Cast.....	12,180

**TENTH SUFFOLK DISTRICT**

Edward Francis Coppinger, of Boston (Democratic) has .....	15,817
and appears to be elected.	
All Others.....	7
Blanks .....	5,059
Total Votes Cast.....	20,883

**ELEVENTH SUFFOLK DISTRICT**

Judith A. Garcia, of Chelsea (Democratic) has.....	4,127
and appears to be elected.	
Todd B. Taylor, of Chelsea (Republican) has.....	1,552
All Others.....	5
Blanks .....	306
Total Votes Cast.....	5,990

**TWELFTH SUFFOLK DISTRICT**

Brandy Fluker Oakley, of Boston (Democratic) has .....	10,729
and appears to be elected.	
All Others.....	120
Blanks .....	2,234
Total Votes Cast.....	13,083

**THIRTEENTH SUFFOLK DISTRICT**

Daniel J. Hunt, of Boston (Democratic) has .....	8,761
and appears to be elected.	
All Others.....	255
Blanks .....	2,800
Total Votes Cast.....	11,816

**FOURTEENTH SUFFOLK DISTRICT**

Rob Consalvo, of Boston (Democratic) has .....	11,565
and appears to be elected.	
All Others.....	151
Blanks .....	2,330
Total Votes Cast.....	14,046

**FIFTEENTH SUFFOLK DISTRICT**

Samantha Montaña, of Boston (Democratic) has .....	13,030
and appears to be elected.	
All Others.....	154
Blanks .....	2,139
Total Votes Cast.....	15,323

**SIXTEENTH SUFFOLK DISTRICT**

Jessica Ann Giannino, of Revere (Democratic) has .....	5,753
and appears to be elected.	
All Others.....	175
Blanks .....	2,491
Total Votes Cast.....	8,419

**SEVENTEENTH SUFFOLK DISTRICT**

Kevin G. Honan, of Boston (Democratic) has .....	9,581
and appears to be elected.	
All Others.....	150
Blanks .....	1,756
Total Votes Cast.....	11,487



**EIGHTEENTH SUFFOLK DISTRICT**

Michael J. Moran, of Boston (Democratic) has .....	6,200
and appears to be elected.	
All Others.....	102
Blanks .....	1,456
Total Votes Cast.....	7,758

**NINETEENTH SUFFOLK DISTRICT**

Jeffrey Rosario Turco, of Winthrop (Democratic) has .....	7,803
and appears to be elected.	
All Others.....	385
Blanks .....	3,333
Total Votes Cast.....	11,521

**FIRST WORCESTER DISTRICT**

Kimberly N. Ferguson, of Holden (Republican) has .....	16,342
and appears to be elected.	
All Others.....	105
Blanks .....	5,275
Total Votes Cast.....	21,722

**SECOND WORCESTER DISTRICT**

Jonathan D. Zlotnik, of Gardner (Democratic) has.....	7,667
and appears to be elected.	
Bruce K. Chester, of Gardner (Republican) has .....	6,664
All Others.....	7
Blanks .....	285
Total Votes Cast.....	14,623

**THIRD WORCESTER DISTRICT**

Michael P. Kushmerek, of Fitchburg (Democratic) has .....	6,824
and appears to be elected.	
Aaron L. Packard, of Fitchburg (Republican) has .....	4,058
All Others.....	7
Blanks .....	501
Total Votes Cast.....	11,390

**FOURTH WORCESTER DISTRICT**

Natalie Higgins, of Leominster (Democratic) has .....	7,193
and appears to be elected.	
John M. Dombrowski, of Leominster (Unenrolled) has .....	6,510
All Others.....	11
Blanks .....	737
Total Votes Cast.....	14,451

**FIFTH WORCESTER DISTRICT**

Donald R. Berthiaume, Jr., of Spencer (Republican) has .....	14,151
and appears to be elected.	
All Others.....	235
Blanks .....	4,188
Total Votes Cast.....	18,574

**SIXTH WORCESTER DISTRICT**

Peter J. Durant, of Spencer (Republican) has .....	10,526
and appears to elected.	
All Others.....	186
Blanks .....	3,209
Total Votes Cast.....	13,921

**SEVENTH WORCESTER DISTRICT**

Paul K. Frost, of Auburn (Republican) has.....	12,432
and appears to be elected.	
Terry Burke Dotson, of Millbury (Unenrolled) has.....	4,067
All Others.....	64
Blanks .....	1,477
Total Votes Cast.....	18,040

**EIGHTH WORCESTER DISTRICT**

Michael J. Soter, of Bellingham (Republican) has .....	13,182
and appears to be elected.	
All Others.....	251
Blanks .....	3,993
Total Votes Cast.....	17,426

**NINTH WORCESTER DISTRICT**

David K. Muradian, Jr., of Grafton (Republican) has .....	13,516
and appears to be elected.	
All Others.....	170
Blanks .....	4,740
Total Votes Cast.....	18,426

**TENTH WORCESTER DISTRICT**

Brian William Murray, of Milford (Democratic) has .....	10,323
and appears to be elected.	
All Others.....	92
Blanks .....	4,693
Total Votes Cast.....	15,108

**ELEVENTH WORCESTER DISTRICT**

Hannah E. Kane, of Shrewsbury (Republican) has.....	9,194
and appears to be elected.	
Stephen Fishman, of Shrewsbury (Democratic) has.....	6,496
All Others.....	5
Blanks .....	466
Total Votes Cast.....	16,161

**TWELFTH WORCESTER DISTRICT**

Meghan K. Kilcoyne, of Clinton (Democratic) has.....	11,044
and appears to be elected.	
Michael A. Vulcano, of Northborough (Republican) has.....	7,247
All Others.....	9
Blanks .....	563
Total Votes Cast.....	18,863

**THIRTEENTH WORCESTER DISTRICT**

John J. Mahoney, of Worcester (Democratic) has.....	10,413
and appears to be elected.	
All Others.....	261
Blanks .....	2,756
Total Votes Cast.....	13,430

**FOURTEENTH WORCESTER DISTRICT**

James J. O'Day, of West Boylston (Democratic) has.....	9,293
and appears to be elected.	
All Others.....	430
Blanks .....	2,758
Total Votes Cast.....	12,481

**FIFTEENTH WORCESTER DISTRICT**

Mary S. Keefe, of Worcester (Democratic) has.....	4,540
and appears to be elected.	
All Others.....	150
Blanks .....	1,057
Total Votes Cast.....	5,747

**SIXTEENTH WORCESTER DISTRICT**

Daniel M. Donahue, of Worcester (Democratic) has .....	6,111
and appears to be elected.	
All Others.....	274
Blanks .....	1,747
Total Votes Cast.....	8,132

**SEVENTEENTH WORCESTER DISTRICT**

David Henry Argosky LeBoeuf, of Worcester (Democratic) has.....	4,745
and appears to be elected.	
Paul J. Fullen, of Worcester (Republican) has.....	3,270
All Others.....	17
Blanks .....	367
Total Votes Cast.....	8,399

**EIGHTEENTH WORCESTER DISTRICT**

Joseph D. McKenna, of Webster (Republican) has .....	13,642
and appears to be elected.	
All Others.....	169
Blanks .....	4,178
Total Votes Cast.....	17,989

**NINETEENTH WORCESTER DISTRICT**

Kate Donaghue, of Westborough (Democratic) has .....	11,560
and appears to be elected.	
Jonathan I. Hostage, of Southborough (Republican) has.....	5,560
All Others.....	8
Blanks .....	510
Total Votes Cast.....	17,638

**DISTRICT ATTORNEY**

**BERKSHIRE DISTRICT**

Timothy J. Shugrue, of Pittsfield (Democratic) has .....	41,064
and appears to be elected.	
All Others.....	447
Blanks .....	8,131
Total Votes Cast.....	49,642

**BRISTOL DISTRICT**

Thomas M. Quinn, III, of Fall River (Democratic) has .....	127,376
and appears to be elected.	
All Others.....	2,699
Blanks .....	55,460
Total Votes Cast.....	185,535

**CAPE & ISLANDS DISTRICT**

Robert Joseph Galibois, of Barnstable (Democratic) has .....	72,970
and appears to be elected.	
Daniel Higgins, of Barnstable (Republican) has.....	56,408
All Others.....	40
Blanks .....	3,677
Total Votes Cast.....	133,095

**EASTERN DISTRICT**

Paul F. Tucker, of Salem (Democratic) has .....	203,382
and appears to be elected.	
All Others .....	5,340
Blanks .....	80,669
Total Votes Cast.....	289,391

**HAMPDEN DISTRICT**

Anthony D. Gulluni, of Springfield (Democratic) has .....	105,525
and appears to be elected.	
All Others .....	2,460
Blanks .....	31,718
Total Votes Cast.....	139,703

**MIDDLE DISTRICT**

Joseph D. Early, Jr., of Worcester (Democratic) has .....	209,803
and appears to be elected.	
All Others .....	5,501
Blanks .....	76,765
Total Votes Cast.....	292,069

**NORFOLK DISTRICT**

Michael W. Morrissey, of Quincy (Democratic) has .....	208,563
and appears to be elected.	
All Others .....	3,750
Blanks .....	75,606
Total Votes Cast.....	287,919

**NORTHERN DISTRICT**

Marian T. Ryan, of Belmont (Democratic) has .....	451,484
and appears to be elected.	
All Others .....	6,994
Blanks .....	153,747
Total Votes Cast.....	612,225

**NORTHWESTERN DISTRICT**

David E. Sullivan, of Easthampton (Democratic) has .....	80,079
and appears to be elected.	
All Others.....	1,150
Blanks .....	19,758
Total Votes Cast.....	100,987

**PLYMOUTH DISTRICT**

Timothy J. Cruz, of Marshfield (Republican) has .....	132,133
and appears to be elected.	
Rahsaan Hall, of Brockton (Democratic) has .....	77,685
All Others.....	114
Blanks .....	6,776
Total Votes Cast.....	216,708

**SUFFOLK DISTRICT**

Kevin R. Hayden, of Boston (Democratic) has .....	153,490
and appears to be elected.	
All Others.....	4,240
Blanks .....	46,457
Total Votes Cast.....	204,187

**SHERIFF**

**BARNSTABLE COUNTY**

Donna D. Buckley, of Falmouth (Democratic) has .....	60,124
and appears to be elected.	
Timothy R. Whelan, of Brewster (Republican) has.....	56,201
All Others.....	39
Blanks .....	2,369
Total Votes Cast.....	118,733

**BERKSHIRE COUNTY**

Thomas N. Bowler, of Pittsfield (Democratic) has.....	41,713
and appears to be elected.	
All Others.....	301
Blanks .....	7,628
Total Votes Cast.....	49,642

**BRISTOL COUNTY**

Thomas M. Hodgson, of Dartmouth (Republican) has.....	88,910
Paul R. Heroux, of Attleboro (Democratic) has .....	92,201
and appears to be elected.	
All Others.....	126
Blanks .....	4,298
Total Votes Cast.....	185,535

**DUKES COUNTY**

Robert Ogden, of West Tisbury (Democratic) has .....	7,504
and appears to be elected.	
Erik Blake (Write-in), of West Tisbury has.....	50
All Others.....	80
Blanks .....	1,773
Total Votes Cast.....	9,407

**ESSEX COUNTY**

Kevin F. Coppinger, of Lynn (Democratic) has .....	203,862
and appears to be elected.	
All Others.....	5,202
Blanks .....	80,327
Total Votes Cast.....	289,391

**FRANKLIN COUNTY**

Christopher J. Donelan, of Greenfield (Democratic) has .....	25,594
and appears to be elected.	
All Others.....	320
Blanks .....	6,056
Total Votes Cast.....	31,970



**HAMPDEN COUNTY**

Nick Cocchi, of Ludlow (Democratic) has .....	108,133
and appears to be elected.	
All Others.....	2,365
Blanks .....	29,205
Total Votes Cast.....	139,703

**HAMPSHIRE COUNTY**

Patrick J. Cahillane, of Northampton (Democratic) has .....	47,084
and appears to be elected.	
Yvonne C. Gittelson (Write-in) of Goshen has .....	6,006
All Others.....	528
Blanks .....	11,711
Total Votes Cast.....	65,329

**MIDDLESEX COUNTY**

Peter J. Koutoujian, of Waltham (Democratic) has .....	451,548
and appears to be elected.	
All Others.....	6,852
Blanks .....	153,825
Total Votes Cast.....	612,225

**NANTUCKET COUNTY**

James A. Perelman, of Nantucket (Democratic) has .....	4,209
and appears to be elected.	
David J. Aguiar, of Nantucket (Independent) has.....	610
All Others.....	7
Blanks .....	129
Total Votes Cast.....	4,955

**NORFOLK COUNTY**

Patrick W. McDermott, of Quincy (Democratic) has .....	205,834
and appears to be elected.	
All Others.....	3,665
Blanks .....	78,420
Total Votes Cast.....	287,919

**PLYMOUTH COUNTY**

Joseph Daniel McDonald, Jr., of Kingston (Republican) has .....	154,682
and appears to be elected.	
All Others .....	2,403
Blanks .....	59,623
Total Votes Cast.....	216,708

**SUFFOLK COUNTY**

Steven W. Tompkins of Boston (Democratic) has .....	154,205
and appears to be elected.	
All Others .....	3,753
Blanks .....	46,229
Total Votes Cast.....	204,187

**WORCESTER COUNTY**

Lewis G. Evangelidis, of Holden (Republican) has .....	166,968
and appears to be elected.	
David M. Fontaine, of Paxton (Democratic) has .....	116,582
All Others .....	302
Blanks .....	11,905
Total Votes Cast.....	295,757

# STATEWIDE BALLOT QUESTIONS

## QUESTION 1 PROPOSED CONSTITUTIONAL AMENDMENT

Do you approve of the adoption of an amendment to the constitution summarized below, which was approved by the General Court in joint sessions of the two houses on June 12, 2019 (yeas 147 – nays 48); and again on June 9, 2021 (yea 159 – nays 41)?

### SUMMARY

This proposed constitutional amendment would establish an additional 4% state income tax on that portion of annual taxable income in excess of \$1 million. This income level would be adjusted annually, by the same method used for federal income-tax brackets, to reflect increases in the cost of living. Revenues from this tax would be used, subject to appropriation by the state Legislature, for public education, public colleges and universities; and for the repair and maintenance of roads, bridges, and public transportation. The proposed amendment would apply to tax years beginning on or after January 1, 2023.

	YES	NO	BLANK	TOTAL
County of Barnstable	55,414	60,152	3,167	118,733
County of Berkshire	32,183	15,429	2,030	49,642
County of Bristol	82,774	94,585	8,176	185,535
County of Dukes County	5,322	3,705	380	9,407
County of Essex	138,519	140,903	9,969	289,391
County of Franklin	21,052	9,859	1,059	31,970
County of Hampden	66,168	67,958	5,577	139,703
County of Hampshire	43,042	20,526	1,761	65,329
County of Middlesex	330,947	262,652	18,626	612,225
County of Nantucket	2,131	2,387	437	4,955
County of Norfolk	134,679	143,144	10,096	287,919
County of Plymouth	91,819	117,953	6,936	216,708
County of Suffolk	124,409	70,476	9,302	204,187
County of Worcester	138,673	148,496	8,588	295,757
<b>TOTAL</b>	<b>1,267,132</b>	<b>1,158,225</b>	<b>86,104</b>	<b>2,511,461</b>

**QUESTION 2**  
**LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

**SUMMARY**

This proposed law would direct the Commissioner of the Massachusetts Division of Insurance to approve or disapprove the rates of dental benefit plans and would require that a dental insurance carrier meet an annual aggregate medical loss ratio for its covered dental benefit plans of 83 percent. The medical loss ratio would measure the amount of premium dollars a dental insurance carrier spends on its members' dental expenses and quality improvements, as opposed to administrative expenses. If a carrier's annual aggregate medical loss ratio is less than 83 percent, the carrier would be required to refund the excess premiums to its covered individuals and groups. The proposed law would allow the Commissioner to waive or adjust the refunds only if it is determined that issuing refunds would result in financial impairment for the carrier.

The proposed law would apply to dental benefit plans regardless of whether they are issued directly by a carrier, through the connector, or through an intermediary. The proposed law would not apply to dental benefit plans issued, delivered, or renewed to a self-insured group or where the carrier is acting as a third-party administrator.

The proposed law would require the carriers offering dental benefit plans to submit information about their current and projected medical loss ratio, administrative expenses, and other financial information to the Commissioner. Each carrier would be required to submit an annual comprehensive financial statement to the Division of Insurance, itemized by market group size and line of business. A carrier that also provides administrative services to one or more self-insured groups would also be required to file an appendix to their annual financial statement with information about its self-insured business. The proposed law would impose a late penalty on a carrier that does not file its annual report on or before April 1.

The Division would be required to make the submitted data public, to issue an annual summary to certain legislative committees, and to exchange the data with the Health Policy Commission. The Commissioner would be required to adopt standards requiring the registration of persons or entities not otherwise licensed or registered by the Commissioner and criteria for the standardized reporting and uniform allocation methodologies among carriers.

The proposed law would allow the Commissioner to approve dental benefit policies for the purpose of being offered to individuals or groups. The Commissioner would be required to adopt regulations to determine eligibility criteria.

The proposed law would require carriers to file group product base rates and any changes to group rating factors that are to be effective on January 1 of each year on or before July 1 of the preceding year. The Commissioner would be required to disapprove any proposed changes to base rates that are excessive, inadequate, or unreasonable in relation to the benefits charged. The Commissioner would also be required to disapprove any change to group rating factors that is discriminatory or not actuarially sound.

The proposed law sets forth criteria that, if met, would require the Commissioner to presumptively disapprove a carrier's rate, including if the aggregate medical loss ratio for all dental benefit plans offered by a carrier is less than 83 percent.

The proposed law would establish procedures to be followed if a proposed rate is presumptively disapproved or if the Commissioner disapproves a rate.

The proposed law would require the Division to hold a hearing if a carrier reports a risk-based capital ratio on a combined entity basis that exceeds 700 percent in its annual report.

The proposed law would require the Commissioner to promulgate regulations consistent with its provisions by October 1, 2023. The proposed law would apply to all dental benefit plans issued, made effective, delivered, or renewed on or after January 1, 2024.

	<b>YES</b>	<b>NO</b>	<b>BLANK</b>	<b>TOTAL</b>
County of Barnstable	78,347	36,425	3,961	118,733
County of Berkshire	36,611	10,586	2,445	49,642
County of Bristol	115,546	61,001	8,988	185,535
County of Dukes County	7,119	1,776	512	9,407
County of Essex	196,785	80,138	12,468	289,391
County of Franklin	23,782	6,965	1,223	31,970
County of Hampden	83,357	49,461	6,885	139,703
County of Hampshire	48,408	14,564	2,357	65,329
County of Middlesex	443,247	143,806	25,172	612,225
County of Nantucket	3,163	1,299	493	4,955
County of Norfolk	198,664	77,281	11,974	287,919
County of Plymouth	140,042	68,427	8,239	216,708
County of Suffolk	150,307	39,759	14,121	204,187
County of Worcester	195,028	90,215	10,514	295,757
<b>TOTAL</b>	<b>1,720,406</b>	<b>681,703</b>	<b>109,352</b>	<b>2,511,461</b>

**QUESTION 3**  
**LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

**SUMMARY**

This proposed law would increase the statewide limits on the combined number of licenses for the sale of alcoholic beverages for off-premises consumption (including licenses for “all alcoholic beverages” and for “wines and malt beverages”) that any one retailer could own or control: from 9 to 12 licenses in 2023; to 15 licenses in 2027; and to 18 licenses in 2031.

Beginning in 2023, the proposed law would set a maximum number of “all alcoholic beverages” licenses that any one retailer could own or control at 7 licenses unless a retailer currently holds more than 7 such licenses.

The proposed law would require retailers to conduct the sale of alcoholic beverages for off-premises consumption through face-to-face transactions and would prohibit automated or self-checkout sales of alcoholic beverages by such retailers.

The proposed law would alter the calculation of the fine that the Alcoholic Beverages Control Commission may accept in lieu of suspending any license issued under the State Liquor Control Act. The proposed law would modify the formula for calculating such fee from being based on the gross profits on the sale of alcoholic beverages to being based on the gross profits on all retail sales.

The proposed law would also add out-of-state motor vehicle licenses to the list of the forms of identification that any holder of a license issued under the State Liquor Control Act, or their agent or employee, may choose to reasonably rely on for proof of a person’s identity and age.

	<b>YES</b>	<b>NO</b>	<b>BLANK</b>	<b>TOTAL</b>
County of Barnstable	48,596	64,955	5,182	118,733
County of Berkshire	21,647	25,094	2,901	49,642
County of Bristol	68,532	106,844	10,159	185,535
County of Dukes County	3,972	4,719	716	9,407
County of Essex	120,483	155,191	13,717	289,391
County of Franklin	14,687	15,403	1,880	31,970
County of Hampden	47,675	86,597	5,431	139,703
County of Hampshire	28,835	32,726	3,768	65,329
County of Middlesex	282,997	295,601	33,627	612,225
County of Nantucket	1,612	2,823	520	4,955
County of Norfolk	123,885	149,005	15,029	287,919
County of Plymouth	83,312	123,333	10,063	216,708
County of Suffolk	102,196	90,181	11,810	204,187
County of Worcester	122,332	162,500	10,925	295,757
<b>TOTAL</b>	<b>1,070,761</b>	<b>1,314,972</b>	<b>125,728</b>	<b>2,511,461</b>

**QUESTION 4**  
**REFERENDUM ON AN EXISTING LAW**

Do you approve of a law summarized below, which was approved by the House of Representatives and the Senate on May 26, 2022?

**SUMMARY**

This law allows Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a standard driver's license or learner's permit if they meet all the other qualifications for a standard license or learner's permit, including a road test and insurance, and provide proof of their identity, date of birth, and residency. The law provides that, when processing an application for such a license or learner's permit or motor vehicle registration, the registrar of motor vehicles may not ask about or create a record of the citizenship or immigration status of the applicant, except as otherwise required by law. This law does not allow people who cannot provide proof of lawful presence in the United States to obtain a REAL ID.

To prove identity and date of birth, the law requires an applicant to present at least two documents, one from each of the following categories: (1) a valid unexpired foreign passport or a valid unexpired Consular Identification document; and (2) a valid unexpired driver's license from any United States state or territory, an original or certified copy of a birth certificate, a valid unexpired foreign national identification card, a valid unexpired foreign driver's license, or a marriage certificate or divorce decree issued by any state or territory of the United States. One of the documents presented by an applicant must include a photograph and one must include a date of birth. Any documents not in English must be accompanied by a certified translation. The registrar may review any documents issued by another country to determine whether they may be used as proof of identity or date of birth.

The law requires that applicants for a driver's license or learner's permit shall attest, under the pains and penalties of perjury, that their license has not been suspended or revoked in any other state, country, or jurisdiction.

The law specifies that information provided by or relating to any applicant or license-holder will not be a public record and shall not be disclosed, except as required by federal law or as authorized by Attorney General regulations, and except for purposes of motor vehicle insurance.

The law directs the registrar of motor vehicles to make regulations regarding the documents required of United States citizens and others who provide proof of lawful presence with their license application.

The law also requires the registrar and the Secretary of the Commonwealth to establish procedures and regulations to ensure that an applicant for a standard driver's license or learner's permit who does not provide proof of lawful presence will not be automatically registered to vote.

The law takes effect on July 1, 2023.

	<b>YES</b>	<b>NO</b>	<b>BLANK</b>	<b>TOTAL</b>
County of Barnstable	56,711	58,531	3,491	118,733
County of Berkshire	29,729	17,878	2,035	49,642
County of Bristol	76,759	100,246	8,530	185,535
County of Dukes County	6,007	3,011	389	9,407
County of Essex	142,338	134,297	12,756	289,391
County of Franklin	19,451	11,433	1,086	31,970
County of Hampden	57,794	76,154	5,755	139,703
County of Hampshire	40,882	22,500	1,947	65,329
County of Middlesex	362,419	228,076	21,730	612,225
County of Nantucket	2,561	1,978	416	4,955
County of Norfolk	149,104	127,509	11,306	287,919
County of Plymouth	90,860	118,248	7,600	216,708
County of Suffolk	131,184	58,505	14,498	204,187
County of Worcester	134,161	152,020	9,576	295,757
<b>TOTAL</b>	<b>1,299,960</b>	<b>1,110,386</b>	<b>101,115</b>	<b>2,511,461</b>



**QUESTION 5 OR 6**  
**THIS QUESTION IS NOT BINDING**

Shall the representative for this district be instructed to vote for legislation to create a single payer system of universal health care that provides all Massachusetts residents with comprehensive health care coverage including the freedom to choose doctors and other health care professionals, facilities, and services, and eliminates the role of insurance companies in health care by creating an insurance trust fund that is publicly administered?

	<b>YES</b>	<b>NO</b>	<b>BLANK</b>	<b>TOTAL</b>
In the 2 <sup>nd</sup> Berkshire District	9,306	3,103	1,825	14,234
In the 1 <sup>st</sup> Essex District	11,958	7,168	3,137	22,263
In the 2 <sup>nd</sup> Franklin District	9,367	5,383	1,536	16,286
In the 6 <sup>th</sup> Hampden District	6,418	5,205	1,214	12,837
In the 7 <sup>th</sup> Hampden District	9,859	6,820	1,939	18,618
In the 8 <sup>th</sup> Hampden District	6,768	4,895	1,726	13,389
In the 12 <sup>th</sup> Hampden District	7,694	6,407	2,884	16,985
In the 4 <sup>th</sup> Middlesex District	7,531	4,408	2,014	13,953
In the 14 <sup>th</sup> Middlesex District	11,700	6,553	2,536	20,789
In the 23 <sup>rd</sup> Middlesex District	13,665	4,851	2,327	20,843
In the 25 <sup>th</sup> Middlesex District	9,796	1,715	1,460	12,971
In the 33 <sup>rd</sup> Middlesex District	5,926	2,226	1,908	10,060
In the 34 <sup>th</sup> Middlesex District	10,099	2,465	1,808	14,372
In the 35 <sup>th</sup> Middlesex District	8,105	3,523	2,203	13,831
In the 3 <sup>rd</sup> Norfolk District	7,003	4,511	2,202	13,716
In the 3 <sup>rd</sup> Plymouth District	11,052	8,460	2,711	22,223
In the 12 <sup>th</sup> Suffolk District	8,330	2,452	2,301	13,083
In the 13 <sup>th</sup> Suffolk District	6,450	3,031	2,335	11,816
In the 15 <sup>th</sup> Suffolk District	11,401	1,619	2,303	15,323
In the 12 <sup>th</sup> Worcester District	9,202	7,333	2,328	18,863
<b>TOTAL</b>	<b>181,630</b>	<b>92,128</b>	<b>42,697</b>	<b>316,455</b>

**QUESTION 5, 6, OR 7**  
**THIS QUESTION IS NOT BINDING**

Shall the representative from this district be instructed to vote in favor of changes to the applicable House of Representative rules to make each Legislator's vote in that body's Legislative committees publicly available on the Legislature's website?

	<b>YES</b>	<b>NO</b>	<b>BLANK</b>	<b>TOTAL</b>
In the 4 <sup>th</sup> Barnstable District	18,166	3,283	3,283	24,732
In the 2 <sup>nd</sup> Berkshire District	10,588	1,701	1,945	14,234
In the 1 <sup>st</sup> Essex District	16,108	3,069	3,086	22,263
In the 8 <sup>th</sup> Essex District	13,987	2,174	3,166	19,327
In the 2 <sup>nd</sup> Franklin District	11,623	2,977	1,686	16,286
In the 8 <sup>th</sup> Hampden District	8,673	2,947	1,769	13,389
In the 12 <sup>th</sup> Hampden District	10,728	2,953	3,304	16,985
In the 4 <sup>th</sup> Middlesex District	9,860	2,047	2,046	13,953
In the 14 <sup>th</sup> Middlesex District	16,247	2,098	2,444	20,789
In the 25 <sup>th</sup> Middlesex District	10,854	663	1,454	12,971
In the 33 <sup>rd</sup> Middlesex District	6,469	1,443	2,148	10,060
In the 34 <sup>th</sup> Middlesex District	11,165	1,358	1,849	14,372
In the 35 <sup>th</sup> Middlesex District	9,443	2,060	2,328	13,831
In the 3 <sup>rd</sup> Norfolk District	8,853	2,499	2,364	13,716
In the 3 <sup>rd</sup> Plymouth District	16,725	2,789	2,709	22,223
In the 12 <sup>th</sup> Suffolk District	8,448	1,754	2,881	13,083
In the 13 <sup>th</sup> Suffolk District	7,214	1,764	2,838	11,816
In the 15 <sup>th</sup> Suffolk District	11,715	812	2,796	15,323
In the 12 <sup>th</sup> Worcester District	13,234	3,090	2,539	18,863
In the 19 <sup>th</sup> Worcester District	13,300	2,156	2,182	17,638
<b>TOTAL</b>	<b>233,400</b>	<b>43,637</b>	<b>48,817</b>	<b>325,854</b>

**QUESTION 5 OR 6**  
**THIS QUESTION IS NOT BINDING**

Shall the representative from this district be instructed to introduce and vote for legislation that puts a fee on the carbon content of fossil fuels to compensate for their environmental damage and returns most of the proceeds in equitable ways to individuals as a cash-back dividend?

	<b>YES</b>	<b>NO</b>	<b>BLANK</b>	<b>TOTAL</b>
In the 1 <sup>st</sup> Franklin District	10,662	6,892	2,150	19,704
In the 1 <sup>st</sup> Hampshire District	12,987	5,578	2,259	20,824
In the 5 <sup>th</sup> Worcester District	5,851	10,769	1,954	18,574
<b>TOTAL</b>	<b>29,500</b>	<b>23,239</b>	<b>6,363</b>	<b>59,102</b>

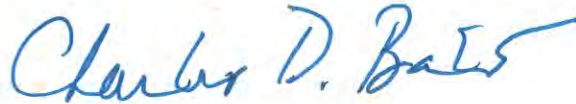
**QUESTION 5**  
**THIS QUESTION IS NOT BINDING**

Shall the State Representative from this district be instructed to vote in favor of legislation that would prohibit any public pension fund, college, or university in Massachusetts from directly or indirectly investing its funds, including, but not limited to, the holdings of stock, security, equity, asset or other obligation of a corporation or company who conducts exploration for, extraction of, or sales of fossil fuel assets?

	<b>YES</b>	<b>NO</b>	<b>BLANK</b>	<b>TOTAL</b>
In the 4 <sup>th</sup> Barnstable	10,325	10,611	3,796	24,732
<b>TOTAL</b>	<b>10,325</b>	<b>10,611</b>	<b>3,796</b>	<b>24,732</b>

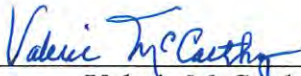
In Council, Boston, December 14, 2022

The foregoing findings are this day adopted.



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Charles D. Baker  
Governor



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Valerie McCarthy  
Administrative Secretary



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Office of the Secretary of the Commonwealth, December 14, 2022

**WILLIAM FRANCIS GALVIN**  
Secretary of the Commonwealth

A true copy.

Appendix B- Order establishing a Special  
Committee of the House to Examine the  
Returns



# The Commonwealth of Massachusetts

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*House of Representatives, January 4, 2023.*

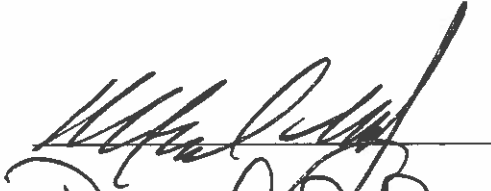
**Ordered,** That, the returns of votes for Representatives in several Representative Districts of the Commonwealth be referred a special committee to consist of three members.

Appendix C- Order of the Special  
Committee calling for the seating of 158  
members

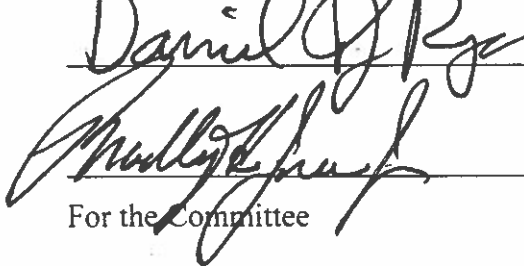
# The Commonwealth of Massachusetts House of Representatives

January 4, 2023.

The special committee of the House, to which had been referred the returns of votes for Representatives in the several Representative Districts of the Commonwealth, reports, in part, that, under the provisions of Article LXIV (as amended) of the Amendments to the Constitution, until a successor is chosen and qualified, the term of Representative Mirra of Georgetown shall continue; and that said Representative Mirra of Georgetown shall continue to represent the Second Essex Representative District until a determination is made under the Constitution of the Commonwealth of Massachusetts as to the duly elected Representative from the Second Essex District; and, that, under the provisions of Article LVIX (as amended) of the Amendments to the Constitution until a Member is chosen and qualified, the First Middlesex Representative District shall remain vacant; and, that, under the provisions of Article LVIX (as amended) of the Amendments to the Constitution that, all other members-elect, except Members from the Second Essex Representative District and the First Middlesex Representative District, have been duly elected and are rightly and truly chosen and qualified to be sworn in by His Excellency the Governor.



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For the Committee



Appendix D- Documents Submitted on  
behalf of Margaret Scarsdale



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

*William Francis Galvin*  
*Secretary of the Commonwealth*

January 4, 2023

*To the Honorable House of Representatives:*

I have the honor to lay before you the returns of votes cast at the election held in this Commonwealth on the eighth day of November, 2022, for Representatives in the General Court in the several districts, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution and General Laws.

Very truly yours,

A handwritten signature in blue ink, appearing to read "W. Francis Galvin", written in a cursive style. The signature is positioned above the printed name and title.

WILLIAM FRANCIS GALVIN  
Secretary of the Commonwealth



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

*William Francis Galvin*  
*Secretary of the Commonwealth*

January 4, 2023

*To the Honorable Senate and House of Representatives:*

I have the honor to lay before you the returns of votes cast at the election held in this Commonwealth on the eighth day of November, 2022, for Councillors in the several districts, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the Senate and the House of Representatives, as required by the Constitution.

Very truly yours,

A handwritten signature in blue ink, appearing to read "William Francis Galvin".

WILLIAM FRANCIS GALVIN  
Secretary of the Commonwealth



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

*William Francis Galvin*  
*Secretary of the Commonwealth*

January 4, 2023

*To the Honorable Senate and House of Representatives:*

I have the honor to lay before you the returns of votes cast at the election held in this Commonwealth on the eighth day of November, 2022, for Governor and Lieutenant Governor, Attorney General, Secretary, Treasurer and Auditor, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the Senate, as required by the Constitution and General Laws.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Francis Galvin", written in a cursive style. The signature is positioned above the printed name and title.

WILLIAM FRANCIS GALVIN  
Secretary of the Commonwealth

# Return of Votes

For Massachusetts State Election

November 8, 2022



Compiled by  
**William Francis Galvin**  
Secretary of the Commonwealth  
Elections Division

Certified by the  
Governor and Council

GOVERNOR AND LIEUTENANT GOVERNOR

ATTORNEY GENERAL

SECRETARY OF STATE

TREASURER

AUDITOR

REPRESENTATIVE IN CONGRESS

COUNCILLOR

SENATOR IN GENERAL COURT

REPRESENTATIVE IN GENERAL COURT

DISTRICT ATTORNEY

SHERIFF

STATEWIDE BALLOT QUESTIONS

PUBLIC POLICY QUESTIONS



# The Commonwealth of Massachusetts

## EXECUTIVE DEPARTMENT, COUNCIL CHAMBERS

December 14, 2022

His Excellency the Governor and Council, having examined the amended and recounted returns of votes for Representatives in Congress, State Officers, and ballot questions given in the several cities and towns in the manner prescribed by the Constitution and Laws of the Commonwealth on the eighth day of November last past, find that the following named persons have received the number of votes set against their names.

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### GOVERNOR and LIEUTENANT GOVERNOR

Diehl and Allen (Republican) have.....	859,343
Healey and Driscoll (Democratic) have.....	1,584,403
and appear to be elected.	
Reed and Everett (Libertarian) have.....	39,244
All others.....	2,806
Blanks.....	25,665
Total Votes Cast.....	2,511,461

### ATTORNEY GENERAL

Andrea Joy Campbell, of Boston (Democratic) has .....	1,539,624
and appears to be elected.	
James R. McMahon, III, of Bourne (Republican) has .....	908,608
All Others.....	1,550
Blanks.....	61,679
Total Votes Cast.....	2,511,461

### SECRETARY OF STATE

William Francis Galvin, of Boston (Democratic) has .....	1,665,808
and appears to be elected.	
Rayla Campbell, of Whitman (Republican) has .....	722,021
Juan Sanchez, of Holyoke (Green-Rainbow) has .....	71,717
All Others.....	1,396
Blanks.....	50,519
Total Votes Cast.....	2,511,461

## TREASURER and RECEIVER GENERAL

Deborah B. Goldberg, of Brookline (Democratic) has .....	1,709,555
and appears to be elected.	
Cristina Crawford, of Sherborn (Libertarian) .....	516,019
All Others .....	9,994
Blanks .....	275,893
Total Votes Cast.....	2,511,461

## AUDITOR

Anthony Amore, of Winchester (Republican) has.....	897,223
Diana DiZoglio, of Methuen (Democratic) has .....	1,310,773
and appears to be elected.	
Gloria A. Caballero-Roca, of Holyoke (Green-Rainbow) has.....	68,646
Dominic Giannone, III, of Weymouth (Workers Party) has.....	51,877
Daniel Riek, of Yarmouth (Libertarian) has .....	48,625
All Others.....	1,648
Blanks .....	132,669
Total Votes Cast.....	2,511,461

## REPRESENTATIVE IN CONGRESS

### FIRST DISTRICT

Richard E. Neal, of Springfield (Democratic) has.....	157,635
and is duly elected.	
Dean James Martilli, of West Springfield (Republican) has .....	98,386
All Others.....	378
Blanks .....	7,252
Total Votes Cast.....	263,651

### SECOND DISTRICT

James P. McGovern, of Worcester (Democratic) has.....	180,639
and is duly elected.	
Jeffrey A. Sossa-Paquette, of Shrewsbury (Republican) has.....	91,956
All Others.....	276
Blanks .....	7,200
Total Votes Cast.....	280,071



**THIRD DISTRICT**

Lori Loureiro Trahan, of Westford (Democratic) has .....	154,496
and is duly elected.	
Dean A. Tran, of Fitchburg (Republican) has.....	88,585
All Others.....	220
Blanks .....	8,088
Total Votes Cast.....	251,389

**FOURTH DISTRICT**

Jake Auchincloss, of Newton (Democratic) has .....	201,882
and is duly elected.	
All Others.....	6,397
Blanks .....	83,290
Total Votes Cast.....	291,569

**FIFTH DISTRICT**

Katherine M. Clark, of Revere (Democratic) has .....	203,994
and is duly elected.	
Caroline Colarusso, of Stoneham (Republican) has .....	71,491
All Others.....	186
Blanks .....	9,210
Total Votes Cast.....	284,881

**SIXTH DISTRICT**

Seth Moulton, of Salem (Democratic) has.....	198,119
and is duly elected.	
Bob May, of Peabody (Republican) has .....	110,770
Mark T. Tashjian, of Georgetown (Libertarian) has.....	5,995
All Others.....	197
Blanks .....	7,951
Total Votes Cast.....	323,032

**SEVENTH DISTRICT**

Ayanna S. Pressley, of Boston (Democratic) has .....	151,825
and is duly elected.	
Donnie Dionicio Palmer, Jr., of Boston (Republican) has.....	27,129
All Others.....	557
Blanks .....	10,319
Total Votes Cast.....	189,830

**EIGHTH DISTRICT**

Stephen F. Lynch, of Boston (Democratic) has .....	189,987
and is duly elected.	
Robert G. Burke, of Milton (Republican) has.....	82,126
All Others.....	451
Blanks .....	12,019
Total Votes Cast.....	284,583

**NINTH DISTRICT**

Bill Keating, of Bourne (Democratic) has .....	197,823
and is duly elected.	
Jesse G. Brown, of Plymouth (Republican) has .....	136,347
All Others.....	150
Blanks .....	8,135
Total Votes Cast.....	342,455

**COUNCILLOR**

**FIRST DISTRICT**

Joseph C. Ferreira, of Swansea (Democratic) has .....	232,118
and appears to be elected.	
All Others.....	6,177
Blanks .....	109,738
Total Votes Cast.....	348,033

**SECOND DISTRICT**

Robert L. Jubinville, of Milton (Democratic) has.....	194,480
and appears to be elected.	
Dashe M. Videira, of Franklin (Republican) has .....	112,941
All Others.....	183
Blanks .....	21,549
Total Votes Cast.....	329,153

**THIRD DISTRICT**

Marilyn M. Petitto Devaney, of Watertown (Democratic) has.....	248,736
and appears to be elected.	
All Others.....	4,456
Blanks .....	91,907
Total Votes Cast.....	345,099

**FOURTH DISTRICT**

Christopher A. Iannella, Jr., of Boston (Democratic) has.....	205,182
and appears to be elected.	
Helene "Teddy" MacNeal, of Boston (Republican) has.....	84,005
All Others.....	418
Blanks .....	21,438
Total Votes Cast.....	311,043

**FIFTH DISTRICT**

Eileen R. Duff, of Gloucester (Democratic) has .....	175,894
and appears to be elected.	
Michael C. Walsh, of Lynnfield (Republican) has .....	119,175
All Others.....	207
Blanks .....	14,885
Total Votes Cast.....	310,161

**SIXTH DISTRICT**

Terrence W. Kennedy, of Lynnfield (Democratic) has .....	203,576
and appears to be elected.	
All Others.....	3,666
Blanks .....	71,129
Total Votes Cast.....	278,371

**SEVENTH DISTRICT**

Paul M. DePalo, of Worcester (Democratic) .....	163,456
and appears to be elected.	
Gary Galonek, of Sturbridge (Republican).....	123,084
All Others.....	157
Blanks .....	13,825
Total Votes Cast.....	300,522

**EIGHTH DISTRICT**

John M. Comerford, of Palmer (Republican) has .....	104,839
Tara J. Jacobs, of North Adams (Democratic) has .....	170,120
and appears to be elected.	
All Others.....	235
Blanks .....	13,885
Total Votes Cast.....	289,079

**SENATOR IN GENERAL COURT**

**BERKSHIRE, HAMPDEN, FRANKLIN & HAMPSHIRE DISTRICT**

Paul W. Mark, of Becket (Democratic) has .....	47,989
and appears to be elected.	
Brendan M. Phair, of Pittsfield (Unenrolled) has .....	14,806
All Others.....	139
Blanks .....	6,306
Total Votes Cast.....	69,240

**BRISTOL & NORFOLK DISTRICT**

Paul R. Feeney, of Foxborough (Democratic) has.....	40,353
and appears to be elected.	
Michael Chaisson, of Foxborough (Republican) .....	26,221
Laura L. Saylor, of Mansfield (Workers Party).....	2,168
All Others.....	17
Blanks .....	2,733
Total Votes Cast.....	71,492

**FIRST BRISTOL & PLYMOUTH DISTRICT**

Michael J. Rodrigues, of Westport (Democratic) has.....	29,420
and appears to be elected.	
Russell T. Protentis, of Lakeville (Republican) has .....	21,600
All Others.....	34
Blanks .....	1,920
Total Votes Cast.....	52,974

**SECOND BRISTOL & PLYMOUTH DISTRICT**

Mark C. Montigny, of New Bedford (Democratic) has.....	35,193
and appears to be elected.	
All Others.....	1,018
Blanks .....	12,524
Total Votes Cast.....	48,735

**THIRD BRISTOL & PLYMOUTH DISTRICT**

Marc R. Pacheco, of Taunton (Democratic) has .....	35,556
and appears to be elected.	
Maria S. Collins, of Taunton (Republican) has .....	29,937
All Others.....	32
Blanks .....	2,105
Total Votes Cast.....	67,630

**CAPE & ISLANDS DISTRICT**

Julian Andre Cyr, of Truro (Democratic) has .....	54,714
and appears to be elected.	
Christopher Robert Lauzon, of Barnstable (Republican) has .....	31,176
All Others.....	32
Blanks .....	1,722
Total Votes Cast.....	87,644

**FIRST ESSEX DISTRICT**

Pavel Payano, of Lawrence (Democratic) has .....	21,591
and appears to be elected.	
All Others.....	1,256
Blanks .....	8,106
Total Votes Cast.....	30,953

**SECOND ESSEX DISTRICT**

Joan B. Lovely, of Salem (Democratic) has .....	44,277
and appears to be elected.	
Damian M. Anketell, of Peabody (Republican) has .....	21,108
All Others.....	50
Blanks .....	2,022
Total Votes Cast.....	67,457

**THIRD ESSEX DISTRICT**

Brendan P. Crighton, of Lynn (Democratic) has .....	34,620
Annalisa Sulustri, of Swampscott (Independent) has .....	13,910
All Others.....	205
Blanks .....	7,443
Total Votes Cast.....	56,178

**FIRST ESSEX & MIDDLESEX DISTRICT**

Bruce E. Tarr, of Gloucester (Republican) has .....	58,838
and appears to be elected.	
Terence William Cudney, of Gloucester (Independent) has.....	23,408
All Others.....	171
Blanks .....	7,075
Total Votes Cast.....	89,492

**SECOND ESSEX & MIDDLESEX DISTRICT**

Barry R. Finegold, of Andover (Democratic) has.....	42,932
and appears to be elected.	
Salvatore Paul DeFranco, of Haverhill (Republican) has.....	31,926
All Others.....	42
Blanks .....	1,727
Total Votes Cast.....	76,627

**HAMPDEN DISTRICT**

Adam Gomez, of Springfield (Democratic) has .....	23,665
and appears to be elected.	
All Others.....	845
Blanks .....	5,790
Total Votes Cast.....	30,300

**HAMPDEN & HAMPSHIRE DISTRICT**

John C. Velis, of Westfield (Democratic) has .....	37,130
and appears to be elected.	
Cecilia P. Calabrese, of Agawam (Republican) has .....	19,388
All Others.....	77
Blanks .....	1,244
Total Votes Cast.....	57,839

**HAMPDEN, HAMPSHIRE & WORCESTER DISTRICT**

William E. Johnson, of Granby (Republican) has .....	29,027
Jacob R. Oliveira, of Ludlow (Democratic) has .....	37,410
and appears to be elected.	
All Others.....	31
Blanks .....	1,681
Total Votes Cast.....	68,149

**HAMPSHIRE, FRANKLIN & WORCESTER DISTRICT**

Jo Comerford, of Northampton (Democratic) has .....	51,232
and appears to be elected.	
All Others.....	1,280
Blanks .....	11,039
Total Votes Cast.....	63,551

**FIRST MIDDLESEX DISTRICT**

Edward J. Kennedy, Jr., of Lowell (Democratic) has .....	32,003
and appears to be elected.	
All Others.....	847
Blanks .....	12,782
Total Votes Cast.....	45,632

**SECOND MIDDLESEX DISTRICT**

Patricia D. Jehlen, of Somerville (Democratic) has.....	53,866
and appears to be elected.	
All Others.....	439
Blanks .....	12,403
Total Votes Cast.....	66,708

**THIRD MIDDLESEX DISTRICT**

Michael J. Barrett, of Lexington (Democratic) has .....	50,728
and appears to be elected.	
All Others.....	672
Blanks .....	17,403
Total Votes Cast.....	68,803



**FOURTH MIDDLESEX DISTRICT**

Cindy F. Friedman, of Arlington (Democratic) has.....	54,112
and appears to be elected.	
All Others.....	1,107
Blanks .....	21,232
Total Votes Cast.....	76,451

**FIFTH MIDDLESEX DISTRICT**

Jason M. Lewis, of Winchester (Democratic) has .....	42,130
and appears to be elected.	
Edward F. Dombroski, Jr., of Wakefield (Republican) has.....	24,104
All Others.....	63
Blanks .....	2,625
Total Votes Cast.....	68,922

**MIDDLESEX & NORFOLK DISTRICT**

Karen E. Spilka, of Ashland (Democratic) has.....	52,484
and appears to be elected.	
All Others.....	952
Blanks .....	14,075
Total Votes Cast.....	67,511

**MIDDLESEX & SUFFOLK DISTRICT**

Sal N. DiDomenico, of Everett (Democratic) has .....	33,355
and appears to be elected.	
All Other .....	395
Blanks .....	7,831
Total Votes Cast.....	41,581

**MIDDLESEX & WORCESTER DISTRICT**

James B. Eldridge, of Acton (Democratic) has.....	51,574
and appears to be elected.	
Anthony Christakis, of Wayland (Republican) has .....	21,819
All Others.....	44
Blanks .....	2,528
Total Votes Cast.....	75,965

**NORFOLK & MIDDLESEX DISTRICT**

Cynthia Stone Creem, of Newton (Democratic) has .....	55,022
and appears to be elected.	
All Others.....	713
Blanks .....	15,213
Total Votes Cast.....	70,948

**NORFOLK & PLYMOUTH DISTRICT**

John F. Keenan, of Quincy (Democratic) has.....	36,063
and appears to be elected.	
Gary M. Innes, of Hanover (Republican) has .....	20,586
All Others.....	38
Blanks .....	2,248
Total Votes Cast.....	58,935

**NORFOLK, PLYMOUTH & BRISTOL DISTRICT**

Walter F. Timilty, of Milton (Democratic) has.....	40,311
and appears to be elected.	
Brian R. Muello, of Braintree (Republican) has .....	20,648
All Others.....	86
Blanks .....	2,996
Total Votes Cast.....	64,041

**NORFOLK & SUFFOLK DISTRICT**

Michael F. Rush, of Boston (Democratic) has.....	54,915
and appears to be elected.	
All Others.....	1,043
Blanks .....	19,742
Total Votes Cast.....	75,700

**NORFOLK, WORCESTER & MIDDLESEX DISTRICT**

Rebecca L. Rausch, of Needham (Democratic) has .....	41,893
and appears to be elected.	
Shawn C. Dooley, of Wrentham (Republican) has .....	34,452
All Others.....	53
Blanks .....	1,950
Total Votes Cast.....	78,348

**PLYMOUTH & BARNSTABLE DISTRICT**

Susan Lynn Moran, of Falmouth (Democratic) has.....	49,686
and appears to be elected.	
Kari MacRae, of Bourne (Republican) has.....	38,493
All Others.....	39
Blanks .....	2,832
Total Votes Cast.....	91,050

**FIRST PLYMOUTH & NORFOLK DISTRICT**

Patrick Michael O'Connor, of Weymouth (Republican) has.....	48,668
and appears to be elected.	
Robert William Stephens, Jr., of Hanson (Democratic) has .....	31,609
All Others.....	42
Blanks .....	2,952
Total Votes Cast.....	83,271

**SECOND PLYMOUTH & NORFOLK DISTRICT**

Michael D. Brady, of Brockton (Democratic) has.....	29,297
and appears to be elected.	
Jim Gordon, of Hanson (Republican) has.....	16,693
All Others.....	38
Blanks .....	1,733
Total Votes Cast.....	47,761

**FIRST SUFFOLK DISTRICT**

Nicholas P. Collins, of Boston (Democratic) has .....	41,069
and appears to be elected.	
All Others.....	929
Blanks .....	10,482
Total Votes Cast.....	52,480

**SECOND SUFFOLK DISTRICT**

Liz Miranda, of Boston (Democratic) has .....	35,207
and appears to be elected.	
All Others.....	439
Blanks .....	5,011
Total Votes Cast.....	40,657

**THIRD SUFFOLK DISTRICT**

Lydia Marie Edwards, of Boston (Democratic) has .....	32,396
and appears to be elected.	
All Others.....	1,006
Blanks .....	11,580
Total Votes Cast.....	44,982

**SUFFOLK & MIDDLESEX DISTRICT**

William N. Brownsberger, of Belmont (Democratic) has .....	42,713
and appears to be elected.	
All Others.....	437
Blanks .....	9,782
Total Votes Cast.....	52,932

**FIRST WORCESTER DISTRICT**

Robyn K. Kennedy, of Worcester (Democratic) has .....	30,138
and appears to be elected.	
Lisa K. Mair, of Berlin (Unenrolled) has.....	10,805
All Others.....	456
Blanks .....	3,318
Total Votes Cast.....	44,717

**SECOND WORCESTER DISTRICT**

Michael O. Moore, of Millbury (Democratic) has.....	40,946
and appears to be elected.	
All Others.....	793
Blanks .....	12,641
Total Votes Cast.....	54,380

**WORCESTER & HAMPDEN DISTRICT**

Ryan C. Fattman, of Sutton (Republican) has .....	53,456
and appears to be elected.	
All Others.....	833
Blanks .....	17,109
Total Votes Cast.....	71,398

**WORCESTER & HAMPSHIRE DISTRICT**

Anne M. Gobi, of Spencer (Democratic) has .....	35,409
and appears to be elected.	
James Anthony Amorello, of Holden (Republican) has .....	29,734
All Others.....	15
Blanks .....	1,580
Total Votes Cast.....	66,738

**WORCESTER & MIDDLESEX DISTRICT**

John J. Cronin, of Lunenburg (Democratic) has .....	36,784
and appears to be elected.	
Kenneth B. Hoyt, of Westford (Republican) has .....	24,238
All Others.....	35
Blanks .....	2,232
Total Votes Cast.....	63,289

**REPRESENTATIVE IN GENERAL COURT**

**FIRST BARNSTABLE DISTRICT**

Christopher Richard Flanagan, of Dennis (Democratic) has .....	12,454
and appears to be elected.	
Tracy A. Post, of Yarmouth (Republican) has.....	10,389
Abraham Kasparian, Jr., of Yarmouth (We The People) has .....	447
All Others.....	17
Blanks .....	457
Total Votes Cast.....	23,764

**SECOND BARNSTABLE DISTRICT**

Kip A. Diggs, of Barnstable (Democratic) has .....	11,664
and appears to be elected.	
William Buffington Peters, of Barnstable (Republican) has .....	7,098
All Others.....	18
Blanks .....	363
Total Votes Cast.....	19,143

**THIRD BARNSTABLE DISTRICT**

David T. Vieira, of Falmouth (Republican) has .....	12,715
and appears to be elected.	
Kathleen Fox Alfano, of Bourne (Democratic) has .....	10,227
All Others.....	7
Blanks .....	735
Total Votes Cast.....	23,684

**FOURTH BARNSTABLE DISTRICT**

Sarah K. Peake, of Provincetown (Democratic) has .....	18,786
and appears to be elected.	
All Others.....	240
Blanks .....	5,706
Total Votes Cast.....	24,732

**FIFTH BARNSTABLE DISTRICT**

Steven G. Xiarhos, of Barnstable (Republican) has .....	15,324
and appears to be elected.	
All Others.....	300
Blanks .....	5,704
Total Votes Cast.....	21,328

**BARNSTABLE, DUKES & NANTUCKET DISTRICT**

Dylan A. Fernandes, of Falmouth (Democratic) has .....	15,858
and appears to be elected.	
All Others.....	227
Blanks .....	4,359
Total Votes Cast.....	20,444

**FIRST BERKSHIRE DISTRICT**

John Barrett, III, of North Adams (Democratic) has .....	12,787
and appears to be elected.	
All Others.....	167
Blanks .....	2,817
Total Votes Cast.....	15,771

**SECOND BERKSHIRE DISTRICT**

Tricia Farley-Bouvier, of Pittsfield (Democratic) has .....	10,883
and appears to be elected.	
All Others.....	74
Blanks .....	3,277
Total Votes Cast.....	14,234

**THIRD BERKSHIRE DISTRICT**

William “Smitty” Pignatelli, of Lenox (Democratic) has.....	16,340
and appears to be elected.	
Michael Silvio Lavery, of Becket (Green-Rainbow Party) has .....	1,698
All Others.....	109
Blanks .....	1,490
Total Votes Cast.....	19,637

**FIRST BRISTOL DISTRICT**

Fred “Jay” Barrows, of Mansfield (Republican) has .....	9,680
and appears to be elected.	
Brendan A. Roche, of Mansfield (Democratic) .....	7,135
All Others.....	9
Blanks .....	669
Total Votes Cast.....	17,493

**SECOND BRISTOL DISTRICT**

James K. Hawkins, of Attleboro (Democratic) has .....	8,468
and appears to be elected.	
Steven Joseph Escobar, of Attleboro (Republican) has .....	5,516
All Others.....	3
Blanks .....	368
Total Votes Cast.....	14,355

**THIRD BRISTOL DISTRICT**

Carol A. Doherty, of Taunton (Democratic) has .....	8,011
and appears to be elected.	
Christopher P. Coute, of Taunton (Republican) has .....	6,036
All Others.....	4
Blanks .....	437
Total Votes Cast.....	14,488

**FOURTH BRISTOL DISTRICT**

Steven S. Howitt, of Seekonk (Republican) has .....	13,380
and appears to be elected.	
All Others.....	244
Blanks .....	4,149
Total Votes Cast.....	17,773

**FIFTH BRISTOL DISTRICT**

Patricia A. Haddad, of Somerset (Democratic) has .....	8,951
and appears to be elected.	
Justin Thurber, of Somerset (Republican) has .....	7,514
All Others.....	5
Blanks .....	393
Total Votes Cast.....	16,863

**SIXTH BRISTOL DISTRICT**

Carole A. Fiola, of Fall River (Democratic) has.....	7,321
and appears to be elected.	
All Others.....	256
Blanks .....	2,949
Total Votes Cast.....	10,526



**SEVENTH BRISTOL DISTRICT**

Alan Silvia, of Fall River (Democratic) has .....	4,886
and appears to be elected.	
All Others.....	179
Blanks .....	1,561
Total Votes Cast.....	6,626

**EIGHTH BRISTOL DISTRICT**

Paul A. Schmid, III, of Westport (Democratic) has.....	8,437
and appears to be elected.	
Evan Gendreau, of Westport (Republican) has.....	7,326
All Others.....	12
Blanks .....	418
Total Votes Cast.....	16,193

**NINTH BRISTOL DISTRICT**

Christopher Markey, of Dartmouth (Democratic) has.....	10,977
and appears to be elected.	
All Others.....	294
Blanks .....	4,410
Total Votes Cast.....	15,681

**TENTH BRISTOL DISTRICT**

William M. Straus, of Mattapoisett (Democratic) has.....	10,648
and appears to be elected.	
Jeffrey Gerald Swift, of Mattapoisett (Republican) has .....	8,280
All Others.....	7
Blanks .....	497
Total Votes Cast.....	19,432

**ELEVENTH BRISTOL DISTRICT**

Christopher Hendricks, of New Bedford (Democratic) has.....	4,906
and appears to be elected.	
All Others.....	161
Blanks .....	1,408
Total Votes Cast.....	6,475

**TWELFTH BRISTOL DISTRICT**

Norman J. Orrall, of Lakeville (Republican) has.....	12,370
and appears to be elected.	
All Others.....	186
Blanks .....	4,677
Total Votes Cast.....	17,233

**THIRTEENTH BRISTOL DISTRICT**

Antonio F.D. Cabral, of New Bedford (Democratic) has .....	6,977
and appears to be elected.	
All Others.....	225
Blanks .....	2,144
Total Votes Cast.....	9,346

**FOURTEENTH BRISTOL DISTRICT**

Adam Scanlon, of North Attleborough (Democratic) has .....	11,212
and appears to be elected.	
All Others.....	169
Blanks .....	4,823
Total Votes Cast.....	16,204

**FIRST ESSEX DISTRICT**

CJ Fitzwater, of Salisbury (Republican) has.....	8,657
Dawne F. Shand, of Newburyport (Democratic) has.....	12,790
and appears to be elected.	
All Others.....	18
Blanks .....	798
Total Votes Cast.....	22,263

**SECOND ESSEX DISTRICT  
(AMENDED PER RECOUNT)**

Leonard Mirra, of Georgetown (Republican) has.....	11,762
Kristin E. Kassner, of Hamilton (Democratic) has .....	11,763
and appears to be elected.	
All Others.....	5
Blanks .....	638
Total Votes Cast.....	24,168

**THIRD ESSEX DISTRICT**

Andres X. Vargas, of Haverhill (Democratic) has.....	9,176
and appears to be elected.	
All Others.....	385
Blanks .....	3,369
Total Votes Cast.....	12,930

**FOURTH ESSEX DISTRICT**

Estela A. Reyes, of Lawrence (Democratic) has .....	4,884
and appears to be elected.	
All Others.....	238
Blanks .....	1,755
Total Votes Cast.....	6,877

**FIFTH ESSEX DISTRICT**

Ann-Margaret Ferrante, of Gloucester (Democratic) has .....	14,971
and appears to be elected.	
Ashley Sullivan, of Gloucester (Republican) has .....	6,683
All Others.....	34
Blanks .....	756
Total Votes Cast.....	22,444

**SIXTH ESSEX DISTRICT**

Jerald A. Parisella, of Beverly (Democratic) has.....	14,666
and appears to be elected.	
All Others.....	183
Blanks .....	3,764
Total Votes Cast.....	18,613

**SEVENTH ESSEX DISTRICT**

Manny Cruz, of Salem (Democratic) has .....	13,608
and appears to be elected.	
All Others.....	46
Blanks .....	3,048
Total Votes Cast.....	16,702

**EIGHTH ESSEX DISTRICT**

Jennifer WB Armini, of Marblehead (Democratic) has.....	14,156
and appears to be elected.	
All Others.....	215
Blanks .....	4,956
Total Votes Cast.....	19,327

**NINTH ESSEX DISTRICT**

Donald H. Wong, of Saugus (Republican) has .....	13,664
and appears to be elected	
All Others.....	133
Blanks .....	4,604
Total Votes Cast.....	18,401

**TENTH ESSEX DISTRICT**

Daniel Cahill, of Lynn (Democratic) has.....	6,042
and appears to be elected.	
All Others.....	217
Blanks .....	1,870
Total Votes Cast.....	8,129

**ELEVENTH ESSEX DISTRICT**

Peter L. Capano, of Lynn (Democratic) has .....	7,135
and appears to be elected.	
All Others.....	201
Blanks .....	1,999
Total Votes Cast.....	9,335

**TWELFTH ESSEX DISTRICT**

Thomas P. Walsh, of Peabody (Democratic) has .....	12,021
and appears to be elected.	
All Others.....	335
Blanks .....	3,729
Total Votes Cast.....	16,085

**THIRTEENTH ESSEX DISTRICT**

Sally P. Kerans, of Danvers (Democratic) has .....	13,923
and appears to be elected.	
Michael D. Bean (Write-in), of Danvers has .....	571
All Others.....	307
Blanks .....	6,009
Total Votes Cast.....	20,810

**FOURTEENTH ESSEX DISTRICT**

Joseph G. Finn, of North Andover (Republican) has.....	9,161
Adrienne Ramos, of North Andover (Democratic) has .....	10,879
and appears to be elected	
All Others.....	12
Blanks .....	544
Total Votes Cast.....	20,596

**FIFTEENTH ESSEX DISTRICT**

Ryan M. Hamilton, of Methuen (Democratic) has .....	10,822
and appears to be elected.	
All Others.....	543
Blanks .....	5,566
Total Votes Cast.....	16,931

**SIXTEENTH ESSEX DISTRICT**

Francisco E. Paulino, of Methuen (Democratic) has .....	5,363
and appears to be elected.	
All Others.....	224
Blanks .....	1,808
Total Votes Cast.....	7,395

**SEVENTEENTH ESSEX DISTRICT**

Frank A. Moran, of Lawrence (Democratic) has .....	6,031
and appears to be elected.	
All Others.....	145
Blanks .....	1,792
Total Votes Cast.....	7,968

**EIGHTEENTH ESSEX DISTRICT**

Tram T. Nguyen, of Andover (Democratic) has .....	11,812
and appears to be elected.	
Jeffrey Peter Dufour., of Andover (Republican) has .....	7,738
All Others.....	17
Blanks .....	400
Total Votes Cast.....	19,967

**FIRST FRANKLIN DISTRICT**

Natalie M. Blais, of Deerfield (Democratic) has .....	16,086
and appears to be elected.	
All Others.....	158
Blanks .....	3,460
Total Votes Cast.....	19,704

**SECOND FRANKLIN DISTRICT**

Susannah M. Whipps, of Athol (Independent) has .....	9,797
and appears to be elected.	
Jeffrey L. Raymond, of Athol (Republican) has .....	4,892
Kevin Patrick McKeown, of Gill (Unenrolled) has .....	736
All Others.....	24
Blanks .....	837
Total Votes Cast.....	16,286

**FIRST HAMPDEN DISTRICT**

Todd M. Smola, of Warren (Republican) has .....	13,297
and appears to be elected.	
All Others.....	218
Blanks .....	3,178
Total Votes Cast.....	16,693

**SECOND HAMPDEN DISTRICT**

Brian M. Ashe, of Longmeadow (Democratic) has .....	13,670
and appears to be elected.	
All Others.....	349
Blanks .....	4,748
Total Votes Cast.....	18,767

**THIRD HAMPDEN DISTRICT**

Nicholas A. Boldyga, of Southwick (Republican) has .....	11,093
and appears to be elected.	
Anthony J. Russo, of Agawam (Democratic) has .....	7,397
All Others .....	6
Blanks .....	360
Total Votes Cast.....	18,856

**FOURTH HAMPDEN DISTRICT**

Kelly W. Pease, of Westfield (Republican) has.....	12,256
and appears to be elected.	
All Others.....	225
Blanks .....	3,868
Total Votes Cast.....	16,349

**FIFTH HAMPDEN DISTRICT**

Patricia A. Duffy, of Holyoke (Democratic) has .....	7,990
and appears to be elected.	
All Others.....	219
Blanks .....	2,302
Total Votes Cast.....	10,511

**SIXTH HAMPDEN DISTRICT**

Michael J. Finn, of West Springfield (Democratic) has .....	9,055
and appears to be elected.	
All Others.....	180
Blanks .....	3,602
Total Votes Cast.....	12,837

**SEVENTH HAMPDEN DISTRICT**

James Chip Harrington, of Ludlow (Republican) has .....	8,573
Aaron L. Saunders, of Belchertown (Democratic) has .....	9,577
and appears to be elected.	
All Others.....	14
Blanks .....	454
Total Votes Cast.....	18,618

**EIGHTH HAMPDEN DISTRICT**

Shirley B. Arriaga, of Chicopee (Democratic) .....	8,129
and appears to be elected.	
Sean Goonan, of Chicopee (Independent) .....	4,420
All Others.....	65
Blanks .....	775
Total Votes Cast.....	13,389

**NINTH HAMPDEN DISTRICT**

Orlando Ramos, of Springfield (Democratic) has .....	5,913
and appears to be elected.	
All Others.....	216
Blanks .....	1,442
Total Votes Cast.....	7,571

**TENTH HAMPDEN DISTRICT**

Carlos Gonzalez, of Springfield (Democratic) has .....	4,069
and appears to be elected.	
All Others.....	105
Blanks .....	740
Total Votes Cast.....	4,914

**ELEVENTH HAMPDEN DISTRICT**

Bud L. Williams, of Springfield (Democratic) has .....	6,165
and appears to be elected.	
All Others.....	245
Blanks .....	1,358
Total Votes Cast.....	7,768

**TWELFTH HAMPDEN DISTRICT**

Angelo J. Puppolo, Jr., of Springfield (Democratic) has .....	12,882
and appears to be elected.	
All Others.....	340
Blanks .....	3,763
Total Votes Cast.....	16,985



**FIRST HAMPSHIRE DISTRICT**

Lindsay N. Sabadosa, of Northampton (Democratic) has .....	17,592
and appears to be elected.	
All Others.....	68
Blanks .....	3,164
Total Votes Cast.....	20,824

**SECOND HAMPSHIRE DISTRICT**

Daniel R. Carey, of Easthampton (Democratic) has.....	15,492
and appears to be elected.	
All Others.....	209
Blanks .....	3,703
Total Votes Cast.....	19,404

**THIRD HAMPSHIRE DISTRICT**

Mindy Domb, of Amherst (Democratic) has .....	8,333
and appears to be elected.	
All Others.....	68
Blanks .....	1,269
Total Votes Cast.....	9,670

**FIRST MIDDLESEX DISTRICT  
(AMENDED PER RECOUNT)**

Margaret R. Scarsdale, of Pepperell (Democratic) has.....	9,409
and appears to be elected.	
Andrew James Shepherd, of Townsend (Republican) has.....	9,402
Catherine Lundeen, of Pepperell (Independent) has.....	1,075
All Others.....	91
Blanks .....	440
Total Votes Cast.....	20,417

**SECOND MIDDLESEX DISTRICT**

James Arciero, of Westford (Democratic) has.....	12,792
and appears to be elected.	
Raymond Yinggang Xie, of Westford (Republican) has .....	6,931
All Others.....	7
Blanks .....	455

Total Votes Cast..... 20,185

**THIRD MIDDLESEX DISTRICT**

Kate Hogan, of Stow (Democratic) has ..... 15,844  
and appears to be elected.

All Others..... 309

Blanks ..... 4,162

Total Votes Cast..... 20,315

**FOURTH MIDDLESEX DISTRICT**

Danielle W. Gregoire, of Marlborough (Democratic) has ..... 10,157  
and appears to be elected.

All Others..... 133

Blanks ..... 3,663

Total Votes Cast..... 13,953

**FIFTH MIDDLESEX DISTRICT**

David Paul Linsky, of Natick (Democratic) has ..... 15,019  
and appears to be elected.

All Others..... 139

Blanks ..... 4,400

Total Votes Cast..... 19,558

**SIXTH MIDDLESEX DISTRICT**

Priscila S. Sousa, of Framingham (Democratic) has ..... 6,839  
and appears to be elected.

All Others..... 202

Blanks ..... 1,524

Total Votes Cast..... 8,565

**SEVENTH MIDDLESEX DISTRICT**

Jack Patrick Lewis, of Framingham (Democratic) has ..... 13,362  
and appears to be elected.

All Others..... 170

Blanks ..... 3,822

Total Votes Cast..... 17,354

**EIGHTH MIDDLESEX DISTRICT**

James C. Arena-DeRosa, of Holliston (Democratic) has .....	12,916
and appears to be elected.	
Loring Barnes, of Millis (Republican) has .....	6,947
All Others.....	10
Blanks .....	636
Total Votes Cast.....	20,509

**NINTH MIDDLESEX DISTRICT**

Thomas M. Stanley, of Waltham (Democratic) has .....	11,372
and appears to be elected.	
All Others.....	224
Blanks .....	3,408
Total Votes Cast.....	15,004

**TENTH MIDDLESEX DISTRICT**

John J. Lawn, Jr., of Watertown (Democratic) has.....	9,979
and appears to be elected.	
All Others.....	138
Blanks .....	2,862
Total Votes Cast.....	12,979

**ELEVENTH MIDDLESEX DISTRICT**

Kay S. Khan, of Newton (Democratic) has .....	13,394
and appears to be elected.	
All Others.....	229
Blanks .....	3,857
Total Votes Cast.....	17,480

**TWELFTH MIDDLESEX DISTRICT**

Ruth B. Balsler, of Newton (Democratic) has .....	15,164
and appears to be elected.	
All Others.....	197
Blanks .....	4,281
Total Votes Cast.....	19,642

**THIRTEENTH MIDDLESEX DISTRICT**

Carmine Lawrence Gentile, of Sudbury (Democratic) has.....	16,338
and appears to be elected.	
All Others.....	100
Blanks .....	5,002
Total Votes Cast.....	21,440

**FOURTEENTH MIDDLESEX DISTRICT**

Simon Cataldo, of Concord (Democratic) has.....	14,542
and appears to be elected.	
Rodney E. Cleaves, of Chelmsford (Republican) has.....	5,400
All Others.....	16
Blanks .....	831
Total Votes Cast.....	20,789

**FIFTEENTH MIDDLESEX DISTRICT**

Michelle Ciccolo, of Lexington (Democratic) has .....	14,123
and appears to be elected.	
All Others.....	179
Blanks .....	4,912
Total Votes Cast.....	19,214

**SIXTEENTH MIDDLESEX DISTRICT**

Rodney M. Elliott., of Lowell (Democratic) has .....	7,270
and appears to be elected.	
Karla Jean Miller., of Lowell (Republican) has.....	3,838
All Others.....	24
Blanks .....	707
Total Votes Cast.....	11,839

**SEVENTEENTH MIDDLESEX DISTRICT**

Vanna Howard, of Lowell (Democratic) has .....	7,168
and appears to be elected.	
All Others.....	266
Blanks .....	2,571
Total Votes Cast.....	10,005

**EIGHTEENTH MIDDLESEX DISTRICT**

Rady Mom, of Lowell (Democratic) has .....	4,434
and appears to be elected.	
All Others.....	225
Blanks .....	1,565
Total Votes Cast.....	6,224

**NINETEENTH MIDDLESEX DISTRICT**

David A. Robertson, of Wilmington (Democratic) has .....	10,248
and appears to be elected.	
Paul Sarnowski, of Wilmington (Republican) has.....	7,955
All Others.....	14
Blanks .....	532
Total Votes Cast.....	18,749

**TWENTIETH MIDDLESEX DISTRICT**

Bradley H. Jones, Jr., of North Reading (Republican) has .....	16,194
and appears to be elected.	
All Others.....	162
Blanks .....	5,134
Total Votes Cast.....	21,490

**TWENTY-FIRST MIDDLESEX DISTRICT**

Kenneth I. Gordon, of Bedford (Democratic) has .....	13,510
and appears to be elected.	
All Others.....	409
Blanks .....	5,306
Total Votes Cast.....	19,225

**TWENTY-SECOND MIDDLESEX DISTRICT**

Marc T. Lombardo, of Billerica (Republican) has.....	9,224
and appears to be elected.	
Teresa Nicole English, of Billerica (Democratic) has .....	7,747
All Others.....	25
Blanks .....	347
Total Votes Cast.....	17,343

**TWENTY-THIRD MIDDLESEX DISTRICT**

Sean Garballey, of Arlington (Democratic) has .....	16,822
and appears to be elected.	
All Others.....	83
Blanks .....	3,938
Total Votes Cast.....	20,843

**TWENTY-FOURTH MIDDLESEX DISTRICT**

David M. Rogers, of Cambridge (Democratic) has .....	16,223
and appears to be elected.	
All Others.....	68
Blanks .....	4,397
Total Votes Cast.....	20,698

**TWENTY-FIFTH MIDDLESEX DISTRICT**

Marjorie C. Decker, of Cambridge (Democratic) has.....	11,018
and appears to be elected.	
All Others.....	56
Blanks .....	1,897
Total Votes Cast.....	12,971

**TWENTY-SIXTH MIDDLESEX DISTRICT**

Mike Connolly, of Cambridge (Democratic) has .....	11,714
and appears to be elected.	
All Others.....	111
Blanks .....	2,506
Total Votes Cast.....	14,331

**TWENTY-SEVENTH MIDDLESEX DISTRICT**

Erika Uyterhoeven, of Somerville (Democratic) has.....	15,698
and appears to be elected.	
All Others.....	227
Blanks .....	2,262
Total Votes Cast.....	18,187

**TWENTY-EIGHTH MIDDLESEX DISTRICT**

Joseph W. McGonagle, of Everett (Democratic) has .....	4,713
and appears to be elected.	
Michael W. Marchese, of Everett (Unenrolled) has .....	1,943
All Others.....	68
Blanks .....	747
Total Votes Cast.....	7,471

**TWENTY-NINTH MIDDLESEX DISTRICT**

Steven C. Owens, of Watertown (Democratic) has .....	14,817
and appears to be elected.	
All Others.....	51
Blanks .....	3,226
Total Votes Cast.....	18,094

**THIRTIETH MIDDLESEX DISTRICT**

Richard M. Haggerty, of Woburn (Democratic) has .....	13,027
and appears to be elected.	
All Others.....	80
Blanks .....	5,742
Total Votes Cast.....	18,849

**THIRTY-FIRST MIDDLESEX DISTRICT**

Michael Seamus Day, of Stoneham (Democratic) has .....	12,527
and appears to be elected.	
Theodore Christos Menounos, of Winchester (Independent) has.....	5,079
All Others.....	66
Blanks .....	1,856
Total Votes Cast.....	19,528

**THIRTY-SECOND MIDDLESEX DISTRICT**

Kate Lipper-Garabedian, of Melrose (Democratic) has .....	14,673
and appears to be elected.	
All Others.....	338
Blanks .....	4,962
Total Votes Cast.....	19,973

**THIRTY-THIRD MIDDLESEX DISTRICT**

Steven Ultrino, of Malden (Democratic) has .....	7,817
and appears to be elected.	
All Others.....	216
Blanks .....	2,027
Total Votes Cast.....	10,060

**THIRTY-FOURTH MIDDLESEX DISTRICT**

Christine P. Barber, of Somerville (Democratic) has .....	11,675
and appears to be elected.	
All Others.....	76
Blanks .....	2,621
Total Votes Cast.....	14,372

**THIRTY-FIFTH MIDDLESEX DISTRICT**

Paul J. Donato, of Medford (Democratic) has .....	10,474
and appears to be elected.	
All Others.....	112
Blanks .....	3,245
Total Votes Cast.....	13,831

**THIRTY-SIXTH MIDDLESEX DISTRICT**

Colleen M. Garry, of Dracut (Democratic) has .....	10,025
and appears to be elected.	
George Derek Boag, of Dracut (Republican) has .....	6,506
All Others.....	0
Blanks .....	581
Total Votes Cast.....	17,112

**THIRTY-SEVENTH MIDDLESEX DISTRICT**

Danillo A. Sena, of Acton (Democratic) has .....	14,330
and appears to be elected.	
All Others.....	197
Blanks .....	4,477
Total Votes Cast.....	19,004



**FIRST NORFOLK DISTRICT**

Bruce J. Ayers, of Quincy (Democratic) has .....	11,027
and appears to be elected.	
All Others.....	199
Blanks .....	2,565
Total Votes Cast.....	13,791

**SECOND NORFOLK DISTRICT**

Tackey Chan, of Quincy (Democratic) has.....	9,888
and appears to be elected.	
Sharon Marie Cintolo, of Quincy (Republican) has .....	4,119
All Others.....	14
Blanks .....	671
Total Votes Cast.....	14,692

**THIRD NORFOLK DISTRICT**

Ronald Mariano, of Quincy (Democratic) has.....	10,085
and appears to be elected.	
All Others.....	273
Blanks .....	3,358
Total Votes Cast.....	13,716

**FOURTH NORFOLK DISTRICT**

James Michael Murphy, of Weymouth (Democratic) has .....	10,255
and appears to be elected.	
Paul J. Rotondo, of Weymouth (Republican) has.....	5,778
All Others.....	12
Blanks .....	444
Total Votes Cast.....	16,489

**FIFTH NORFOLK DISTRICT**

Mark J. Cusack, of Braintree (Democratic) has.....	11,309
and appears to be elected.	
All Others.....	376
Blanks .....	5,406
Total Votes Cast.....	17,091

**SIXTH NORFOLK DISTRICT**

William C. Galvin, of Canton (Democratic) has .....	12,778
and appears to be elected.	
All Others.....	113
Blanks .....	3,909
Total Votes Cast.....	16,800

**SEVENTH NORFOLK DISTRICT**

William J. Driscoll, Jr., of Milton (Democratic) has .....	12,322
and appears to be elected.	
All Others.....	192
Blanks .....	3,793
Total Votes Cast.....	16,307

**EIGHTH NORFOLK DISTRICT**

Ted Philips, of Sharon (Democratic) has .....	12,257
and appears to be elected.	
Howard L. Terban, of Stoughton (Republican) has.....	5,400
All Others.....	8
Blanks .....	1,059
Total Votes Cast.....	18,724

**NINTH NORFOLK DISTRICT**

Kevin Kalkut, of Norfolk (Democratic) has .....	10,174
Marcus S. Vaughn, of Wrentham (Republican) has .....	10,534
and appears to be elected.	
All Others.....	12
Blanks .....	582
Total Votes Cast.....	21,302

**TENTH NORFOLK DISTRICT**

Jeffrey N. Roy, of Franklin (Democratic) has .....	12,045
and appears to be elected.	
Charles F. Bailey, III, of Franklin (Republican) has.....	6,852
All Others.....	16
Blanks .....	501
Total Votes Cast.....	19,414

**ELEVENTH NORFOLK DISTRICT**

Paul McMurtry, of Dedham (Democratic) has .....	14,495
and appears to be elected.	
All Others.....	215
Blanks .....	5,966
Total Votes Cast.....	20,676

**TWELFTH NORFOLK DISTRICT**

John H. Rogers, of Norwood (Democratic) has.....	12,798
and appears to be elected.	
All Others.....	272
Blanks .....	4,975
Total Votes Cast.....	18,045

**THIRTEENTH NORFOLK DISTRICT**

Denise C. Garlick, of Needham (Democratic) has .....	17,056
and appears to be elected.	
All Others.....	356
Blanks .....	4,312
Total Votes Cast.....	21,724

**FOURTEENTH NORFOLK DISTRICT**

Alice Hanlon Peisch, of Wellesley (Democratic) has.....	14,057
and appears to be elected.	
David Rolde, of Weston (Green-Rainbow) has .....	1,167
All Others.....	120
Blanks .....	3,225
Total Votes Cast.....	18,569

**FIFTEENTH NORFOLK DISTRICT**

Tommy Vitolo, of Brookline (Democratic) has.....	12,906
and appears to be elected.	
All Others.....	190
Blanks .....	2,301
Total Votes Cast.....	15,397

**FIRST PLYMOUTH DISTRICT**

Mathew J. Muratore, of Plymouth (Republican) has .....	12,470
and appears to be elected.	
Stephen Michael Palmer, of Plymouth (Democratic) has .....	9,121
All Others.....	19
Blanks .....	588
Total Votes Cast.....	22,198

**SECOND PLYMOUTH DISTRICT**

Susan Williams Gifford, of Wareham (Republican) has .....	13,019
and appears to be elected.	
All Others.....	206
Blanks .....	4,048
Total Votes Cast.....	17,273

**THIRD PLYMOUTH DISTRICT**

Joan Meschino, of Hull (Democratic) has .....	15,999
and appears to be elected.	
All Others.....	375
Blanks .....	5,849
Total Votes Cast.....	22,223

**FOURTH PLYMOUTH DISTRICT**

Patrick Joseph Kearney, of Scituate (Democratic) has .....	17,384
and appears to be elected.	
All Others.....	137
Blanks .....	6,218
Total Votes Cast.....	23,739

**FIFTH PLYMOUTH DISTRICT**

David F. DeCoste, of Norwell (Republican) has .....	10,039
and appears to be elected.	
Emmanuel J. Dockter, of Hanover (Democratic) has .....	9,363
All Others.....	11
Blanks .....	419
Total Votes Cast.....	19,832

**SIXTH PLYMOUTH DISTRICT**

Josh S. Cutler, of Duxbury (Democratic) has .....	12,163
and appears to be elected.	
Kenneth Sweezy, of Hanson (Republican) has .....	9,503
All Others.....	1
Blanks .....	373
Total Votes Cast.....	22,040

**SEVENTH PLYMOUTH DISTRICT**

Alyson M. Sullivan, of Abington (Republican) has .....	12,083
and appears to be elected.	
Brandon J. Griffin, of Whitman (Workers Party) has.....	3,945
All Others.....	23
Blanks .....	1,636
Total Votes Cast.....	17,687

**EIGHTH PLYMOUTH DISTRICT**

Angelo L. D’Emilia, of Bridgewater (Republican) has .....	9,449
and appears to be elected.	
Eric J. Haikola, of Raynham (Democratic) has .....	6,299
All Others.....	4
Blanks .....	620
Total Votes Cast.....	16,372

**NINTH PLYMOUTH DISTRICT**

Gerard J. Cassidy, of Brockton (Democratic) has .....	9,357
and appears to be elected.	
Lawrence P. Novak, of Brockton (Republican) has .....	6,072
All Others.....	25
Blanks .....	896
Total Votes Cast.....	16,350

**TENTH PLYMOUTH DISTRICT**

Michelle M. DuBois, of Brockton (Democratic) has.....	7,031
and appears to be elected.	
All Others.....	103
Blanks .....	2,220
Total Votes Cast.....	9,354

**ELEVENTH PLYMOUTH DISTRICT**

Rita A. Mendes, of Brockton (Democratic) has .....	5,066
and appears to be elected.	
Fred Fontaine (Write-in), of Brockton has .....	414
All Others.....	53
Blanks .....	863
Total Votes Cast.....	6,396

**TWELFTH PLYMOUTH DISTRICT**

Kathleen R. LaNatra, of Kingston (Democratic) has.....	10,603
and appears to be elected.	
Eric J. Meschino, of Plymouth (Republican) has .....	8,767
Charles F. McCoy, Jr., of Kingston (Non-Party Candidate) has .....	856
All Others.....	5
Blanks .....	593
Total Votes Cast.....	20,824

**FIRST SUFFOLK DISTRICT**

Adrian C. Madaro, of Boston (Democratic) has .....	7,022
and appears to be elected.	
All Others.....	165
Blanks .....	1,640
Total Votes Cast.....	8,827

**SECOND SUFFOLK DISTRICT**

Daniel Joseph Ryan, of Boston (Democratic) has .....	8,963
and appears to be elected.	
All Others.....	130
Blanks .....	2,174
Total Votes Cast.....	11,267

**THIRD SUFFOLK DISTRICT**

Aaron M. Michlewitz, of Boston (Democratic) has .....	9,238
and appears to be elected.	
All Others.....	161
Blanks .....	2,753
Total Votes Cast.....	12,152

**FOURTH SUFFOLK DISTRICT**

David M. Biele, of Boston (Democratic) has .....	11,566
and appears to be elected.	
All Others.....	282
Blanks .....	3,123
Total Votes Cast.....	14,971

**FIFTH SUFFOLK DISTRICT**

Christopher J. Worrell, of Boston (Democratic) has .....	5,939
and appears to be elected.	
Roy A. Owens, Sr., of Boston (Independent) has.....	750
Althea Garrison (Write-in), of Boston has.....	15
All Others.....	29
Blanks .....	676
Total Votes Cast.....	7,409

**SIXTH SUFFOLK DISTRICT**

Russell E. Holmes, of Boston (Democratic) has.....	7,675
and appears to be elected.	
All Others.....	109
Blanks .....	1,342
Total Votes Cast.....	9,126

**SEVENTH SUFFOLK DISTRICT**

Chynah Tyler, of Boston (Democratic) has .....	5,317
and appears to be elected.	
All Others.....	77
Blanks .....	932
Total Votes Cast.....	6,326

**EIGHTH SUFFOLK DISTRICT**

Jay D. Livingstone, of Boston (Democratic) has .....	9,701
and appears to be elected.	
All Others.....	185
Blanks .....	2,457
Total Votes Cast.....	12,343

**NINTH SUFFOLK DISTRICT**

Jon Santiago, of Boston (Democratic) has.....	9,957
and appears to be elected.	
All Others.....	141
Blanks .....	2,082
Total Votes Cast.....	12,180

**TENTH SUFFOLK DISTRICT**

Edward Francis Coppinger, of Boston (Democratic) has .....	15,817
and appears to be elected.	
All Others.....	7
Blanks .....	5,059
Total Votes Cast.....	20,883

**ELEVENTH SUFFOLK DISTRICT**

Judith A. Garcia, of Chelsea (Democratic) has.....	4,127
and appears to be elected.	
Todd B. Taylor, of Chelsea (Republican) has.....	1,552
All Others.....	5
Blanks .....	306
Total Votes Cast.....	5,990

**TWELFTH SUFFOLK DISTRICT**

Brandy Fluker Oakley, of Boston (Democratic) has .....	10,729
and appears to be elected.	
All Others.....	120
Blanks .....	2,234
Total Votes Cast.....	13,083



**THIRTEENTH SUFFOLK DISTRICT**

Daniel J. Hunt, of Boston (Democratic) has .....	8,761
and appears to be elected.	
All Others.....	255
Blanks .....	2,800
Total Votes Cast.....	11,816

**FOURTEENTH SUFFOLK DISTRICT**

Rob Consalvo, of Boston (Democratic) has .....	11,565
and appears to be elected.	
All Others.....	151
Blanks .....	2,330
Total Votes Cast.....	14,046

**FIFTEENTH SUFFOLK DISTRICT**

Samantha Montaña, of Boston (Democratic) has .....	13,030
and appears to be elected.	
All Others.....	154
Blanks .....	2,139
Total Votes Cast.....	15,323

**SIXTEENTH SUFFOLK DISTRICT**

Jessica Ann Giannino, of Revere (Democratic) has .....	5,753
and appears to be elected.	
All Others.....	175
Blanks .....	2,491
Total Votes Cast.....	8,419

**SEVENTEENTH SUFFOLK DISTRICT**

Kevin G. Honan, of Boston (Democratic) has .....	9,581
and appears to be elected.	
All Others.....	150
Blanks .....	1,756
Total Votes Cast.....	11,487

**EIGHTEENTH SUFFOLK DISTRICT**

Michael J. Moran, of Boston (Democratic) has .....	6,200
and appears to be elected.	
All Others.....	102
Blanks .....	1,456
Total Votes Cast.....	7,758

**NINETEENTH SUFFOLK DISTRICT**

Jeffrey Rosario Turco, of Winthrop (Democratic) has .....	7,803
and appears to be elected.	
All Others.....	385
Blanks .....	3,333
Total Votes Cast.....	11,521

**FIRST WORCESTER DISTRICT**

Kimberly N. Ferguson, of Holden (Republican) has .....	16,342
and appears to be elected.	
All Others.....	105
Blanks .....	5,275
Total Votes Cast.....	21,722

**SECOND WORCESTER DISTRICT**

Jonathan D. Zlotnik, of Gardner (Democratic) has.....	7,667
and appears to be elected.	
Bruce K. Chester, of Gardner (Republican) has .....	6,664
All Others.....	7
Blanks .....	285
Total Votes Cast.....	14,623

**THIRD WORCESTER DISTRICT**

Michael P. Kushmerek, of Fitchburg (Democratic) has .....	6,824
and appears to be elected.	
Aaron L. Packard, of Fitchburg (Republican) has .....	4,058
All Others.....	7
Blanks .....	501
Total Votes Cast.....	11,390

**FOURTH WORCESTER DISTRICT**

Natalie Higgins, of Leominster (Democratic) has .....	7,193
and appears to be elected.	
John M. Dombrowski, of Leominster (Unenrolled) has .....	6,510
All Others.....	11
Blanks .....	737
Total Votes Cast.....	14,451

**FIFTH WORCESTER DISTRICT**

Donald R. Berthiaume, Jr., of Spencer (Republican) has .....	14,151
and appears to be elected.	
All Others.....	235
Blanks .....	4,188
Total Votes Cast.....	18,574

**SIXTH WORCESTER DISTRICT**

Peter J. Durant, of Spencer (Republican) has .....	10,526
and appears to elected.	
All Others.....	186
Blanks .....	3,209
Total Votes Cast.....	13,921

**SEVENTH WORCESTER DISTRICT**

Paul K. Frost, of Auburn (Republican) has.....	12,432
and appears to be elected.	
Terry Burke Dotson, of Millbury (Unenrolled) has.....	4,067
All Others.....	64
Blanks .....	1,477
Total Votes Cast.....	18,040

**EIGHTH WORCESTER DISTRICT**

Michael J. Soter, of Bellingham (Republican) has .....	13,182
and appears to be elected.	
All Others.....	251
Blanks .....	3,993
Total Votes Cast.....	17,426

**NINTH WORCESTER DISTRICT**

David K. Muradian, Jr., of Grafton (Republican) has .....	13,516
and appears to be elected.	
All Others.....	170
Blanks .....	4,740
Total Votes Cast.....	18,426

**TENTH WORCESTER DISTRICT**

Brian William Murray, of Milford (Democratic) has .....	10,323
and appears to be elected.	
All Others.....	92
Blanks .....	4,693
Total Votes Cast.....	15,108

**ELEVENTH WORCESTER DISTRICT**

Hannah E. Kane, of Shrewsbury (Republican) has.....	9,194
and appears to be elected.	
Stephen Fishman, of Shrewsbury (Democratic) has.....	6,496
All Others.....	5
Blanks .....	466
Total Votes Cast.....	16,161

**TWELFTH WORCESTER DISTRICT**

Meghan K. Kilcoyne, of Clinton (Democratic) has.....	11,044
and appears to be elected.	
Michael A. Vulcano, of Northborough (Republican) has.....	7,247
All Others.....	9
Blanks .....	563
Total Votes Cast.....	18,863

**THIRTEENTH WORCESTER DISTRICT**

John J. Mahoney, of Worcester (Democratic) has.....	10,413
and appears to be elected.	
All Others.....	261
Blanks .....	2,756
Total Votes Cast.....	13,430

**FOURTEENTH WORCESTER DISTRICT**

James J. O'Day, of West Boylston (Democratic) has.....	9,293
and appears to be elected.	
All Others.....	430
Blanks .....	2,758
Total Votes Cast.....	12,481

**FIFTEENTH WORCESTER DISTRICT**

Mary S. Keefe, of Worcester (Democratic) has.....	4,540
and appears to be elected.	
All Others.....	150
Blanks .....	1,057
Total Votes Cast.....	5,747

**SIXTEENTH WORCESTER DISTRICT**

Daniel M. Donahue, of Worcester (Democratic) has .....	6,111
and appears to be elected.	
All Others.....	274
Blanks .....	1,747
Total Votes Cast.....	8,132

**SEVENTEENTH WORCESTER DISTRICT**

David Henry Argosky LeBoeuf, of Worcester (Democratic) has.....	4,745
and appears to be elected.	
Paul J. Fullen, of Worcester (Republican) has.....	3,270
All Others.....	17
Blanks .....	367
Total Votes Cast.....	8,399

**EIGHTEENTH WORCESTER DISTRICT**

Joseph D. McKenna, of Webster (Republican) has .....	13,642
and appears to be elected.	
All Others.....	169
Blanks .....	4,178
Total Votes Cast.....	17,989

**NINETEENTH WORCESTER DISTRICT**

Kate Donaghue, of Westborough (Democratic) has .....	11,560
and appears to be elected.	
Jonathan I. Hostage, of Southborough (Republican) has.....	5,560
All Others.....	8
Blanks .....	510
Total Votes Cast.....	17,638

**DISTRICT ATTORNEY**

**BERKSHIRE DISTRICT**

Timothy J. Shugrue, of Pittsfield (Democratic) has .....	41,064
and appears to be elected.	
All Others.....	447
Blanks .....	8,131
Total Votes Cast.....	49,642

**BRISTOL DISTRICT**

Thomas M. Quinn, III, of Fall River (Democratic) has .....	127,376
and appears to be elected.	
All Others.....	2,699
Blanks .....	55,460
Total Votes Cast.....	185,535

**CAPE & ISLANDS DISTRICT**

Robert Joseph Galibois, of Barnstable (Democratic) has .....	72,970
and appears to be elected.	
Daniel Higgins, of Barnstable (Republican) has.....	56,408
All Others.....	40
Blanks .....	3,677
Total Votes Cast.....	133,095

**EASTERN DISTRICT**

Paul F. Tucker, of Salem (Democratic) has .....	203,382
and appears to be elected.	
All Others .....	5,340
Blanks .....	80,669
Total Votes Cast.....	289,391

**HAMPDEN DISTRICT**

Anthony D. Gulluni, of Springfield (Democratic) has .....	105,525
and appears to be elected.	
All Others .....	2,460
Blanks .....	31,718
Total Votes Cast.....	139,703

**MIDDLE DISTRICT**

Joseph D. Early, Jr., of Worcester (Democratic) has .....	209,803
and appears to be elected.	
All Others .....	5,501
Blanks .....	76,765
Total Votes Cast.....	292,069

**NORFOLK DISTRICT**

Michael W. Morrissey, of Quincy (Democratic) has .....	208,563
and appears to be elected.	
All Others .....	3,750
Blanks .....	75,606
Total Votes Cast.....	287,919

**NORTHERN DISTRICT**

Marian T. Ryan, of Belmont (Democratic) has .....	451,484
and appears to be elected.	
All Others .....	6,994
Blanks .....	153,747
Total Votes Cast.....	612,225

**NORTHWESTERN DISTRICT**

David E. Sullivan, of Easthampton (Democratic) has .....	80,079
and appears to be elected.	
All Others.....	1,150
Blanks .....	19,758
Total Votes Cast.....	100,987

**PLYMOUTH DISTRICT**

Timothy J. Cruz, of Marshfield (Republican) has .....	132,133
and appears to be elected.	
Rahsaan Hall, of Brockton (Democratic) has .....	77,685
All Others.....	114
Blanks .....	6,776
Total Votes Cast.....	216,708

**SUFFOLK DISTRICT**

Kevin R. Hayden, of Boston (Democratic) has .....	153,490
and appears to be elected.	
All Others.....	4,240
Blanks .....	46,457
Total Votes Cast.....	204,187

**SHERIFF**

**BARNSTABLE COUNTY**

Donna D. Buckley, of Falmouth (Democratic) has .....	60,124
and appears to be elected.	
Timothy R. Whelan, of Brewster (Republican) has.....	56,201
All Others.....	39
Blanks .....	2,369
Total Votes Cast.....	118,733



**BERKSHIRE COUNTY**

Thomas N. Bowler, of Pittsfield (Democratic) has.....	41,713
and appears to be elected.	
All Others.....	301
Blanks .....	7,628
Total Votes Cast.....	49,642

**BRISTOL COUNTY**

Thomas M. Hodgson, of Dartmouth (Republican) has.....	88,910
Paul R. Heroux, of Attleboro (Democratic) has .....	92,201
and appears to be elected.	
All Others.....	126
Blanks .....	4,298
Total Votes Cast.....	185,535

**DUKES COUNTY**

Robert Ogden, of West Tisbury (Democratic) has .....	7,504
and appears to be elected.	
Erik Blake (Write-in), of West Tisbury has.....	50
All Others.....	80
Blanks .....	1,773
Total Votes Cast.....	9,407

**ESSEX COUNTY**

Kevin F. Coppinger, of Lynn (Democratic) has .....	203,862
and appears to be elected.	
All Others.....	5,202
Blanks .....	80,327
Total Votes Cast.....	289,391

**FRANKLIN COUNTY**

Christopher J. Donelan, of Greenfield (Democratic) has .....	25,594
and appears to be elected.	
All Others.....	320
Blanks .....	6,056
Total Votes Cast.....	31,970

**HAMPDEN COUNTY**

Nick Cocchi, of Ludlow (Democratic) has .....	108,133
and appears to be elected.	
All Others.....	2,365
Blanks .....	29,205
Total Votes Cast.....	139,703

**HAMPSHIRE COUNTY**

Patrick J. Cahillane, of Northampton (Democratic) has .....	47,084
and appears to be elected.	
Yvonne C. Gittelson (Write-in) of Goshen has .....	6,006
All Others.....	528
Blanks .....	11,711
Total Votes Cast.....	65,329

**MIDDLESEX COUNTY**

Peter J. Koutoujian, of Waltham (Democratic) has .....	451,548
and appears to be elected.	
All Others.....	6,852
Blanks .....	153,825
Total Votes Cast.....	612,225

**NANTUCKET COUNTY**

James A. Perelman, of Nantucket (Democratic) has .....	4,209
and appears to be elected.	
David J. Aguiar, of Nantucket (Independent) has.....	610
All Others.....	7
Blanks .....	129
Total Votes Cast.....	4,955

**NORFOLK COUNTY**

Patrick W. McDermott, of Quincy (Democratic) has .....	205,834
and appears to be elected.	
All Others.....	3,665
Blanks .....	78,420
Total Votes Cast.....	287,919

**PLYMOUTH COUNTY**

Joseph Daniel McDonald, Jr., of Kingston (Republican) has .....	154,682
and appears to be elected.	
All Others .....	2,403
Blanks .....	59,623
Total Votes Cast.....	216,708

**SUFFOLK COUNTY**

Steven W. Tompkins of Boston (Democratic) has .....	154,205
and appears to be elected.	
All Others .....	3,753
Blanks .....	46,229
Total Votes Cast.....	204,187

**WORCESTER COUNTY**

Lewis G. Evangelidis, of Holden (Republican) has .....	166,968
and appears to be elected.	
David M. Fontaine, of Paxton (Democratic) has .....	116,582
All Others .....	302
Blanks .....	11,905
Total Votes Cast.....	295,757

# STATEWIDE BALLOT QUESTIONS

## QUESTION 1 PROPOSED CONSTITUTIONAL AMENDMENT

Do you approve of the adoption of an amendment to the constitution summarized below, which was approved by the General Court in joint sessions of the two houses on June 12, 2019 (yeas 147 – nays 48); and again on June 9, 2021 (yea 159 – nays 41)?

### SUMMARY

This proposed constitutional amendment would establish an additional 4% state income tax on that portion of annual taxable income in excess of \$1 million. This income level would be adjusted annually, by the same method used for federal income-tax brackets, to reflect increases in the cost of living. Revenues from this tax would be used, subject to appropriation by the state Legislature, for public education, public colleges and universities; and for the repair and maintenance of roads, bridges, and public transportation. The proposed amendment would apply to tax years beginning on or after January 1, 2023.

	<b>YES</b>	<b>NO</b>	<b>BLANK</b>	<b>TOTAL</b>
County of Barnstable	55,414	60,152	3,167	118,733
County of Berkshire	32,183	15,429	2,030	49,642
County of Bristol	82,774	94,585	8,176	185,535
County of Dukes County	5,322	3,705	380	9,407
County of Essex	138,519	140,903	9,969	289,391
County of Franklin	21,052	9,859	1,059	31,970
County of Hampden	66,168	67,958	5,577	139,703
County of Hampshire	43,042	20,526	1,761	65,329
County of Middlesex	330,947	262,652	18,626	612,225
County of Nantucket	2,131	2,387	437	4,955
County of Norfolk	134,679	143,144	10,096	287,919
County of Plymouth	91,819	117,953	6,936	216,708
County of Suffolk	124,409	70,476	9,302	204,187
County of Worcester	138,673	148,496	8,588	295,757
<b>TOTAL</b>	<b>1,267,132</b>	<b>1,158,225</b>	<b>86,104</b>	<b>2,511,461</b>

**QUESTION 2**  
**LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

**SUMMARY**

This proposed law would direct the Commissioner of the Massachusetts Division of Insurance to approve or disapprove the rates of dental benefit plans and would require that a dental insurance carrier meet an annual aggregate medical loss ratio for its covered dental benefit plans of 83 percent. The medical loss ratio would measure the amount of premium dollars a dental insurance carrier spends on its members' dental expenses and quality improvements, as opposed to administrative expenses. If a carrier's annual aggregate medical loss ratio is less than 83 percent, the carrier would be required to refund the excess premiums to its covered individuals and groups. The proposed law would allow the Commissioner to waive or adjust the refunds only if it is determined that issuing refunds would result in financial impairment for the carrier.

The proposed law would apply to dental benefit plans regardless of whether they are issued directly by a carrier, through the connector, or through an intermediary. The proposed law would not apply to dental benefit plans issued, delivered, or renewed to a self-insured group or where the carrier is acting as a third-party administrator.

The proposed law would require the carriers offering dental benefit plans to submit information about their current and projected medical loss ratio, administrative expenses, and other financial information to the Commissioner. Each carrier would be required to submit an annual comprehensive financial statement to the Division of Insurance, itemized by market group size and line of business. A carrier that also provides administrative services to one or more self-insured groups would also be required to file an appendix to their annual financial statement with information about its self-insured business. The proposed law would impose a late penalty on a carrier that does not file its annual report on or before April 1.

The Division would be required to make the submitted data public, to issue an annual summary to certain legislative committees, and to exchange the data with the Health Policy Commission. The Commissioner would be required to adopt standards requiring the registration of persons or entities not otherwise licensed or registered by the Commissioner and criteria for the standardized reporting and uniform allocation methodologies among carriers.

The proposed law would allow the Commissioner to approve dental benefit policies for the purpose of being offered to individuals or groups. The Commissioner would be required to adopt regulations to determine eligibility criteria.

The proposed law would require carriers to file group product base rates and any changes to group rating factors that are to be effective on January 1 of each year on or before July 1 of the preceding year. The Commissioner would be required to disapprove any proposed changes to base rates that are excessive, inadequate, or unreasonable in relation to the benefits charged. The Commissioner would also be required to disapprove any change to group rating factors that is discriminatory or not actuarially sound.

The proposed law sets forth criteria that, if met, would require the Commissioner to presumptively disapprove a carrier's rate, including if the aggregate medical loss ratio for all dental benefit plans offered by a carrier is less than 83 percent.

The proposed law would establish procedures to be followed if a proposed rate is presumptively disapproved or if the Commissioner disapproves a rate.

The proposed law would require the Division to hold a hearing if a carrier reports a risk-based capital ratio on a combined entity basis that exceeds 700 percent in its annual report.

The proposed law would require the Commissioner to promulgate regulations consistent with its provisions by October 1, 2023. The proposed law would apply to all dental benefit plans issued, made effective, delivered, or renewed on or after January 1, 2024.

	<b>YES</b>	<b>NO</b>	<b>BLANK</b>	<b>TOTAL</b>
County of Barnstable	78,347	36,425	3,961	118,733
County of Berkshire	36,611	10,586	2,445	49,642
County of Bristol	115,546	61,001	8,988	185,535
County of Dukes County	7,119	1,776	512	9,407
County of Essex	196,785	80,138	12,468	289,391
County of Franklin	23,782	6,965	1,223	31,970
County of Hampden	83,357	49,461	6,885	139,703
County of Hampshire	48,408	14,564	2,357	65,329
County of Middlesex	443,247	143,806	25,172	612,225
County of Nantucket	3,163	1,299	493	4,955
County of Norfolk	198,664	77,281	11,974	287,919
County of Plymouth	140,042	68,427	8,239	216,708
County of Suffolk	150,307	39,759	14,121	204,187
County of Worcester	195,028	90,215	10,514	295,757
<b>TOTAL</b>	<b>1,720,406</b>	<b>681,703</b>	<b>109,352</b>	<b>2,511,461</b>

**QUESTION 3**  
**LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

**SUMMARY**

This proposed law would increase the statewide limits on the combined number of licenses for the sale of alcoholic beverages for off-premises consumption (including licenses for “all alcoholic beverages” and for “wines and malt beverages”) that any one retailer could own or control: from 9 to 12 licenses in 2023; to 15 licenses in 2027; and to 18 licenses in 2031.

Beginning in 2023, the proposed law would set a maximum number of “all alcoholic beverages” licenses that any one retailer could own or control at 7 licenses unless a retailer currently holds more than 7 such licenses.

The proposed law would require retailers to conduct the sale of alcoholic beverages for off-premises consumption through face-to-face transactions and would prohibit automated or self-checkout sales of alcoholic beverages by such retailers.

The proposed law would alter the calculation of the fine that the Alcoholic Beverages Control Commission may accept in lieu of suspending any license issued under the State Liquor Control Act. The proposed law would modify the formula for calculating such fee from being based on the gross profits on the sale of alcoholic beverages to being based on the gross profits on all retail sales.

The proposed law would also add out-of-state motor vehicle licenses to the list of the forms of identification that any holder of a license issued under the State Liquor Control Act, or their agent or employee, may choose to reasonably rely on for proof of a person’s identity and age.

	<b>YES</b>	<b>NO</b>	<b>BLANK</b>	<b>TOTAL</b>
County of Barnstable	48,596	64,955	5,182	118,733
County of Berkshire	21,647	25,094	2,901	49,642
County of Bristol	68,532	106,844	10,159	185,535
County of Dukes County	3,972	4,719	716	9,407
County of Essex	120,483	155,191	13,717	289,391
County of Franklin	14,687	15,403	1,880	31,970
County of Hampden	47,675	86,597	5,431	139,703
County of Hampshire	28,835	32,726	3,768	65,329
County of Middlesex	282,997	295,601	33,627	612,225
County of Nantucket	1,612	2,823	520	4,955
County of Norfolk	123,885	149,005	15,029	287,919
County of Plymouth	83,312	123,333	10,063	216,708
County of Suffolk	102,196	90,181	11,810	204,187
County of Worcester	122,332	162,500	10,925	295,757
<b>TOTAL</b>	<b>1,070,761</b>	<b>1,314,972</b>	<b>125,728</b>	<b>2,511,461</b>

**QUESTION 4**  
**REFERENDUM ON AN EXISTING LAW**

Do you approve of a law summarized below, which was approved by the House of Representatives and the Senate on May 26, 2022?

**SUMMARY**

This law allows Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a standard driver's license or learner's permit if they meet all the other qualifications for a standard license or learner's permit, including a road test and insurance, and provide proof of their identity, date of birth, and residency. The law provides that, when processing an application for such a license or learner's permit or motor vehicle registration, the registrar of motor vehicles may not ask about or create a record of the citizenship or immigration status of the applicant, except as otherwise required by law. This law does not allow people who cannot provide proof of lawful presence in the United States to obtain a REAL ID.

To prove identity and date of birth, the law requires an applicant to present at least two documents, one from each of the following categories: (1) a valid unexpired foreign passport or a valid unexpired Consular Identification document; and (2) a valid unexpired driver's license from any United States state or territory, an original or certified copy of a birth certificate, a valid unexpired foreign national identification card, a valid unexpired foreign driver's license, or a marriage certificate or divorce decree issued by any state or territory of the United States. One of the documents presented by an applicant must include a photograph and one must include a date of birth. Any documents not in English must be accompanied by a certified translation. The registrar may review any documents issued by another country to determine whether they may be used as proof of identity or date of birth.

The law requires that applicants for a driver's license or learner's permit shall attest, under the pains and penalties of perjury, that their license has not been suspended or revoked in any other state, country, or jurisdiction.

The law specifies that information provided by or relating to any applicant or license-holder will not be a public record and shall not be disclosed, except as required by federal law or as authorized by Attorney General regulations, and except for purposes of motor vehicle insurance.

The law directs the registrar of motor vehicles to make regulations regarding the documents required of United States citizens and others who provide proof of lawful presence with their license application.

The law also requires the registrar and the Secretary of the Commonwealth to establish procedures and regulations to ensure that an applicant for a standard driver's license or learner's permit who does not provide proof of lawful presence will not be automatically registered to vote.

The law takes effect on July 1, 2023.



	<b>YES</b>	<b>NO</b>	<b>BLANK</b>	<b>TOTAL</b>
County of Barnstable	56,711	58,531	3,491	118,733
County of Berkshire	29,729	17,878	2,035	49,642
County of Bristol	76,759	100,246	8,530	185,535
County of Dukes County	6,007	3,011	389	9,407
County of Essex	142,338	134,297	12,756	289,391
County of Franklin	19,451	11,433	1,086	31,970
County of Hampden	57,794	76,154	5,755	139,703
County of Hampshire	40,882	22,500	1,947	65,329
County of Middlesex	362,419	228,076	21,730	612,225
County of Nantucket	2,561	1,978	416	4,955
County of Norfolk	149,104	127,509	11,306	287,919
County of Plymouth	90,860	118,248	7,600	216,708
County of Suffolk	131,184	58,505	14,498	204,187
County of Worcester	134,161	152,020	9,576	295,757
<b>TOTAL</b>	<b>1,299,960</b>	<b>1,110,386</b>	<b>101,115</b>	<b>2,511,461</b>

**QUESTION 5 OR 6**  
**THIS QUESTION IS NOT BINDING**

Shall the representative for this district be instructed to vote for legislation to create a single payer system of universal health care that provides all Massachusetts residents with comprehensive health care coverage including the freedom to choose doctors and other health care professionals, facilities, and services, and eliminates the role of insurance companies in health care by creating an insurance trust fund that is publicly administered?

	<b>YES</b>	<b>NO</b>	<b>BLANK</b>	<b>TOTAL</b>
In the 2 <sup>nd</sup> Berkshire District	9,306	3,103	1,825	14,234
In the 1 <sup>st</sup> Essex District	11,958	7,168	3,137	22,263
In the 2 <sup>nd</sup> Franklin District	9,367	5,383	1,536	16,286
In the 6 <sup>th</sup> Hampden District	6,418	5,205	1,214	12,837
In the 7 <sup>th</sup> Hampden District	9,859	6,820	1,939	18,618
In the 8 <sup>th</sup> Hampden District	6,768	4,895	1,726	13,389
In the 12 <sup>th</sup> Hampden District	7,694	6,407	2,884	16,985
In the 4 <sup>th</sup> Middlesex District	7,531	4,408	2,014	13,953
In the 14 <sup>th</sup> Middlesex District	11,700	6,553	2,536	20,789
In the 23 <sup>rd</sup> Middlesex District	13,665	4,851	2,327	20,843
In the 25 <sup>th</sup> Middlesex District	9,796	1,715	1,460	12,971
In the 33 <sup>rd</sup> Middlesex District	5,926	2,226	1,908	10,060
In the 34 <sup>th</sup> Middlesex District	10,099	2,465	1,808	14,372
In the 35 <sup>th</sup> Middlesex District	8,105	3,523	2,203	13,831
In the 3 <sup>rd</sup> Norfolk District	7,003	4,511	2,202	13,716
In the 3 <sup>rd</sup> Plymouth District	11,052	8,460	2,711	22,223
In the 12 <sup>th</sup> Suffolk District	8,330	2,452	2,301	13,083
In the 13 <sup>th</sup> Suffolk District	6,450	3,031	2,335	11,816
In the 15 <sup>th</sup> Suffolk District	11,401	1,619	2,303	15,323
In the 12 <sup>th</sup> Worcester District	9,202	7,333	2,328	18,863
<b>TOTAL</b>	<b>181,630</b>	<b>92,128</b>	<b>42,697</b>	<b>316,455</b>

**QUESTION 5, 6, OR 7**  
**THIS QUESTION IS NOT BINDING**

Shall the representative from this district be instructed to vote in favor of changes to the applicable House of Representative rules to make each Legislator's vote in that body's Legislative committees publicly available on the Legislature's website?

	<b>YES</b>	<b>NO</b>	<b>BLANK</b>	<b>TOTAL</b>
In the 4 <sup>th</sup> Barnstable District	18,166	3,283	3,283	24,732
In the 2 <sup>nd</sup> Berkshire District	10,588	1,701	1,945	14,234
In the 1 <sup>st</sup> Essex District	16,108	3,069	3,086	22,263
In the 8 <sup>th</sup> Essex District	13,987	2,174	3,166	19,327
In the 2 <sup>nd</sup> Franklin District	11,623	2,977	1,686	16,286
In the 8 <sup>th</sup> Hampden District	8,673	2,947	1,769	13,389
In the 12 <sup>th</sup> Hampden District	10,728	2,953	3,304	16,985
In the 4 <sup>th</sup> Middlesex District	9,860	2,047	2,046	13,953
In the 14 <sup>th</sup> Middlesex District	16,247	2,098	2,444	20,789
In the 25 <sup>th</sup> Middlesex District	10,854	663	1,454	12,971
In the 33 <sup>rd</sup> Middlesex District	6,469	1,443	2,148	10,060
In the 34 <sup>th</sup> Middlesex District	11,165	1,358	1,849	14,372
In the 35 <sup>th</sup> Middlesex District	9,443	2,060	2,328	13,831
In the 3 <sup>rd</sup> Norfolk District	8,853	2,499	2,364	13,716
In the 3 <sup>rd</sup> Plymouth District	16,725	2,789	2,709	22,223
In the 12 <sup>th</sup> Suffolk District	8,448	1,754	2,881	13,083
In the 13 <sup>th</sup> Suffolk District	7,214	1,764	2,838	11,816
In the 15 <sup>th</sup> Suffolk District	11,715	812	2,796	15,323
In the 12 <sup>th</sup> Worcester District	13,234	3,090	2,539	18,863
In the 19 <sup>th</sup> Worcester District	13,300	2,156	2,182	17,638
<b>TOTAL</b>	<b>233,400</b>	<b>43,637</b>	<b>48,817</b>	<b>325,854</b>

**QUESTION 5 OR 6**  
**THIS QUESTION IS NOT BINDING**

Shall the representative from this district be instructed to introduce and vote for legislation that puts a fee on the carbon content of fossil fuels to compensate for their environmental damage and returns most of the proceeds in equitable ways to individuals as a cash-back dividend?

	<b>YES</b>	<b>NO</b>	<b>BLANK</b>	<b>TOTAL</b>
In the 1 <sup>st</sup> Franklin District	10,662	6,892	2,150	19,704
In the 1 <sup>st</sup> Hampshire District	12,987	5,578	2,259	20,824
In the 5 <sup>th</sup> Worcester District	5,851	10,769	1,954	18,574
<b>TOTAL</b>	<b>29,500</b>	<b>23,239</b>	<b>6,363</b>	<b>59,102</b>

**QUESTION 5**  
**THIS QUESTION IS NOT BINDING**

Shall the State Representative from this district be instructed to vote in favor of legislation that would prohibit any public pension fund, college, or university in Massachusetts from directly or indirectly investing its funds, including, but not limited to, the holdings of stock, security, equity, asset or other obligation of a corporation or company who conducts exploration for, extraction of, or sales of fossil fuel assets?

	<b>YES</b>	<b>NO</b>	<b>BLANK</b>	<b>TOTAL</b>
In the 4 <sup>th</sup> Barnstable	10,325	10,611	3,796	24,732
<b>TOTAL</b>	<b>10,325</b>	<b>10,611</b>	<b>3,796</b>	<b>24,732</b>

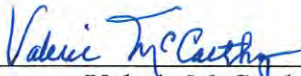
In Council, Boston, December 14, 2022

The foregoing findings are this day adopted.



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Charles D. Baker  
Governor



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Valerie McCarthy  
Administrative Secretary



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Office of the Secretary of the Commonwealth, December 14, 2022

**WILLIAM FRANCIS GALVIN**  
Secretary of the Commonwealth

A true copy.



# The Commonwealth of Massachusetts

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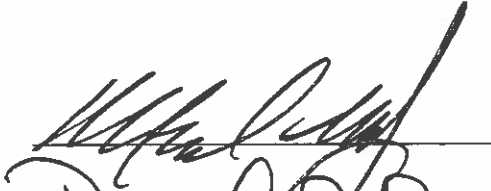
*House of Representatives, January 4, 2023.*

***Ordered,*** That, the returns of votes for Representatives in several Representative Districts of the Commonwealth be referred a special committee to consist of three members.

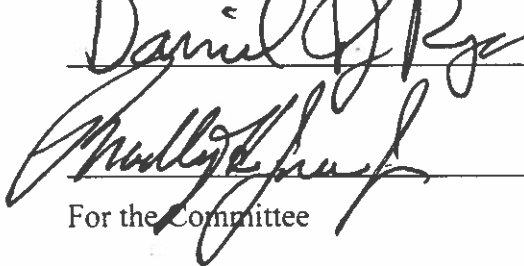
# The Commonwealth of Massachusetts House of Representatives

January 4, 2023.

The special committee of the House, to which had been referred the returns of votes for Representatives in the several Representative Districts of the Commonwealth, reports, in part, that, under the provisions of Article LXIV (as amended) of the Amendments to the Constitution, until a successor is chosen and qualified, the term of Representative Mirra of Georgetown shall continue; and that said Representative Mirra of Georgetown shall continue to represent the Second Essex Representative District until a determination is made under the Constitution of the Commonwealth of Massachusetts as to the duly elected Representative from the Second Essex District; and, that, under the provisions of Article LVIX (as amended) of the Amendments to the Constitution until a Member is chosen and qualified, the First Middlesex Representative District shall remain vacant; and, that, under the provisions of Article LVIX (as amended) of the Amendments to the Constitution that, all other members-elect, except Members from the Second Essex Representative District and the First Middlesex Representative District, have been duly elected and are rightly and truly chosen and qualified to be sworn in by His Excellency the Governor.



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For the Committee

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SPECIAL HOUSE COMMITTEE TO EXAMINE THE  
RETURNS OF CERTAIN REPRESENTATIVE DISTRICTS

**MEMORANDUM ON STATUS AND HISTORY OF MR. SHEPHERD'S LITIGATION**

1. On Friday, December 23, 2022 at 6:09pm Mr. Shepherd electronically filed suit asking for a new election. This was after the Court had closed for the long Christmas weekend (Shepherd v. Town of Townsend et al, Middlesex Superior Court, Civil Action 2281CV04326) (Copy of Mr. Shepherd's Complaint is attached to this email filing.)
2. Named as Defendants were Secretary Galvin and the 6 town clerks and 6 town Registrars of Voters in the District. Note that Ms. Scarsdale was not named in the suit. She surely is a party of interest and indispensable party to this lawsuit.
3. Note that the Complainant was not served on any of the defendants at the time of filing on December 23, 2022. And it appears that as of today, none of the parties have yet to be served.
4. On Tuesday, December 27, 2022 the Court became aware of the case.
5. Only after the Court docketed this case, did Ms. Scarsdale become aware of this litigation.
6. On Wednesday, December 28, 2022 I filed an Appearance in this case on behalf of Ms. Scarsdale and was added on the docket.



7. On Wednesday, December 28, 2022 I filed a Motion to Intervene as Third Party Defendant. Also I filed a Memorandum in Support of this Motion to Intervene.

8. On Tuesday, January 3, 2023, I filed with the Clerk a Motion to Dismiss the Compliant and a Memorandum in Support of that Motion to Dismiss. (Copy of the Memorandum in Support of Motion to Dismiss is attached to this email filing.)

On Wednesday, January 4, 2023 both of these documents were docketed.

9. On Wednesday, January 4, 2023 Judge William Barrett was assigned to the case.

10. On Thursday, January 5, 2023 Judge Barrett ruled on my Motion to Intervene – “No action taken-Motions must comply with R.9A”.

11. On Thursday, January 5, 2023 Judge Barrett ruled on my Motion to Dismiss – “No action taken- Party has not entered the case. Further Motions must comply with Rule 9A”

12. On Sunday, January 8, 2023, on behalf of Ms. Scarsdale I filed electronically with the Court Clerk, pursuant to Superior Court Rule 9A (d) (1) an Emergency Motion to Intervene as a Third Party Defendant. As of this date, this Motion and the accompanying Memorandum in Support of the Motion, have not been docketed.

13. I anticipate that this Emergency Motion will be granted. At that time, I will again submit a Motion to Dismiss this case. I have attached to this email filing, a copy of the original Memorandum in Support of Motion to Dismiss. Obviously, a new Motion to Dismiss and accompanying Memorandum in Support of that Motion will be revised to

reflect actions taken since original Motion was filed.

14. I also anticipate that when the other Defendants in this case are served and make appearances, they will also file Motions to Dismiss.

15. I believe that a Motion to Dismiss in this action will be successful.

16. I have attached to this email filing a copy of the Court Docket and the schedule for Court action on this case. See Exhibit A

Respectfully Submitted,  
**MARGARET SCARSDALE,**  
By her Attorney,

*Dennis Newman*

---

Dennis Newman  
BB0 # 370380  
580 Pearl Street  
Reading, MA 01867  
617-780-1793  
Email: DenNewman@aol.com

# Exhibit A

Shepherd v. Town of Townsend et al.

Middlesex Superior Court Civil Action 2281CV04326

Docket:

12/23/2022	Complaint electronically filed.
12/23/2022	Civil action cover sheet filed.
12/27/2022	Case assigned to: DCM Track A - Average was added on 12/27/2022
12/28/2022	Other Interested Party Margaret Scarsdale's Motion to Intervene as Party Defendant
12/28/2022	Margaret Scarsdale's Memorandum in support of of motion to Intervene as Party Defendant
12/28/2022	Attorney appearance On this date Dennis Newman, Esq. added for Other interested party Margaret Scarsdale
01/04/2023	Other Interested Party Margaret Scarsdale's Motion to dismiss
01/04/2023	Margaret Scarsdale's Memorandum in support of motion to dismiss
01/05/2023	Endorsement on Motion to Intervene as a party defendant (#3.0): No Action Taken Motions must comply with Superior Court Rule 9A. Judge: Barrett, Hon. C. William
01/05/2023	Endorsement on Motion to dismiss (#4.0): No Action Taken Party has not yet entered the case. Further, Motions must comply with Rule 9A. Judge: Barrett, Hon. C. William

Shepherd v. Town of Townsend et al  
Middlesex Superior Court, Civil Action 2281CV04326

Schedule:

Service	12/23/2022	03/23/2023
Answer	12/23/2022	04/24/2023
Rule 12/19/20 Served By	12/23/2022	04/22/2023
Rule 12/19/20 Filed By	12/23/2022	05/22/2023
Rule 12/19/20 Heard By	12/23/2022	06/21/2023
Rule 15 Served By	12/23/2022	02/16/2024
Rule 15 Filed By	12/23/2022	03/18/2024
Rule 15 Heard By	12/23/2022	03/18/2024
Discovery	12/23/2022	12/12/2024
Rule 56 Served By	12/23/2022	01/13/2025
Rule 56 Filed By	12/23/2022	02/10/2025
Final Pre-Trial Conference	12/23/2022	06/10/2025
Judgment	12/23/2022	12/22/2025

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO. 2281CV04326

ANDREW SHEPHERD,

Plaintiff,

v.

TOWN OF TOWNSEND REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF TOWNSEND,  
TOWN OF PEPPERELL REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF PEPPERELL,  
TOWN OF GROTON REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF GROTON,  
TOWN OF LUNENBURG REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF LUNENBURG,  
TOWN OF ASHBY REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF ASHBY,  
TOWN OF DUNSTABLE REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF DUNSTABLE,  
and  
WILLIAM F. GALVIN, in his official capacity as  
Secretary of the Commonwealth of Massachusetts,

Defendants.

**RECEIVED**

12/23/2022

**COMPLAINT**

**PRELIMINARY STATEMENT**

1. This is an action in the nature of mandamus and a request for declaratory relief concerning the November 8, 2022, First Middlesex District State Representative election (the “Election”) and the December 2022 district-wide Election recount (“Recount”).

2. In an election dispute, the “fundamental” rights of candidates and voters are “intertwined,” entitling both to redress in the event of a constitutional violation. *Goldstein v. Sec’y of Commonwealth*, 484 Mass. 516, 524 (2020); *see also* Mass. Decl. of Rights, Art. 9 (“all

inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.”).

3. A candidate’s fundamental rights cannot be abridged by the failure of ministerial officers to abide by Massachusetts law.

4. Defendant Town Clerks failed to undertake their clear-cut duties required under Massachusetts law.

5. In Massachusetts, election officials are obligated to compare the signature on the mail-in envelope with the signature on the voter’s registration, and if an election official cannot determine if the mail-in envelope signature matches the signature on the voter’s registration card, it must be rejected. *See* Exhibit A (Secretary’s “2022 Information For Voters” that addresses the protocol for voting by mail); Mass. Gen. Laws ch. 54, § 94 (“Section 94”).

6. Defendant Town Clerks—by their own admission—failed to undertake their statutory duties pursuant to Section 94. *See* Exhibit B (Declaration of Andrew Shepherd).

7. It is imperative that all statutorily mandated procedures be strictly followed to ensure an accurate count—especially where the margin of victory after the Recount is  $\approx 0.034\%$ .

8. The egregious dereliction of the procedural safeguards of mail-in voting has placed in doubt the results of the Election.

9. “[W]henver the irregularity or illegality of [an] election is such that the result of the election would be placed in doubt, then the election must be set aside, and the judge must order a new election.” *McCavitt v. Registrars of Voters of Brockton*, 385 Mass. 833, 850 (1982).

10. A new election must be ordered to preserve the integrity of the race for First Middlesex District State Representative, and to protect the fundamental rights of Plaintiff Shepherd.

## PARTIES

11. Plaintiff Andrew Shepherd was a candidate in the Election. Plaintiff Shepherd resides in Townsend, MA. *See Ex. B.*

12. Defendant Town of Townsend Registrars of Voters (“Townsend Registrars”) is a board formed in accordance with Mass. Gen. Laws ch. 51, § 15. The Townsend Registrars’ responsibilities include accepting and certifying nomination papers; certifying initiative or referendum petitions; conducting elections and recounts as necessary in a fair and impartial manner; maintaining accurate lists of registered voters in the town; maintenance and testing of voting equipment; processing absentee voter applications and mail-in voting; processing address and party changes; tallying election results; and the administration of voter registration.

13. Defendant Town Clerk for the Town of Townsend (“Townsend Town Clerk”) is responsible for the administration of elections and all other voter-related activities in Townsend, including (but not limited to) running election recounts.

14. Defendant Town of Pepperell Registrars of Voters (“Pepperell Registrars”) is a board formed in accordance with Mass. Gen. Laws ch. 51, § 15. The Pepperell Registrars’ responsibilities include accepting and certifying nomination papers; certifying initiative or referendum petitions; conducting elections and recounts as necessary in a fair and impartial manner; maintaining accurate lists of registered voters in the town; maintenance and testing of voting equipment; processing absentee voter applications and mail-in voting; processing address and party changes; tallying election results; and the administration of voter registration.

15. Defendant Town Clerk for the Town of Pepperell (“Pepperell Town Clerk”) is responsible for the administration of elections and all other voter-related activities in Pepperell, including (but not limited to) running election recounts.



16. Defendant Town of Groton Registrars of Voters (“Groton Registrars”) is a board formed in accordance with Mass. Gen. Laws ch. 51, § 15. The Groton Registrars’ responsibilities include accepting and certifying nomination papers; certifying initiative or referendum petitions; conducting elections and recounts as necessary in a fair and impartial manner; maintaining accurate lists of registered voters in the town; maintenance and testing of voting equipment; processing absentee voter applications and mail-in voting; processing address and party changes; tallying election results; and the administration of voter registration.

17. Defendant Town Clerk for the Town of Groton (“Groton Town Clerk”) is responsible for the administration of elections and all other voter-related activities in Groton, including (but not limited to) running election recounts.

18. Defendant Town of Lunenburg Registrars of Voters (“Lunenburg Registrars”) is a board formed in accordance with Mass. Gen. Laws ch. 51, § 15. The Lunenburg Registrars’ responsibilities include accepting and certifying nomination papers; certifying initiative or referendum petitions; conducting elections and recounts as necessary in a fair and impartial manner; maintaining accurate lists of registered voters in the town; maintenance and testing of voting equipment; processing absentee voter applications and mail-in voting; processing address and party changes; tallying election results; and the administration of voter registration

19. Defendant Town Clerk for the Town of Lunenburg (“Lunenburg Town Clerk”) is responsible for the administration of elections and all other voter-related activities in Lunenburg, including (but not limited to) running election recounts.

20. Defendant Town of Ashby Registrars of Voters (“Ashby Registrars”) is a board formed in accordance with Mass. Gen. Laws ch. 51, § 15. The Ashby Registrars’ responsibilities include accepting and certifying nomination papers; certifying initiative or referendum petitions;

conducting elections and recounts as necessary in a fair and impartial manner; maintaining accurate lists of registered voters in the town; maintenance and testing of voting equipment; processing absentee voter applications and mail-in voting; processing address and party changes; tallying election results; and the administration of voter registration.

21. Defendant Town Clerk for the Town of Ashby (“Ashby Town Clerk”) is responsible for the administration of elections and all other voter-related activities in Ashby, including (but not limited to) running election recounts.

22. Defendant Town of Dunstable Registrars of Voters (“Dunstable Registrars”) is a board formed in accordance with Mass. Gen. Laws ch. 51, § 15. The Dunstable Registrars’ responsibilities include accepting and certifying nomination papers; certifying initiative or referendum petitions; conducting elections and recounts as necessary in a fair and impartial manner; maintaining accurate lists of registered voters in the town; maintenance and testing of voting equipment; processing absentee voter applications and mail-in voting; processing address and party changes; tallying election results; and the administration of voter registration.

23. Defendant Town Clerk for the Town of Dunstable (“Dunstable Town Clerk”) is responsible for the administration of elections and all other voter-related activities in Dunstable, including (but not limited to) running election recounts.

24. Defendant William Francis Galvin is the Secretary of the Commonwealth of Massachusetts (“Secretary Galvin” or “Secretary”), and is being sued in his official capacity. The Secretary is the chief elections officer of the Commonwealth and is responsible for the administration of elections.

## VENUE AND JURISDICTION

25. Venue is properly laid in this Court pursuant to Mass. Gen. Laws ch. 214, § 5, and Mass. Gen. Laws ch. 223, § 1.

26. Plaintiff seeks a writ of mandamus requiring the Defendant Town Clerks to comply with clear-cut and mandatory statutory duties pursuant to Section 94.

27. Plaintiff further seeks a declaratory judgment that the integrity of the Election has been compromised by Defendant Town Clerk's derogation of statutory duties—and by extension, the unlawful results certified by Defendant Registrars and the Secretary—and as such, a new election is required.

28. Plaintiff's requests for relief are appropriately brought in this Court pursuant to several Massachusetts statutes.

29. Mass. Gen. Laws ch. 249, § 5, generally permits this Court to adjudicate civil actions "to obtain relief formerly available by writ of mandamus."

30. Mass. Gen. Laws ch. 214, § 1, confers upon this Court "original and concurrent jurisdiction of all cases and matters of equity cognizable under the general principles of equity jurisprudence."

31. Mass. Gen. Laws ch. 56, § 59, states that "the superior department of the trial court shall have jurisdiction of civil actions to enforce the provisions of chapters fifty to fifty-six, inclusive, and may award relief formerly available in equity or by mandamus."

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## **FACTUAL BACKGROUND**

### **The First Middlesex District**

32. The First Middlesex District is comprised of Ashby, Dunstable, Groton, Lunenburg, Pepperell, and Townsend. *See* Exhibit C (Recount Tally Sheet provided by the Secretary).

33. The First Middlesex District can be specified by precinct: Ashby precinct 1; Dunstable precinct 1; Groton precincts 2, 3; Lunenburg precincts A, B1, C, and D; Pepperell precincts 1, 2, 3, and 4; and Townsend precincts 1, 2, and 3. *Id.*

### **The Election and its Initial Results**

34. The Election was held on November 8, 2022.

35. Secretary Galvin's office released the initial results of the Election to the candidates on or about November 28, 2022.

36. After the initial count, Plaintiff Shepherd received a total of 9,367 votes. *See* Ex. C.

37. Ms. Scarsdale received a total of 9,384 votes after the initial count. *Id.*

38. The third candidate on the ballot—Catherine Lundeen, an independent—received a total of 1,074 votes in the Election. *Id.*

39. The remainder of the initial results included 85 votes for “All Others” and 393 votes called as “Blanks.” *Id.*

40. The margin of victory after the initial count was  $\approx 0.084\%$ . *Id.*

### **Challenges Made at Opening of Mail-In Ballots in Pepperell Prior to Recount**

41. On November 16, 2022, the Pepperell Town Clerk held an open meeting for the purpose of opening mail-in ballots that were purportedly postmarked by November 8, 2022, and arrived after the Election occurred but before the November 12, 2022, deadline.

42. Plaintiff Shepherd and his attorney attended this open meeting.

43. The Pepperell Town Clerk opened a total of 21 ballots (“Pepperell Mail-In Ballots”).

44. Plaintiff Shepherd’s attorney made 11 challenges on the basis that the voter signature cards did not match the signatures on the 11 mail-in envelopes in question, and as such the legality of the votes were in question.

45. After Plaintiff Shepherd’s attorney challenged a voter signature, the mail-in envelope was opened, and the top of the individual ballot was marked “C.V.” in red ink.

46. After each challenge, the individual envelope and voter signature card remained directly with and/or attached to the ballot that was contained within the envelope in question.

47. Despite the protests, all 11 ballots contained within the 11 challenged mail-in envelopes were called and included in the candidate vote count.

48. The Pepperell Mail-In Ballots were counted as follows: 16 were called for Ms. Scarsdale; three (3) were called for Plaintiff Shepherd; and two (2) were called for Ms. Lundeen.

49. Before the closure of the open meeting, Plaintiff Shepherd’s attorney restated his objection to the 11 challenged voter signatures (and by extension, the ballots contained therein), and put on the record his request for the Pepperell Town Clerk to keep each mail-in envelope in question together with its accompanying ballot so that, in the event of a recount or litigation, each ballot could be tracked and traced to its original mail-in envelope.

**Plaintiff Shepherd Petitions for a Recount**

50. Plaintiff Shepherd timely filed his petition for a district-wide recount.

51. On November 22, 2022, the office of the Secretary sent notice to the Election candidates that Plaintiff Shepherd filed a petition for a district-wide recount.

52. A district-wide recount—unlike a recount for a specific town precinct(s)—initiates a recount in all the towns that make up a specific district and can only be done where the margin of victory is not more than one-half of one percent (0.5%) of the votes cast for an office or question. Mass. Gen. Laws ch. 54, § 135.

53. On Monday, December 5, 2022, two town recounts took place in the towns of Pepperell and Townsend.

54. On Wednesday, December 7, 2022, two town recounts took place in the towns of Dunstable and Ashby.

55. On Thursday, December 8, 2022, a town recount took place in the town of Groton.

56. On Saturday, December 10, 2022, the final town recount took place in the town of Lunenburg.

#### **Results of the Recount**

57. After the Recount, Plaintiff Shepherd received a total of 9,402 votes. *See* Ex. C.

58. Ms. Scarsdale received a total of 9,409 votes after the Recount. *Id.*

#### **BASES FOR RELIEF**

##### **Failure of Town Clerks to Comply with Section 94 Is A Clear Derogation of Ministerial Duties Warranting Mandamus Relief**

59. This Court should exercise its authority to order a new election and order the Defendant Town Clerks to comply with Section 94.

60. “A complaint in the nature of mandamus is ‘a call to a government official to perform a clear cut duty,’ and the remedy is limited to requiring action on the part of the government official.” *Simmons v. Clerk-Magistrate of Bos. Div. of Hous. Court Dep’t*, 448 Mass.

57, 59–60 (2006) (quoting *Doe v. Dist. Attorney for the Plymouth Dist.*, 29 Mass. App. Ct. 671, 675 (1991)).

61. “[M]andamus is a remedy for (administrative) inaction.” *Town of Reading v. Attorney Gen.*, 362 Mass. 266, 269 (1972).

62. The duties imposed by Section 94 are “clear cut” and mandatory, and the Defendant Town Clerks’ “inaction” warrants mandamus relief. *Reading*, 362 Mass. at 269.

63. Section 94 uses the word “shall” to describe the Respondents’ duties. Mass. Gen. Laws ch. 54, § 94. “[S]hall’ is to be given a mandatory meaning.” *Uglietta v. City Clerk of Somerville*, 32 Mass. App. Ct. 742, 744 (1992) (quoting *Hashimi v. Kalil*, 388 Mass. 607, 609 (1983)); *Elmer v. Comm’r of Ins.*, 304 Mass. 194, 196 (1939) (“‘Shall’ in a statute is commonly a word of imperative obligation. It is inconsistent with the idea of discretion.”)

64. The requirements set forth by Section 94 are “public dut[ies];” *i.e.*, “dut[ies] by an officer with respect to a public right in which the voters at large have an interest.” *Brooks v. Sec’y of the Commonwealth*, 257 Mass. 91, 94 (1926) (granting mandamus relief). Namely, Plaintiff Shepherd and the public have a right for government workers to take the statutory steps required under Section 94.

65. Section 94 “requires election officials . . . to enforce the procedural protections of [Mass. Gen. Laws ch. 54] against fraud in [mail-in] ballots.” *Connolly v. Sec’y of the Commonwealth*, 404 Mass. 556, 569 (1989).

66. Townsend Town Clerk, Pepperell Town Clerk, and Lunenburg Registrar (whose actions as an election official fall under the purview of the Lunenburg Town Clerk) failed to comply with Section 94. *See Ex. B.*

67. Furthermore, on information and belief, the remaining Town Clerks and Registrars likewise failed to perform the mandatory duties imposed by Section 94. *Id.* (describing Plaintiff's review of write-in envelopes and the corresponding voter registration cards and finding a substantial amount of signatures that unmistakably did not match).

68. The incorrect results of the Election and the Recount were thus wrongfully certified by Defendant Registrars and the Secretary.

69. Plaintiff Shepherd lacks an adequate alternative remedy to mandamus to prevent the injustice caused by the Defendants' failure to comply with the law. *Lutheran Serv. Ass'n of New England, Inc. v. Metro. Dist. Comm'n*, 397 Mass. 341, 344 (1986).

70. The Court must therefore exercise its equitable authority and order a new election in order to safeguard the fundamental rights of Plaintiff Shepherd and voters, and preserve the integrity of the race for First Middlesex District State Representative. *See, e.g., McCavitt*, 385 Mass. at 850; *see also Connolly*, 404 Mass. at 570 ("Here, the vast majority of the envelopes of the absentee ballots were facially invalid. Only the election officials from [one town] followed the correct procedure under [Section 94] . . . . Although we reached the same result as the election officials in the majority of the absentee ballots, we had the benefit of testimony and findings from the judge below as to the circumstances of the ballots' execution. If we had reached a different result in a few more ballots, a new primary election would have been necessary.].

#### **ALTERNATIVE BASES FOR RELIEF**

##### **Pepperell Recount**

71. The initial Pepperell count included a total of 5,439 votes cast and counted across four precincts. Ex. C.



72. The Pepperell Recount included a total of 5,438 votes—a decrease of one (1) vote from the initially reported vote total, without explanation as to what caused the decrease in vote count. *Id.*

73. Plaintiff Shepherd gained a net total of five (5) votes at the Pepperell Recount. *Id.*

74. Towards the end of the Pepperell Recount, the Pepperell Mail-In Ballots were counted.

75. Upon opening the precinct envelopes that housed the Pepperell Mail-In Ballots at the Recount, it was discovered that the challenged mail-in envelopes were not together with their respective ballots.

76. Instead, while the Pepperell Town Clerk preserved the challenged mail-in envelopes within the larger precinct envelopes, the mail-in envelopes were separated from their respective ballots.

77. The 11 challenged write-in ballots can be identified without question due to the red “C.V.” marked atop the ballots.

78. However, since the mail-in envelopes were separated after the November 16<sup>th</sup> open meeting but before the Recount, the challenged ballots cannot be traced to their respective write-in envelopes that were challenged on the basis of voter signature inconsistencies.

79. The 11 challenged write-in envelope signatures do not match the voters’ respective registration signatures.

80. The 11 challenged signatures should be rejected in accordance with Massachusetts law. *See Ex. A; Mass. Gen. Laws ch. 54, § 94.*

81. Nevertheless, because the mail-in envelopes (and voter registration cards) were separated from their respective ballots, it cannot reasonably be determined which ballots were contained within their individual mail-in envelopes that were challenged.

82. Thus, in the alternative, the Pepperell Mail-In Ballots should be rejected as a whole—*i.e.*, all 21 mail-in ballots opened on November 16<sup>th</sup>—by the Court because of the inability to match the challenged mail-in envelopes to the ballots originally contained within each envelope.

83. The Pepperell Registrars certified the results of the Recount, which included the counting of the Pepperell Mail-In Ballots. These results should be voided or amended accordingly.

84. Plaintiff Shepherd's fundamental rights will be infringed upon without judicial intervention and correction of these ministerial errors.

#### **Groton Recount**

85. The initial Groton count included a total of 3,571 votes cast and counted across two precincts. Ex. C.

86. The Groton Recount included a total of 3,575 votes—an increase of four (4) votes—without explanation on why the vote increased by four (4) votes. *Id.*

87. At the Groton Recount, Ms. Scarsdale gained a net total of nine (9) votes. *Id.*

88. This is the first time that Groton has been divided up into two State Representative districts, and thus the first election where ballots for multiple districts had to be processed and counted.

89. The Groton Recount was defective for two reasons.

90. First, the Groton Town Clerk's disjointed administration of the Groton Recount likely resulted in the tallying and reporting of incorrect results. The Groton Recount was not conducted in order by precinct—*i.e.*, count all of Precinct 2, and then move on to Precinct 3.

Instead, at the direction of the Groton Town Clerk, the count would jump back-and-forth between the two precincts (2 and 3) depending upon when the votes came in—*i.e.*, ballots cast on Election day, early voting, timely mail-in ballots that arrived after the Election. This caused great confusion in the segregation process and at the counting tables. For example, at the segregation tables, the set of ballots going out for distribution would have a sheet that identified the precinct and block of ballots; at the counting tables, talliers would mark the tally sheets with the precinct-and-block information. But because the Groton Recount was not done in order (and instead flip-flopped), the second wave of ballots for the first precinct counted were labeled with the same block numbers as the first wave of ballots even though they were completely different ballots in completely different blocks. Plaintiff Shepherd's observer identified this substantial issue, and Plaintiff Shepherd's counsel alerted the Groton Town Clerk of the same. The count continued, and the Groton Town Clerk and election officials allegedly retroactively amended the precinct and block numbers with new identification and used the new identification as the count moved forward. Counsel for both Plaintiff Shepherd and Ms. Scarsdale objected on the record to the administration and procedure of the Groton Recount. At the end of the Groton Recount, Plaintiff Shepherd's counsel further objected to the administration and procedure of the Groton Recount, and stated that by extension the objection was to the entirety of the Groton Recount and the results reported and certified by the Groton Registrars.

91. Secondly, voters were disenfranchised because the Groton Town Clerk sent voters mail-in ballots for Precincts 1 and 3A, not the operative Precincts 2 and 3. Accordingly, lawfully registered voters were unable to cast their votes in the race for First Middlesex District State Representative. The Groton Town Clerk stated that, of the voters that returned the incorrect ballots, the votes were counted for the races that were common to all Massachusetts ballots—*e.g.*,

Governor, Attorney General, and State Auditor. However, at the Groton Town Recount, the Groton Town Clerk and the Groton Registrars counted the returned incorrect ballots as “blank” for the race for First Middlesex District State Representative. The Massachusetts Declaration of Rights provides that “all inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.” Mass. Decl. of Rights, Art. 9. These equal rights cannot be abridged by the failures of ministerial officers. Through no fault of their own, voters were deprived of their fundamental right to cast their votes for the Election due to receiving the wrong ballots.

92. Absent judicial intervention, the results of the Groton Recount will remain in question and some Groton voters will remain disenfranchised.

#### **Dunstable Recount**

93. A total of 50 extra ballots were discovered in Dunstable. *See* Ex. C.

94. The Secretary’s counsel told Plaintiff Shepherd that the “theory” is that test ballots were mistakenly counted, but that “theory” is not yet proven or known to be true. *See* Ex. B.

#### **Lunenburg Recount**

95. A total of 27 extra ballots were discovered in Lunenburg. *See* Ex. C.

96. Plaintiff Shepherd has not received an explanation for the 27 extra ballots discovered in Lunenburg. *See* Ex. B.

### **CLAIMS FOR RELIEF**

#### **COUNT I Writ of Mandamus**

97. All preceding paragraphs of this Complaint are hereby incorporated by reference.

98. Defendant Town Clerks failed to perform their clear-cut duties pursuant to Section 94.

99. Defendant Town Clerks' failure to perform pursuant to Section 94 places in doubt the integrity of the Election.

100. As a result of the Town Clerks' failure to perform, Defendant Registrars and the Secretary certified compromised Election and Recount results.

101. Plaintiff Shepherd has no adequate alternative remedy to rectify the unlawful actions and inaction by Defendants.

102. The Court must order a new election so as to ensure that Defendant Town Clerks perform their duties under Section 94, and as such safeguard the fundamental rights of Plaintiff Shepherd and voters and preserve the integrity of the race for First Middlesex District State Representative.

**COUNT II**  
**Declaratory Judgment Pursuant to Mass. Gen. Laws ch. 231A, § 1**

103. All preceding paragraphs of this Complaint are hereby incorporated by reference.

104. An actual and justiciable controversy exists between the parties regarding the result of the Election and the Recount.

105. Plaintiff is entitled to initiate judicial resolution of the controversy at the heart of this Complaint.

106. A justiciable controversy exists for the persons entitled to initiate the judicial resolution where there is a dispute involving a state agency's or state employee's action or inaction pursuant to a statutory duty.

107. The actions, decisions, mistakes, and inaction by Defendants placed into doubt the results of the Election.

108. Accordingly, the Court should declare that a new election is required because the integrity of the Election has been compromised.

**COUNT III**  
**Violation of Plaintiff's Fundamental Rights**

109. All preceding paragraphs of this Complaint are hereby incorporated by reference.

110. In an election dispute, the “fundamental” rights of candidates and voters are “intertwined,” entitling both to redress in the event of a constitutional violation. *Goldstein*, 484 Mass. at 524 (quotation marks omitted).

111. The Massachusetts Declaration of Rights provides that “all inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.” Mass. Decl. of Rights, Art. 9. These equal rights cannot be abridged by the failure of ministerial officers to abide by Massachusetts law.

112. The actions, decisions, mistakes, and inaction by Defendants violated Plaintiff Shepherd's fundamental rights and disenfranchised voters.

**COUNT IV**  
***De Novo* Review Pursuant to Mass. Gen. Laws ch. 56, § 59**

113. All preceding paragraphs of this Complaint are hereby incorporated by reference.

114. The determination of the legal effect of a ballot is a question of law. *McCavitt*, 385 Mass. at 839; *Morris v. Board of Registrars of Voters of East Bridgewater*, 362 Mass. 48, 49 (1972).

115. The Pepperell Mail-In Ballots and the write-in envelopes, *supra*, raise questions as to whether the votes in question were lawfully cast.

116. This Court must therefore exercise its equitable powers pursuant to Mass. Gen. Laws ch. 56, § 59, and initiate a *de novo* (in camera) review of the challenged Pepperell Mail-In Ballots and the write-in envelopes for the same.

117. Plaintiff Shepherd also asks this Court to exercise its equitable powers pursuant to Mass. Gen. Laws ch. 56, § 59, and conduct a *de novo* (in camera) review of all—across the First Middlesex District—mail-in ballot envelopes and their corresponding voter registration cards.

**COUNT V**  
**Contested Election**

118. All preceding paragraphs of this Complaint are hereby incorporated by reference.

119. Plaintiff challenges the results of the Election on the bases laid out, *supra*.

120. As a result of this election contest, the Court should declare that a new election is required because the integrity of the Election has been compromised.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Shepherd respectfully requests that the Court:

- a) issue a writ of mandamus, compelling the Defendant Town Clerks to perform their clear-cut duties pursuant to Section 94 in a new election;
- b) declare that the results of the Election have been placed in doubt because of the ministerial failures by Defendant Town Clerks, and, accordingly, that the Election must be set aside and a new election ordered;
- c) order that actions and inaction of Defendants violated the fundamental rights of Plaintiff Shepherd and Massachusetts voters;
- d) alternatively, conduct a *de novo* review and comparison of the write-in envelopes and the corresponding voter registration cards for mail-in votes cast in the Election;
- e) conduct a *de novo* (in camera) review of the Pepperell Mail-In Ballots;
- f) order that the Election has been contested by Plaintiff Shepherd;
- g) award Plaintiff the costs, including attorneys' fees, of bringing this Complaint; and
- h) award such other and further relief as this Court deems necessary and proper.

## REQUEST FOR HEARING

Plaintiff Shepherd respectfully requests that this Court hold a hearing on this Complaint at the Court's earliest convenience.

Dated: December 23, 2022

Respectfully submitted by,

/s/ Michael J. Sullivan

Michael J. Sullivan

MA BBO # 487210

J. Christopher Amrhein, Jr.

MA BBO # 703170

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*Attorney for Plaintiff*

**Andrew Shepherd**



# Exhibit A



## William Francis Galvin Secretary of the Commonwealth of Massachusetts



# 2022 Information For Voters

## Election Security

Elections in Massachusetts are secure, verifiable, and transparent. With recent changes to our election laws, you may have questions about the safeguards in place to ensure that every vote is counted legally and accurately.

## Verifiable Paper Trail

In Massachusetts, every voter casts a paper ballot. Ballots are counted either by an electronic tabulator or by election workers who tally the votes by hand.

No matter how your ballot was counted, election workers record all votes on a paper tally sheet in each polling place after polls close. All ballot counting and tallying takes place in public, with anyone welcome to observe the process.

Each local election office uses those tally sheets to compile unofficial results. Election results become official after they are checked thoroughly, certified by the local election official, reported to the Secretary of the Commonwealth's office, and certified again by the Governor and the Governor's Council.

Candidates always have the right to petition for a hand recount of ballots to verify that the official count was accurate.

## Ballot Tabulators

All ballot tabulators in Massachusetts are certified for use by the federal Election Assistance Commission and the Secretary of Commonwealth.

Before each election, local election officials must hold public logic & accuracy testing of all tabulators that will be used in the election. Each tabulator is tested to make sure it is counting ballots accurately. The testing date, time, and location is publicly posted, and members of the public are welcome to observe. Local party committees are also invited to observe testing of the voting equipment.

Only tabulators that count paper ballots are certified for use in Massachusetts. No voting tabulators in Massachusetts are connected to the internet.

## Voting by Mail

Your Vote by Mail ballot will be checked in as quickly as possible after it reaches your local election office. Your local election official will open the outer mailing envelope and check your inner ballot envelope for your signature. The signature on the ballot envelope will be compared to the signature on file with your local election office.

If your ballot envelope is signed and accepted, your local election official will mark your name off the voter list so that you can't vote again. The voter list used at your polling place will show that you have already voted.

If your ballot is not accepted, you will be notified that your ballot needed to be rejected and you will still be able to vote in person. If time allows, you will be sent a replacement ballot to use to vote by mail.

All mail-in ballots are checked against the voter list before they are counted. This prevents any voter from voting more than once. A mail-in ballot that arrives after someone has voted in person will be rejected when the ballot is checked in.

## Ballot Counting

When you vote in person at your polling place, you place your own ballot directly into the locked ballot box, where it remains until after polls close. Ballots inserted into tabulators are counted as you insert them, while ballots inserted into other ballot boxes are counted in the polling place after polls close.

When you vote early in person or vote by mail, you place your ballot into a ballot envelope, which is kept sealed and secured until it is ready to be counted. Ballots are never unsealed until a public tabulation session has begun.

### Go to:

[Offices on the Ballot in 2022](#)

[Question 1](#)

[Question 2](#)

[Question 3](#)

[Question 4](#)

[Voting in 2022](#)

[How to Register to Vote](#)

[Voting by Mail](#)

[Voting Early In-Person](#)

[Voting on Election Day](#)

[Frequently Asked Questions](#)

### Election Security

[Be a Poll Worker](#)

[Military and Overseas Voters](#)

[Massachusetts Voters' Bill of Rights](#)

[Elections Home](#)

All ballots are counted in public, either at a central tabulation facility or at your polling place on Election Day. Before any early or absentee ballot is counted, the name and address on the envelope is read aloud and the voter's name is marked off on the voter list.

Observers are welcome to attend tabulation sessions, which must be publicly posted by your local election office. Any ballots not tabulated at a central tabulation facility are sent to the appropriate polling place to be inserted into the ballot box on Election Day.

Observers are also welcome in polling places to watch the voting process and the counting of ballots at the end of the night. Observers must not interfere with the voting process and must observe from a designated location outside of the voting area.

## Election Results

For the November 8, 2022 State Election, unofficial election results reported on Election Night will include all ballots counted through November 8. Those results will include:

- All ballots cast during the early voting period;
- All mail-in ballots returned by November 7;
- All ballots cast in person on Election Day.

Ballots returned by mail or drop box on Election Day will be sent to be processed at the local election office, so that signatures on the ballot envelopes can be examined and voter lists can be consulted.

Mail-in ballots that arrive by November 12, 2022 will be counted as long as they are postmarked by Election Day.

After voting lists from polling places have been returned to the local election office, the election officials will check any ballots that arrived on or after Election Day against those lists to determine if the voter who returned the ballot has already voted in person. Ballots from voters who have already voted will be rejected.

Ballots that are accepted on or after Election Day will be counted during a public counting session to be held after 5 p.m. on November 12. Vote tallies will be amended to reflect those additional ballots before the results become official.

[<< Previous](#)      [Next >>](#)

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**William Francis Galvin, Secretary of the Commonwealth of Massachusetts**

[Terms and Conditions](#)

[Accessibility Statement](#)

# Exhibit B

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO.

ANDREW SHEPHERD,

Plaintiff,

v.

TOWN OF TOWNSEND REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF TOWNSEND,  
TOWN OF PEPPERELL REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF PEPPERELL,  
TOWN OF GROTON REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF GROTON,  
TOWN OF LUNENBURG REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF LUNENBURG,  
TOWN OF ASHBY REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF ASHBY,  
TOWN OF DUNSTABLE REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF DUNSTABLE,  
and  
WILLIAM F. GALVIN, in his official capacity as  
Secretary of the Commonwealth of Massachusetts,

Defendants.

**DECLARATION OF ANDREW SHEPHERD**

I, Andrew Shepherd, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:

1. I reside in Townsend, MA.
2. I am a candidate in the First Middlesex District State Representative election ("Election").
3. The allegations contained within the Complaint (to which this Declaration is an exhibit) are true and accurate to the best of my knowledge.

4. After the Recount, I spoke with the Townsend Town Clerk to ask whether Townsend election workers compared every signature on the mail-in envelopes with the signatures on the accompanying voter registration cards in order to see if the signatures matched. In response, the Townsend Town Clerk said “No.” The Townsend Town Clerk cited the large volume of mail-in ballots received, staffing, and cost as the reason why not all voter signatures were checked in the Election.

5. I had a similar conversation with a Lunenburg Registrar who likewise admitted that as relates to this Election, not all voter signatures on mail-in envelopes were compared to their corresponding voter registration cards.

6. Moreover, I spoke with the assistant Town Clerk for the Town of Pepperell, who indicated that while Pepperell does a relatively thorough job vetting mail-in voter signatures, they did not inspect and check all mail-in voter signatures in this Election.


7. I inspected mail-in envelopes and the corresponding voter registration cards during the Recount. In just two *precincts* alone—one precinct in Townsend, and one in Lunenburg—I found approximately 20 mail-in voter signatures that did not match the signatures on the corresponding voter registration cards.

8. I have not received an explanation for the 27 extra ballots discovered in Lunenburg.

9. In the 48 hours before the certification of the Recount results, I spoke with counsel for Defendant Secretary Galvin regarding the 50 extra ballots discovered in Dunstable. The Secretary’s counsel told me that the “theory” is that test ballots were mistakenly counted, but that “theory” is not yet proven or known to be true.

Executed on: December 23, 2022

Location: 55 Main St, Townsend MA 01469

  
Andrew Shepherd

# Exhibit C

Precinct	Original Tally						Recount Tally						Net Difference					
	Scarsdale	Shepherd	Lundeen	All Others	Blanks	Total	Scarsdale	Shepherd	Lundeen	All Others	Blanks	Total	Scarsdale	Shepherd	Lundeen	All Others	Blanks	Total
Ashby																		
Pct. 1	585	797	62	0	22	1,466	584	799	61	3	19	1,466	-1	2	-1	3	-3	0
Dunstable																		
Pct. 1	835	741	91	0	60	1,727	843	759	103	0	72	1,777	8	18	12	0	12	50
Groton																		
Pct. 2	997	667	94	3	39	1,800	1,001	664	89	4	43	1,801	4	-3	-5	1	4	1
Pct. 3	1,040	596	89	5	41	1,771	1,043	597	84	5	45	1,774	3	1	-5	0	4	3
Lunenburg																		
Pct. A	586	634	59	1	27	1,307	598	649	59	1	26	1,333	12	15	0	0	-1	26
Pct. B1	24	37	3	0	0	64	46	59	5	0	0	110	22	22	2	0	0	46
Pct. C	571	630	54	0	22	1,277	551	614	52	0	21	1,238	-20	-16	-2	0	-1	-39
Pct. D	668	683	78	0	27	1,456	668	678	78	0	26	1,450	0	-5	0	0	-1	-6
Pepperell																		
Pct. 1	610	554	82	15	15	1,276	611	556	82	15	14	1,278	1	2	0	0	-1	2
Pct. 2	766	695	98	20	30	1,609	765	694	98	20	30	1,607	-1	-1	0	0	0	-2
Pct. 3	670	621	88	25	25	1,429	669	622	88	24	25	1,428	-1	1	0	-1	0	-1
Pct. 4	595	418	90	9	13	1,125	594	419	90	9	13	1,125	-1	1	0	0	0	0
Townsend																		
Pct. 1	426	814	69	0	15	1,324	426	812	69	0	15	1,322	0	-2	0	0	0	-2
Pct. 2	497	728	64	6	35	1,330	496	728	64	8	34	1,330	-1	0	0	2	-1	0
Pct. 3	514	752	53	1	22	1,342	514	752	53	2	57	1,378	0	0	0	1	35	36
GRAND TOTAL	9,384	9,367	1,074	85	393	20,303	9,409	9,402	1,075	91	440	20,417	25	35	1	6	47	114



4.1

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO. 2281 CV04326

ANDREW SHEPHERD,

Plaintiff,

v.

TOWN OF TOWNSEND REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF TOWNSEND,  
TOWN OF PEPPERELL REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF PEPPERELL,  
TOWN OF GROTON REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF GROTON,  
TOWN OF LUNENBURG REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF LUNENBURG,  
TOWN OF ASHBY REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF ASHBY,  
TOWN OF DUNSTABLE REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF DUNSTABLE, and  
WILLIAM F. GALVIN, in his official capacity as  
Secretary of the Commonwealth of Massachusetts,

Defendants. and

MARGARET SCARSDALE,

Defendant-Intervenor

FILED  
IN THE OFFICE OF THE  
CLERK OF COURTS  
FOR THE COUNTY OF MIDDLESEX

JAN 04 2023

*Richard J. Austin*  
CLERK

**MEMORANDUM IN SUPPORT OF MARGARET SCARSDALE'S MOTION TO DISMISS**

Pursuant to Rule 12(b)(1) and Rule 12(b)(6) of the Massachusetts Rules of Civil Procedure, Third Party Defendant-Intervenor, Margaret Scarsdale (Ms. Scarsdale), the certified State Representative-Elect for the First Middlesex District, has moved to dismiss the Complaint in the above-captioned matter filed by Plaintiff Andrew Shepherd (Mr. Shepherd). As set forth below, the basis for Ms. Scarsdale's motion is that this Court lacks jurisdiction over the subject matter of this dispute and Mr. Shepherd has failed to state a claim for which relief can be granted.

### **STATEMENT OF THE CASE**

On Friday, December 23, 2022 at 6:09pm, after the close of business, Plaintiff Andrew Shepherd, electronically filed a Complaint for Declaratory Relief seeking a new election for the First Middlesex Massachusetts State Representative District. Representative-Elect Margaret Scarsdale who is the certified winner of that district, did not become aware of this complaint until Tuesday, December 27, 2022 after the long holiday weekend.

### **STATEMENT OF FACTS**

Plaintiff Shepherd and Representative-elect Scarsdale were both candidates for the Office of State Representative of the First Middlesex District. At the election held on November 8, 2022. On or about November 28, 2022 Secretary Galvin's Office released the results and which showed that Margaret Scarsdale was the winner. Ms. Scarsdale received 9384 votes and Mr. Shepherd received 9367 votes. A 17 vote victory margin.

Plaintiff Shepherd petitioned the Secretary of State to order a District wide recount. Each Town in the district conducted said recounts from December 5, 2022 to

December 10, 2022 (Pepperell 12/5; Townsend 12/5; Ashby 12/7; Dunstable 12/7; Groton 12/8; Lunenburg 12/10).

At the conclusion of the recount, the results showed that Ms. Scarsdale was still the winner, with a victory margin of 7 votes. On or about December 14, the Governor's Council certified Margaret Scarsdale as the winner of the First Middlesex District.

### **ARGUMENT**

#### **A. The Court Lacks Subject Matter Jurisdiction**

We request this Court take Judicial Notice of a recently decided similar election case, *Mirra v Georgetown Registrars of Voters, et al*, Mass.Super Ct. No. 2277CV01243. This case was regarding the State Representative race in the Second Essex District. On December 29, 2022 it was dismissed for lack of Jurisdiction. A copy of this decision is attached as Exhibit A.

Since its inception, the Massachusetts Constitution has expressly provided that “[t]he house of representatives shall be the judge of the returns, elections, and qualifications of its own members.” G.L. Const. Pt. 2, C. 1, § 3, Art. 10. As far back as 1808, the Supreme Judicial Court viewed the authority of the House of Representatives as follows:

I consider the House of Representatives not only as an integral branch of the legislature, and as an essential part of the two houses in convention, but also as a court having final and exclusive cognizance of all matters within its jurisdiction, for the purposes for which it was vested with jurisdiction. It has jurisdiction of the election of its members; of the choice of its officers; of its rules of proceeding; and of all contempts against the house, either in its presence, or by violating the constitutional privileges of its members. When the house is proceeding as a court, it has, exclusively, authority to decide whether the matter before it be or be

not within its jurisdiction, without the legal control of any other court.

Coffin v. Coffin, 4 Mass. 1, 24 (1808).

Since the inception of the Massachusetts Constitution, the Supreme Judicial Court has been consistent in that view of the jurisdiction of the House of Representatives regarding the election of its members. In Peabody v. School Committee of Boston, 115 Mass. 383 (1874), ~~for example, the Court stated that it~~ ~~is the duty of courts,~~ “in the first place, to consider whether the case stated by the parties is within its jurisdiction.” See *id.* at 383-384. The Peabody Court went on to state that:

It cannot be doubted that either branch of the legislature is thus made the final and exclusive judge of all questions, whether of law or of fact, respecting such elections, returns or qualifications, so far as they are involved in the determination of the right of any person to be a member thereof; and that while the Constitution, so far as it contains any provisions which are applicable, is to be the guide, the decision of either house upon the question whether any person is or is not entitled to a seat therein cannot be disputed or revised by any court or authority whatever.

Id. at 384, citing Coffin v. Coffin, *supra*.

Thereafter, in Dinan v. Swig, 223 Mass. 516 (1916), the Supreme Judicial Court reiterated this view:

The power to pass upon the election and qualification of its own members thus is vested exclusively in each branch of the General Court. No other department of the government has any authority under the Constitution to adjudicate upon that subject. The grant of power is comprehensive, full and complete. It is necessarily exclusive, for the Constitution contains no words permitting either branch of the Legislature to delegate or share that power. It must remain where the sovereign authority of the state has placed it. General phrases elsewhere in the Constitution, which in the absence of an explicit imposition of power and duty would permit the enactment of laws to govern the subject, cannot narrow or impair the

positive declaration of the people's will that this power is vested solely in the Senate and House respectively. It is a prerogative belonging to each House, which each alone can exercise. It is not susceptible of being deputed.

Id. at 517; see also Opinion of the Justices, 375 Mass. 795, 815.

(1978) (“The constitutional authority of each branch of the Legislature to judge the elections, returns, and qualifications of its members is exclusive, comprehensive, and final”);

Greenwood v. Registrars of Voters of the City of Fitchburg, 282 Mass. 74, 79 (1933) (same).

The Supreme Judicial Court more recently reiterated its view regarding the jurisdiction of the House of Representatives in Wheatley v. Secretary of the Commonwealth, 439 Mass. 849 (2003). The facts in Wheatley are quite similar to the facts in this case. After Patrick was declared the winner of the recount of a State Representative election, the Secretary transmitted those returns to the Acting Governor and the Council, who issued a certification of election to Patrick. On the same day as the Acting Governor and the Council issued the certification, Patrick’s opponent, Wheatley, filed a complaint in Superior Court. In that action, the court denied Wheatley’s request for injunctive relief, but ordered a new election. When the House assembled for the 2003-2004 legislative session, Patrick presented his certification to the House, which referred the matter to a special committee, and the House itself resolved the matter by a vote on March 20, 2003.

The Supreme Judicial Court became involved in the dispute through the Secretary’s application for relief from judgment, seeking to avoid another election

that had been ordered by the Superior Court. In its Decision, the Wheatley Court restated its previous jurisprudence regarding the House's authority:

General Laws c. 56, § 59, grants the Superior Court both the jurisdiction to enforce the various laws regulating the conduct of elections and the power to grant equitable relief to those injured by violations of those laws. Although § 59 was enacted in 1946, see St.1946, c. 537, § 11, the judiciary's power to provide a remedy for persons harmed by defects in election procedures was recognized as far back as the beginning of the Nineteenth Century. See *Coffin v. Coffin*, 4 Mass. 1, 35 (1808) (“an elector illegally deprived of his right of voting, may demand redress for this wrong against the selectmen by a suit at law”). A court's power to remedy election irregularities, however, has a limitation: Part II, c. 1, § 3, art. 10, provides that “[t]he house of representatives shall be the judge of the returns, elections, and qualifications of its own members....” This language is as old as the Constitution itself, having remained unchanged since that document was adopted by the people in June of 1780.

See *id.* at 853 (footnote deleted).

As the Wheatley Court noted, the House's role as the sole arbiter of a petitioner's claim to a seat as a State Representative “is by now firmly settled at a matter of State constitutional law.” See *id.* at 854. As the Court further noted, although the judiciary may, under § 59, order that a certificate of election issue to a particular candidate, “that certificate is nothing more than evidence that a candidate may present to the House in support of a claim of election.” See *id.* “The House and only the House, has jurisdiction to resolve such a claim.” *Id.* In a different context, a municipal election in the City of Boston, where the statute ~~was similar~~ to the constitutional provision at issue here, the Supreme Judicial Court held that an election dispute is in control of the court only “[u]p to the point that a certificate has been issued.” See *Banks v. Election Commissioners of Boston*, 327 Mass. 509, 512 (1951).

Mr. Shepherd's failure to commence this litigation until after the Governor and Council issued the certificate to Ms. Scarsdale, therefore, is fatal to his attempt to vest jurisdiction of this dispute in the Superior Court. It should also be noted that in the case that Mr. Shepherd had relied on extensively, *Alicea v. Southbridge Registrars of Voters, et al.*, Mass. Super. Ct. (Worcester) No. 1085 CV-02624, Alicea initially filed the complaint on November 29, 2010, well in advance of the certification, and his opponent, Peter Durant, filed a counterclaim. Consequently, in that dispute, both of the parties accepted the jurisdiction of the court prior to the certification of the election, and no appellate court was called on to address the constitutional issues raised herein.

**B. Requested Relief is Contrary to Public Interest**

Given the significant resources that already have been expended in conducting an election and then a District-wide recount, the public interest will not be served if a new election is ordered in the six communities in the District are forced to expend considerably more resources running a special election in an election that has already been decided.

Additionally, it will disenfranchise the over 20,000 voters who voted in the November 8, 2020 election.

**C. There is No Evidence of Serious Irregularities or Fraud That Cast Doubt on the Outcome of the Election**

The object of election laws is to secure the rights of duly qualified electors and not to defeat them." *McCavitt v. Registrars of Voters of Brockton*, 385 Mass. 833, 837 (1982)

(internal quotation and citation omitted). See also Fyntrilakis v. City of Springfield, 47 Mass.

App. Ct. 464, 469 (1999), quoting Swift v. Registrars of Voters of Quincy, 281 Mass. 271, 276 (1932) (“The object of elections is to ascertain the popular will and not to thwart it”). “This must be borne in mind in the construction of such statutes, and the presumption is that they are enacted to prevent fraud and to secure freedom of choice, and not by technical obstructions to make the right of voting insecure.” McCavitt, *supra* at 837 (internal quotation and citation omitted). The court should “resolv[e] voting disputes, where at all possible, in favor of the voter.” *Id.*

Only serious irregularities that place the results of the election in doubt and violate the substantive end for which the election was held can invalidate the result. See Fyntrilakis, 47 Mass. App. Ct. at 469; Swift, 281 Mass. 278. **Indeed, absent direct evidence of fraud or misconduct, alleged irregularities in the processing of election materials, including comparisons of signatures and other such absentee ballot matters,** (emphasis added) are typically insufficient to cast doubt on the results of an election. See Swift, 281 Mass. at 283 (collecting cases for proposition that, absent evidence of “fraud or tampering ..., [the] failure on the part of election officers to perform the precise duty imposed on them with respect to the [absentee ballot] envelopes does not invalidate the votes or afford any ground for nullifying the count”).

The Plaintiff does not allege fraud or misconduct by any election officials.



***i. Dunstable – Reported Votes Between Election and Recount***

Plaintiff appears to challenge the Dunstable recount results because there appeared to be an additional 50 ballots counted at the Recount.

He alludes to a “theory” offered by the Attorney Michelle Tassinari, Director and Legal Counsel to the Election Division of Secretary Galvin’s office. In

email to both candidates and their Counsel on December 12, 2022 she

stated:

Also, we believe the Town of Dunstable has identified the additional 50 ballots that were included in the recount. It appears that the 50 ballots used as the “test deck,” which is required by state law, were inadvertently included when counting the marked ballots during the course of the recount. I’ve attached a copy of the tape from the test deck for the Town of Dunstable that matches the exact number of ballots each candidate increased in Dunstable.

It is my understanding that the ballots are marked 1-50, but no one noticed during the recount. Accordingly, if the candidates and counsel agree, the clerk’s office can unseal the ballots to find those marked 1-50 and remove from the count.

Please let me know how you’d like to proceed.

Michelle

The Results of this “test deck” was Scarsdale 8; Shepherd 18; Lundeen 12; write-in 0; Blanks 12; Total 50. This is the exact number of increase votes each candidate at the recount. Once these test ballots are examined, the election results and the recount results will match exactly. Therefore, Scarsdale’s victory margin will increase by 10 votes bring her winning margin to 17, the exact margin of the election result.

A copy of Attorney Tassinari’s email and the test deck tabulation are attached in Exhibit B.

***ii. Pepperell, Groton and Lunenburg- Reported Votes Between Election and Recount***

The Plaintiff appears to allege that the difference between the results in these towns from election to recount have effected the outcome of the election. However, absent any evidence of actual fraud or misconduct, or specific evidence of how these discrepancies might have materially affected the election, such discrepancies do not cast doubt on the substantive outcome of the election. See, e.g., Pena v. City of Revere, 1997 WL 799478, at \*7-\*8 (Mass. Super. Dec. 23, 1997) (**declining to order new election based on discrepancies in total number of votes reported between election day and recount**); Swift, *supra*. (emphasis added)

**D. New Election Should Not Be Ordered**

Plaintiff alleges without proof that due to the alleged ministerial failures of the Defendant Town Clerks that the Election must be set aside and a new election ordered. Ms. Scarsdale rejects the claim of ministerial failures of the Town Clerks. She believes that the election and subsequent recount were handled professionally and with full transparency.

However if this Court were to agree with Plaintiff's claim, the remedy is not setting aside this election and ordering a new election. This alleged ministerial failures could be remedied by post election administrative action. See Fyntrilakis, *supra*.

**CONCLUSION**

At this time, therefore, the Executive Branch has completed all of the tasks assigned to it by the Constitution and the General Laws but one – the ministerial task of transmitting the election certification to the House on January 4th. See, e.g., G.L. c. 3, §§ 1-3; c. 54, §§ 115-117. Ms. Scarsdale, possessing a certificate from the Governor and the Executive Council, intends to present her certificate to the House at the swearing in of state representatives on January 4, 2022 and be sworn in as State Representative of the First Middlesex District.

WHEREFORE, Margaret Scarsdale respectfully requests that this Honorable Court dismiss the Plaintiff's Complaint.

Respectfully Submitted,  
**MARGARET SCARSDALE,**  
By her Attorney,

*Dennis Newman*

---

Dennis Newman  
BB0 # 370380  
580 Pearl Street  
Reading, MA 01867  
617-780-1793  
Email: DenNewman@aol.com

Dated: January 2, 2023

CERTIFICATE OF SERVICE

I, Dennis Newman, Attorney for Margaret Scarsdale, hereby certify under the pains and penalties of perjury that on this 2nd day of January 2023, I served, a this Memorandum in Support of Motion to Intervene as Party Defendant, by causing a copy to be delivered electronically to:

Counsel for Andrew Shepherd  
Michael J. Sullivan, Esq.  
MA BBO # 487210  
J. Christopher Amrhein, Jr., Esq.  
MA BBO # 703170

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Counsel for William F. Galvin  
Michelle Tassinari, Esq.  
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Counsel for Dunstable and Groton  
BRIAN R. FALK  
Mirick, O'Connell, DeMallie & Lougee, LLP  
100 Front Street | Worcester | MA | 01608-1477  
t 508.929.1678 | f 508.983.6256

[bfalk@MirickOConnell.com](mailto:bfalk@MirickOConnell.com)

Pepperell Town Clerk  
Townsend Town Clerk  
Ashby Town Clerk  
Lunenburg Town Clerk

Dated: January 2, 2023

Respectfully Submitted,  
MARGARET SCARSDALE,  
By her Attorney,

***Dennis Newman***

---

Dennis Newman  
BBO # 370380  
580 Pearl Street  
Reading, MA 01867  
617-780-1793  
Email: [DenNewman@aol.com](mailto:DenNewman@aol.com)

# Exhibit A

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COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT  
CIVIL ACTION  
NO. 2277CV01243

LEONARD MIRRA a/k/a LENNY MIRRA

vs.

TOWN OF GEORGETOWN REGISTRARS OF VOTERS & others<sup>1,2</sup>

**MEMORANDUM OF DECISION AND ORDER ON:  
(1) PLAINTIFF'S EMERGENCY MOTION FOR EXPEDITED  
AND LIMITED DE NOVO REVIEW OF TWO CHALLENGED BALLOTS;  
AND PRELIMINARY INJUNCTION STAYING SWEARING-IN; AND  
(2) THIRD PARTY DEFENDANT KRISTIN KASSNER'S MOTION TO DISMISS**

Plaintiff Leonard Mirra a/k/a Lenny Mirra ("Mirra") filed this civil action electronically after the close of business on December 21, 2022, contesting the results of the November 8, 2022, Second Essex District State Representative election (the "Election"). His Complaint seeks an expedited review of the ballots challenged and preserved at the December 2022 district-wide Election recount (the "Recount") and requests declaratory relief in the form of a declaration that he is the rightful winner of the Election. Named as defendants are the election authorities for three of the six towns<sup>3</sup> in the Second Essex District (the Town of Georgetown Registrars of Voters, Town of Ipswich Registrars of Voters, Town Clerk of the Town of Ipswich, Town of Rowley Registrars of Voters, Town Clerk for the Town of Rowley) (the "Municipal

<sup>1</sup>Town of Ipswich Registrars of Voters, Town Clerk of the Town of Ipswich, Town of Rowley Registrars of Voters, Town Clerk for the Town of Rowley, and William F. Galvin, in his official capacity as Secretary of the Commonwealth of Massachusetts

<sup>2</sup> Kristin Kassner was permitted to intervene as a third-party defendant.

<sup>3</sup> The Second Essex District includes Georgetown, Hamilton, Ipswich, Newbury, Rowley, and part of Topsfield.

Defendants”), as well as William F. Galvin, in his official capacity as Secretary of the Commonwealth of Massachusetts (the “Secretary”). A motion to intervene filed by Mirra’s opponent and the winner of the Election following the Recount, Kristin Kassner (“Kassner”), was allowed without opposition on December 27, 2022. The matter is now before the court on: (1) Mirra’s “Emergency Motion for Expedited and Limited *De Novo* Review of Two Challenged Ballots, and Preliminary Injunction Staying Swearing-in” (Paper No. 6.) (the “PI Motion”); and (2) Kassner’s Motion to Dismiss (Paper No. 8) (the “Motion to Dismiss”). The PI Motion was filed on December 23, 2022, and a hearing with counsel for all parties (including intervenor Kristin Kassner) was held via video conference on December 27, 2022. At that hearing, counsel for Kassner advised of his plan to file the Motion to Dismiss on jurisdictional grounds immediately after the hearing. As time is of the essence in this matter, the court gave him permission to do so without complying with the requirements of Superior Court Rule 9A, and ordered Mirra to file his opposition to the Motion to Dismiss by 12:30 p.m. on December 28, 2022. Following review of the parties’ submissions, the PI Motion will be **DENIED**<sup>4</sup> and the Motion to Dismiss will be **ALLOWED**.

#### **BACKGROUND**

The following facts are taken from Mirra’s Complaint, as well as the additional materials submitted by Kassner per this court’s December 28, 2022 Order (Paper No. 13). Mirra, the Republican Party Candidate for State Representative in the Second Essex District, faced off against Kassner, the Democratic Party candidate, in the Election. After the initial counting of the ballots, Mirra received 11,754 votes and Kassner received 11,744 votes, making Mirra the

---

<sup>4</sup> The court already denied Mirra’s request for limited *de novo* review of just two challenged ballots during the hearing on December 27, 2022. Thus, what remains before the court on the PI Motion is Mirra’s request for a preliminary injunction.

winner by a ten-vote margin. Kassner petitioned for a district-wide recount, which took place over a four-day period from December 5 through December 8, 2022. After the Recount, Kassner's total votes (11,763) exceeded Mirra's total votes (11,762) by one vote. Thereafter, the Recount results were certified by the Governor's Council, the certification was signed by the Governor, and the Secretary issued the certification to Kassner.<sup>5</sup> Mirra subsequently filed the Complaint in the above-captioned matter in this court after the close of business on December 21, 2022. Kassner intends to attend the swearing-in proceedings of the House of Representatives on January 4, 2023, at which time she will present her certification to the presiding officer.

### **STANDARDS OF REVIEW**

#### **I. Preliminary Injunction Standard of Review**

The standard for granting a preliminary injunction is well settled. In actions between private parties, the moving party must show: (a) a likelihood of success on the merits; (b) it will suffer irreparable harm without injunctive relief; and (c) the anticipated harm to be suffered by the movant if the injunctive relief is denied outweighs the harm the opposing party will suffer if the injunction is issued. Packaging Indus. Group, Inc. v. Cheney, 380 Mass. 609, 617 (1980). "Where a party seeks to enjoin government action, the judge also must 'determine that the requested order promotes the public interest, or, alternatively, that the equitable relief will not adversely affect the public.'" Garcia v. Department of Hous. & Community Dev., 480 Mass. 736, 747 (2018), quoting Loyal Order of Moose, Inc., Yarmouth Lodge # 2270 v. Board of Health of Yarmouth, 439 Mass. 597, 601 (2003); Commonwealth v. Mass. CRINC, 392 Mass. 79, 89 (1984).

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<sup>5</sup> Pursuant to General Laws c. 54, § 116, the Governor shall certify to the results of the election for representatives and issue certificates of election to such persons as appear to be chosen to the office of representative.



## II. Motion to Dismiss Standard of Review

To survive a motion to dismiss under Mass. R. Civ. P. 12(b)(6), a complaint must allege facts “plausibly suggesting . . . entitlement to relief[.]” Iannacchino v. Ford Motor Co., 451 Mass. 623, 636 (2008), quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 557 (2007). In determining whether a complaint meets this standard, the court accepts the factual allegations in the complaint as true and draws reasonable inferences in favor of the plaintiffs. Harrington v. Costello, 467 Mass. 720, 724 (2014).

In contrast, a motion to dismiss pursuant to Mass. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction may be based solely on the facts alleged in the complaint or on additional evidence submitted by the moving party. If the motion is not supported by additional evidence, it “presents a ‘facial attack’ based solely on the allegations of the complaint” and the court must assume the truth of those allegations for the purpose of deciding whether it has subject matter jurisdiction to hear the plaintiff’s claim. Callahan v. First Congregational Church of Haverhill, 441 Mass. 699, 709 (2004), quoting Hiles v. Episcopal Diocese of Massachusetts, 437 Mass. 505, 516 n.13 (2002). If, however, the moving party submits “documents and other materials outside the pleadings” in an attempt to “contest the accuracy (rather than the sufficiency) of the jurisdictional facts pleaded by the plaintiff,” the court must “address the merits of the jurisdictional claim by resolving the factual disputes between the plaintiff and the defendants.” Id. at 710-711. Where the defendant makes such a “factual challenge,” the factual allegations in the complaint are not presumed to be true, id. at 711, and the evidence submitted regarding subject matter jurisdiction is “not viewed in the light most favorable to the non-moving party,” Wooten v. Crayton, 66 Mass. App. Ct. 187, 190 n.6 (2006).

## DISCUSSION

### I. The Court Lacks Subject Matter Jurisdiction

Kassner maintains that the court lacks subject matter jurisdiction because the House of Representatives has exclusive jurisdiction over this contested election under the Massachusetts Constitution and, therefore, Mirra has failed to state a claim for relief which can be granted. Mirra asserts that the court has subject matter jurisdiction over the election dispute until the House of Representatives takes action on the matter when it convenes on January 4, 2023. Based on a review of the Massachusetts Constitution, relevant statutes, applicable case law, and the unique posture of this contested election, the court agrees with Kassner. Although Mirra is correct in his assertion that the court has the authority to enforce the election laws and grant related equitable relief, he ignores the constitutional limits of the court's power.

General Laws c. 56, § 59,<sup>6</sup> grants the Superior Court jurisdiction to enforce the laws regulating the conduct of elections and the power to grant equitable relief to those injured by violations of those laws. Wheatley v. Secretary of the Commonwealth, 439 Mass. 849, 853 (2003). However, the Superior Court's power to remedy election irregularities is limited by the Massachusetts Constitution which provides, in relevant part, that "[t]he house of representatives shall be the judge of the returns, elections, and qualifications of its own members . . . ." Part II, c. 1, § 3, art. 10, of the Constitution of the Commonwealth. It is well established that the power to pass upon the election and qualification of its own members is vested exclusively in the House of Representatives. Wheatley, 439 Mass. at 854 ("The House's role as the sole arbiter of a

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<sup>6</sup> General Laws c. 56, § 59, states in relevant part, "[t]he supreme judicial court and the superior court department of the trial court shall have jurisdiction of civil actions to enforce the provisions of chapters fifty to fifty-six, inclusive, and may award relief formerly available in equity of by mandamus." Chapter 54 of the General Laws governs elections.

petitioner's claim to a seat as a representative is by now firmly settled as a matter of State constitutional law."); Greenwood v. Registrars of Voters of Fitchburg, 282 Mass. 74, 79 (1933) ("Jurisdiction to pass upon the election and qualification of its own members is thus vested exclusively in the House of Representatives."); Dinan v. Swig, 223 Mass. 516, 517 (1916) ("The grant of power is comprehensive, full and complete. It is necessarily exclusive, for the Constitution contains no words permitting either branch of the Legislature to delegate or share that power."). The House of Representatives has the final authority to decide a claim to a seat as a representative. See Wheatley, 439 Mass. at 854-855 (holding that absent allegation of violation of federal law, only the House has jurisdiction to resolve a claim of election and "[n]o other department of the government has any authority under the Constitution to adjudicate upon that subject?").

Kassner contends that Mirra's failure to commence this litigation until after the certificate was issued to her is fatal to his attempt to vest jurisdiction in the Superior Court. The court agrees. While the court is unaware of any legal authority identifying the precise moment in time when its jurisdiction under G. L. c. 56, § 59, ends and the House of Representatives' authority pursuant to Part II, c. 1, § 3, art. 10, of the Massachusetts Constitution begins, the court is persuaded by Banks v. Election Com'rs of Boston, 327 Mass. 509 (1951), in which the Supreme Judicial Court addressed empowering language similar to the language in Part II, c. 1, § 3, art. 10 of the Massachusetts Constitution. In Banks, the petitioners contested the results of a municipal election after a recount. Under the municipal election laws, the board of election commissioners of the city of Boston was granted "all the powers and duties relating to the determination of the results of the election" and "[t]he city counsel shall be the judge of the election and qualifications of its members" (quotations omitted). Banks, 327 Mass. at 512. The Supreme Judicial Court

ruled that the court had jurisdiction to review the election results “until the board determines such results and issues a certificate to whom it has determined to have received the vote necessary for election.” *Id.* Following the reasoning in Banks, this court no longer has jurisdiction to review the results of the election since the Governor has issued a certificate to Kassner. See *id.* (“Up to the point that a certificate has been issued, at least, the matter is in control of the court, which may in proper proceedings direct the board to whom to issue the certificate.”)

While Mirra claims that the fact that the election results have been certified has no bearing on the court’s jurisdiction because the House of Representatives has not yet convened, the court is not persuaded by this argument given the unique posture of this case where the election results have been certified but not yet presented to the House of Representatives. The cases cited by Mirra in support of his argument that the court retains jurisdiction are unpersuasive, as they all involved elections to offices other than State Representative, where the courts were not constrained by the constitutional provision at issue here and in Wheatley. See Delahunt v. Johnston, 423 Mass. 731 (1996) (primary for nomination of Democratic Party for office of United States Representative for Tenth Congressional District); Colten v. Haverhill, 409 Mass. 55 (1991) (city council election); Connolly v. Secretary of the Commonwealth, 404 Mass. 556 (1989) (Democratic primary election and general election for office of Governor’s Councillor for Third District);<sup>7</sup> McCavitt v. Registrars of Voters of Brockton, 385 Mass. 333 (1982) (mayoral election). Nor is the case of Alicea v. Southbridge Registrars of Voters, Mass.

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<sup>7</sup> Connolly is further distinguishable because the preliminary injunction in that case was entered prior to the certification of the election results by the Governor and the Executive Council, and restrained the Secretary from transmitting the results to the Governor and the Executive Council for certification. 404 Mass. at 559.

Super Ct. No. 1085CV02624, helpful to Mirra's cause. In that case, the Superior Court held a trial on the merits in a challenge to an election for the Office of State Representative for the Sixth Worcester District, but the plaintiff filed suit on November 29, 2010, in advance of the certification, and his opponent filed a counterclaim. The parties, thus, accepted jurisdiction and never litigated the issue of jurisdiction. As a result, Alicea has no bearing on this court's analysis.

For the foregoing reasons, the court concludes that it lacks subject matter jurisdiction to hear this dispute.

## II. The Court Lacks Authority to Issue the Injunctive Relief Sought

The court also notes that it lacks the authority to issue the injunctive relief sought by Mirra, specifically, to stay Kassner's swearing in on January 4, 2023, until this litigation has been fully resolved. The Constitution requires that State Representatives must be sworn in by the Governor and the Governor's Council in the presence of the two houses of assembly. Part II, c. 6, art. 1 of the Constitution of the Commonwealth. The Governor, the Governor's Council, and the House of Representatives are not named as parties to this action. As the Secretary correctly points out, the most the court could do if it chose to enter injunctive relief in Mirra's favor would be to temporarily order the Secretary to refrain from transmitting election results to the House clerk.<sup>8</sup>

## III. Entry of a Preliminary Injunction Would be Futile

Finally, even if this court were to conclude that it has jurisdiction to hear this dispute, the entry of a preliminary injunction in Mirra's favor would be futile and a waste of judicial and

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<sup>8</sup> Pursuant to General Laws c. 3, § 1, the Secretary shall transmit to the House of Representatives as soon as the members are called to order a certified copy of each certificate of examination of the copies of records of votes cast as transmitted to him by the Governor.

municipal resources. For whatever reason, Mirra waited until just before Christmas to file suit, with the swearing-in set to occur on January 4, 2023. While the court could make a judge available for a trial on the merits on an expedited basis, it would be impossible to complete a trial by January 4, 2023. Not surprisingly, certain necessary witnesses are unavailable on such short notice during the week between Christmas and New Year's Day that is commonly used for vacation by many people.<sup>9</sup> Also not surprising is Kassner's representation at the December 27 hearing that, before a trial on the merits, she would likely seek to implead the remaining three municipalities included in the Second Essex District, which Mirra did not name as defendants in his Complaint, so that any protested ballots from those municipalities could be included in the court's analysis. After January 4, 2023, any action taken by this court would be nothing more than evidence that Mirra and Kassner may present to the House of Representatives in support of their respective claims of election. See Wheatley, 439 Mass. at 852, 854.

#### IV. Review of Ballots

As the court concludes that it lacks jurisdiction to hear this dispute, the court need not reach Mirra's substantive arguments regarding the protested ballots. Following the hearing on December 27, 2022, the court ordered the Municipal Defendants to produce "[a]ll protested ballots sealed and segregated by the registrars pursuant to G. L. c. 54, § 135, as set forth in the Plaintiff's Complaint" to the court clerk's office by 10 a.m. on December 29, 2022, in connection with considering the merits of Mirra's request for injunctive relief. Ballots from all three towns were produced in accordance with that order and secured in the clerk's office by the

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<sup>9</sup> It was represented at the hearing, for example, that two of the three town clerks for the municipalities named as defendants are on vacation.

afternoon December 28, 2022. Given the court's above conclusions, the court never opened the ballots produced and shall arrange for their return to the Municipal Defendants.

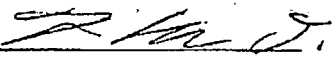
V. Conclusion

For all of the foregoing reasons, the court concludes that it lacks subject matter jurisdiction to hear this dispute, that it lacks the authority to issue the injunctive relief sought, and that, in any event, any action taken by the court at this stage in the proceedings would be an exercise in futility. As a result, Mirra lacks a likelihood of success on the merits, his PI Motion must be denied, and Kassner's Motion to Dismiss pursuant to Mass. R. Civ. P. 12(b)(1) and 12(b)(6) must be allowed.

ORDER

For the foregoing reasons, it is hereby ORDERED:

1. Plaintiff's Emergency Motion for Expedited and Limited *De Novo* Review of Two Challenged Ballots, and Preliminary Injunction Staying Swearing-in (Paper No. 6) is DENIED.
2. Third Party Defendant Kristin Kassner's Motion to Dismiss (Paper No. 8) is ALLOWED.

  
Thomas Drechsler  
Associate Justice of the Superior Court

Dated: December 29, 2022



# Exhibit B



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Mon, Dec 12, 2022 1:07 pm

**Tassinari, Michelle (SEC)** michelle.tassinari@state.ma.usHide

**T repshep22@gmail.com** repshep22@gmail.com, **info@MargaretScarsdale.com** info@MargaretScarsdale.com, **catlunde@gmail.com** catlunde@gmail.com, **scarsdale.margaret@gmail.com** scarsdale.margaret@gmail.com

**C Amrhein, Christopher** camrhein@ashcroftlawfirm.com, **Sullivan, Mike** msullivan@ashcroftlawfirm.com, **dennewman@aol.com** dennewman@aol.com, **Murray, Rebecca (SEC)** rebecca.murray@state.ma.us, **Rosenberry, William (SEC)** (William.Rosenberry@state.ma.us) william.rosenberry@state.ma.us

First Middlesex Recount Table.xlsx (14 KB)

Dunstable Test Ballots Tabulat.pdf (35 KB)

Good Afternoon-

Attached please find the amended results from the district wide recount, which we intend to present to the Governor and Council for re-certification this Wednesday, December 14<sup>th</sup>.

Also, we believe the Town of Dunstable has identified the additional 50 ballots that were included in the recount. It appears that the 50 ballots used as the "test deck," which is required by state law, were inadvertently included when counting the marked ballots during the course of the recount. I've attached a copy of the tape from the test deck for the Town of Dunstable that matches the exact number of ballots each candidate increased in Dunstable.

It is my understanding that the ballots are marked 1-50, but no one noticed during the recount. Accordingly, if the candidates and counsel agree, the clerk's office can unseal the ballots to find those marked 1-50 and remove from the count.

Please let me know how you'd like to proceed.

Michelle

next  
ballots  
tabulation

MASSACHUSETTS STATE  
ELECTION NOVEMBER 2022  
Tuesday, November 8, 2022

Tabulator Name  
DUNSTABLE - PRECINCT 1

Tabulator ID  
152

Voting Location  
DUNSTABLE, MA

Poll Opened  
Nov 01/2022 10:19:52

Poll Closed  
Nov 01/2022 10:35:31

Report Printed  
Nov 01/2022 10:35:35

Unit Model: PCOS-320C (Rev 1072)  
Unit Serial: AFAJIA0187  
Protective Counter: 9854  
Software Version: 5.5.41.3

Total Scanned: 50  
Total Voters: 50

REPRESENTATIVE IN GENERAL COURT FIRST MIDDLESEX DISTRICT (1)	
MARGARET R. SCARSDALE:	8
ANDREW JAMES SHEPHERD:	18
CATHERINE LUNDEEN:	12
Write-in:	0
Total Votes:	38
Number of Blank Votes	12

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SPECIAL HOUSE COMMITTEE TO EXAMINE THE  
RETURNS OF CERTAIN REPRESENTATIVE DISTRICTS

**MEMORANDUM IN SUPPORT OF CONFIRMING REPRESENTATIVE-ELECT  
MARGARET SCARSDALE'S VICTORY IN THE FIRST MIDDLESEX  
DISTRICT**

**Statement of Facts**

Andrew Shepherd and Representative-elect Margaret Scarsdale were both candidates for the Office of State Representative of the First Middlesex District. At the election held on November 8, 2022. On or about November 28, 2022 Secretary Galvin's Office released the results which showed that Margaret Scarsdale was the winner. Ms. Scarsdale received 9384 votes and Mr. Shepherd received 9367 votes. A17 vote victory margin.

Mr. Shepherd petitioned the Secretary of State to order a District wide recount. Each Town in the district conducted said recounts from December 5, 2022 to December 10, 2022 (Pepperell 12/5; Townsend 12/5; Ashby 12/7; Dunstable 12/7; Groton 12/8; Lunenburg 12/10).

At the conclusion of the recount, the results showed that Ms. Scarsdale was still the winner, with a victory margin of 7 votes. On or about December 14, the Governor's Council certified Margaret Scarsdale as the winner of the First Middlesex District.

On Friday, December 23, 2022 at 6:09pm, after the close of business, Plaintiff Andrew Shepherd, electronically filed a Compliant for Declaratory Relief seeking a new election for the First Middlesex Massachusetts State Representative District.

Representative-Elect Margaret Scarsdale who is the certified winner of that district, did not become aware of this complaint until Tuesday, December 27, 2022 after the long holiday weekend. Please note that Mr. Shepherd did not request that the Court declare him the winner of this election, only that they order a new election. The history and status of the Shepherd litigation (Shepherd v. Town of Townsend et al , Middlesex Superior Court, Civil Action 2281CV04326)

**Requested Relief is Contrary to Public Interest**

Given the significant resources that already have been expended in conducting an election and then a District-wide recount, the public interest will not be served if a new election is ordered and the six communities in the District are forced to expend considerably more resources running a special election in an election that has already been decided. .

This district has been without representation for nearly a year, since former Representative Harrington resigned. Ordering a Special Election would further delay the District the representation that it deserves . Furthermore, ordering a new election would disenfranchise the over 20,000 voters who voted in the November 8, 2020 election.

**There is No Evidence of Serious Irregularities or Fraud That Cast Doubt on the Outcome of the Election**

The object of election laws is to secure the rights of duly qualified electors and not to defeat them.” McCavitt v. Registrars of Voters of

Brockton, 385 Mass. 833, 837 (1982) (internal quotation and citation omitted). See also Fyntrilakis v. City of Springfield, 47 Mass. App. Ct. 464, 469 (1999), quoting Swift v. Registrars of Voters of Quincy, 281 Mass. 271, 276 (1932) (“The object of elections is to ascertain the popular will and not to thwart it”). “This must be borne in mind in the construction of such statutes, and the presumption is that they are enacted to prevent fraud and to secure freedom of choice, and not by technical obstructions to make the right of voting insecure.” McCavitt, *supra* at 837 (internal quotation and citation omitted). The court should “resolv[e] voting disputes, where at all possible, in favor of the voter.” *Id.*

Only serious irregularities that place the results of the election in doubt and violate the substantive end for which the election was held can invalidate the result. See Fyntrilakis, 47 Mass. App. Ct. at 469; Swift, 281 Mass. 278. **Indeed, absent direct evidence of fraud or misconduct, alleged irregularities in the processing of election materials, including comparisons of signatures and other such absentee ballot matters, (emphasis added)** are typically insufficient to cast doubt on the results of an election. See Swift, 281 Mass. at 283 (collecting cases for proposition that, absent evidence of “fraud or tampering ..., [the] failure on the part of election officers to perform the precise duty imposed on them with respect to the [absentee ballot] envelopes does not invalidate the votes or afford any ground for nullifying the count”).

Mr. Shepherd does not allege fraud or misconduct by any election officials. In fact, in a Facebook post on December 28, 2022 Mr. Shepherd stated in part, "I do not undertake the decision to go to court lightly and want to be clear: this election wasn't "stolen" – it's just excruciatingly close. I believe that every single clerk, registrar, and poll worker acted in good faith." (See Exhibit B)

**Dunstable – Reported Votes Between Election and Recount aka "Dunstable 50"**

Mr. Shepherd appears to challenge the Dunstable recount results because there appeared to be an additional 50 ballots counted at the Recount. He alludes to a "theory" offered by the Attorney Michelle Tassinari, Director and Legal Counsel to the Election Division of Secretary Galvin's office. In email to both candidates and their Counsel on December 12, 2022 she stated:

Also, we believe the Town of Dunstable has identified the additional 50 ballots that were included in the recount. It appears that the 50 ballots used as the "test deck," which is required by state law, were inadvertently included when counting the marked ballots during the course of the recount. I've attached a copy of the tape from the test deck for the Town of Dunstable that matches the exact number of ballots each candidate increased in Dunstable.

It is my understanding that the ballots are marked 1-50, but no one noticed during the recount. Accordingly, if the candidates and counsel agree, the clerk's office can unseal the ballots to find those marked 1-50 and remove from the count.

Please let me know how you'd like to proceed.

Michelle

The Results of this "test deck" was Scarsdale 8; Shepherd 18; Lundeen 12;

write-in 0; Blanks 12; Total 50. This is the exact number of the increase in votes each candidate received at the recount. Once these test ballots are examined, the election results and the recount results will match exactly. Therefore, Scarsdale's victory margin will increase by 10 votes bringing her winning margin to 17, the exact margin of the original election result.

A copy of Attorney Tassinari's email and the test deck tabulation are attached in Exhibit C. An affidavit from the Dunstable Town Clerk Ellen L. Faiella is attached as Exhibit D. (Note Ms. Faiella attached an labeled Exhibit A to her affidavit, that is why attached Exhibits are out of order)

### **Pepperell, Groton and Lunenburg- Reported Votes Between Election and Recount**

Mr. Shepherd appears to allege that the difference between the results in these towns from election to recount have effected the outcome of the election. However, absent any evidence of actual fraud or misconduct, or specific evidence of how these discrepancies might have materially affected the election, such discrepancies do not cast doubt on the substantive outcome of the election. See, e.g., *Pena v. City of Revere*, 1997 WL 799478, at \*7-\*8 (Mass. Super. Dec. 23, 1997) (**declining to order new election based on discrepancies in total number of votes reported between election day and recount**); *Swift, supra*. (emphasis added)

### **New Election Should Not Be Ordered**

Mr. Shepherd alleges without proof that ministerial failures of the Town Clerks require that the Election must be set aside and a new election

ordered. Ms. Scarsdale rejects the claim of ministerial failures of the Town Clerks. She believes that the election and subsequent recount were handled professionally and with full transparency.

However if this Committee were to agree with Plaintiff's claim, the remedy is not setting aside this election and ordering a new election. This alleged ministerial failures could be remedied by post election administrative action. See *Fyntrilakis*, supra.

### CONCLUSION

It is clear that Margaret Scarsdale won the election held on November 8, 2022 and that the recount confirmed that victory. There is no evidence of serious irregularities or fraud that cast doubt on the outcome of the Election. Ordering a new election would contrary to the public interest and should not be ordered.

WHEREFORE, Margaret Scarsdale respectfully requests that this Honorable Committee find that she is the winner of the First Middlesex District and that it issues an Order to the full House to swear her in forthwith as the duly elected                      Representative of the First Middlesex District.

Respectfully Submitted,  
**MARGARET SCARSDALE**,  
By her Attorney,  
***Dennis Newman***

---

Dennis Newman  
BB0 # 370380  
580 Pearl Street  
Reading, MA 01867  
617-780-1793  
Email: DenNewman@aol.com



# Exhibit B



Andrew Shepherd for Massachusetts State Representative

December 28, 2022 at 9:37 AM

...

For the court of public opinion: At what point does the human error within an election outweigh the margin of victory?

My greatest concern throughout this recount process was to make sure that every ballot was legally cast and properly counted. Our democracy affords us the opportunity to check, challenge, and verify the results of close elections – ultimately reaffirming confidence in our system. In this case, I did that and sadly, came away with less confidence.

Heading into the recount behind by 17 votes, my expectation was that there would only be minor changes, but I hoped that those changes might be in my favor. Extraordinarily, there were 114 more votes counted during the recount than were certified after the general election. Some, but not all, of these increases can be explained. Out of the 114 “found” ballots, plus a number of other challenged ballots, I gained 35 votes and my opponent gained 25. The certified margin of difference after the recount is a razor-thin 7 votes (0.035%).

Regardless of political party, it would be a stretch of the truth to have witnessed this process and say every town’s count was without irregularity. I do want to commend our town clerks and registrars for conducting this recount to the best of their ability, but I believe they are executors of an imperfect system where natural human error calls into question the outcome of a race this close. After much deliberation over the challenged ballots and other procedural errors, my team believes we have a credible argument worthy of a judge’s review that could materially affect the representation of this district for the next two years.

Some of the concerns I have with this process are as follows:

1. The new mail-in voting law requires town clerks to compare signatures on mail-in ballot envelopes with signatures on voter registration cards. However, this is an unfunded mandate and clerks in our district admit to not having the personnel or resources to check every signature. Envelopes and registration cards are public record, so my team sampled 2 precincts in the district and found a number of blatant signature mismatches that were never flagged. The 7-vote margin in this election highlights the importance of checking every signature: If our clerks had had the resources to comply with the law, the outcome of this close election could have been meaningfully impacted.

2. Following the 2020 redistricting, the 1st Middlesex now contains half of Groton (precincts 2 and 3) and half of Lunenburg (precincts A, B1, C and D). During the recount it was discovered that some voters in the 1st Middlesex had been unintentionally mailed ballots for the wrong precinct. Through no fault of their own, those voters were denied the right to vote for their correct State Representative candidates. In a race this close, the votes of those disenfranchised could have measurably affected the result.

I do not undertake the decision to go to court lightly and I want to be clear: this election wasn’t “stolen” – it’s just excruciatingly close. I believe that every single town clerk, registrar, and poll worker acted in good faith. I believe that the vast majority of ballots – mail-in, early, and in-person – were legally cast. But given the errors uncovered during the recount and the newness of mail-in voting by right in Massachusetts, I believe the unique circumstances of this election deserve a second look by a judge.

Should this legal effort not result in a favorable outcome, my hope is that I can learn more from defeat than I would from success. This was my first run, but it likely won’t be my last. I had an incredible team and worked hard for every vote, but I could not overcome the forces within my own party that were against me and a three way race made it that much closer between the Republican and the Democrat.

I understand this is an awkward time for Margaret Scarsdale as it would be for me if the roles were reversed. I thank her for being a worthy and cordial opponent. I hope a decision will come from the courts in short order so that this district will have a plan going forward one way or another.

# Exhibit C

## District Wide Recount Results

Mon, Dec 12, 2022 1:07 pm

**Tassinari, Michelle (SEC)** michelle.tassinari@state.ma.usHide

**Trepshep22@gmail.com** repshep22@gmail.com, **info@MargaretScarsdale.com** info@MargaretScarsdale.com, **catlunde@gmail.com** catlunde@gmail.com, **scarsdale.margaret@gmail.com** scarsdale.margaret@gmail.com

**Camrhein, Christopher** camrhein@ashcroftlawfirm.com, **Sullivan, Mike** msullivan@ashcroftlawfirm.com, **dennewman@aol.com** dennewman@aol.com, **Murray, Rebecca (SEC)** rebecca.murray@state.ma.us, **Rosenberry, William (SEC) (William.Rosenberry@state.ma.us)** william.rosenberry@state.ma.us

Good Afternoon-

Attached please find the amended results from the district wide recount, which we intend to present to the Governor and Council for re-certification this Wednesday, December 14<sup>th</sup>.

Also, we believe the Town of Dunstable has identified the additional 50 ballots that were included in the recount. It appears that the 50 ballots used as the "test deck," which is required by state law, were inadvertently included when counting the marked ballots during the course of the recount. I've attached a copy of the tape from the test deck for the Town of Dunstable that matches the exact number of ballots each candidate increased in Dunstable.

It is my understanding that the ballots are marked 1-50, but no one noticed during the recount. Accordingly, if the candidates and counsel agree, the clerk's office can unseal the ballots to find those marked 1-50 and remove from the count.

Please let me know how you'd like to proceed.

Michelle

**From:** Tassinari, Michelle (SEC)

**Sent:** Wednesday, November 30, 2022 9:18 AM

**To:** 'repshep22@gmail.com' <repshep22@gmail.com>; 'info@MargaretScarsdale.com' <info@MargaretScarsdale.com>; 'catlunde@gmail.com' <catlunde@gmail.com>; 'scarsdale.margaret@gmail.com' <scarsdale.margaret@gmail.com>

**Cc:** 'Amrhein, Christopher' <camrhein@ashcroftlawfirm.com>; 'Sullivan, Mike' <msullivan@ashcroftlawfirm.com>; 'dennewman@aol.com' <dennewman@aol.com>

**Subject:** RE: District Wide Recount Petition Filed

Good Morning-

MASSACHUSETTS STATE  
ELECTION NOVEMBER 2022  
Tuesday, November 8, 2022

*Print  
in  
tabulation*

Tabulator Name  
DUNSTABLE - PRECINCT 1

Tabulator ID  
152

Voting Location  
DUNSTABLE, MA

Poll Opened Nov 01/2022 10:19:52  
Poll Closed Nov 01/2022 10:35:31  
Report Printed Nov 01/2022 10:35:35

Unit Model: PDS-320C (Rev 1072)  
Unit Serial: AFAJ1A0167  
Protective Counter: 9854  
Software Version: 5.5.41.3

Total Scanned: 50  
Total Voters: 50

REPRESENTATIVE IN GENERAL COURT FIRST MIDDLESEX DISTRICT (1)	
MARGARET R. SCARSDALE:	8
ANDREW JAMES SHEPHERD:	18
CATHERINE LUNDEEN:	12
Write-in:	0
Total Votes:	38
Number of Blank Votes:	12

# Exhibit D

## COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

---

### Affidavit of Ellen Faiella

On oath I hereby do depose and say that the following are true to my personal knowledge and belief:

1. My name is Ellen Faiella.
2. I reside at 25 Alexander Way in Dunstable, Massachusetts.
3. I am the Town Clerk of the Town of Dunstable.
4. On Tuesday, November 1, 2022, I oversaw the testing of the voting machine that was to be used at the November 8, 2022 State Election in Dunstable. This test is required by law and is to ensure the voting machine is functioning properly.
5. As part of the test, I prepared a "test deck" of 50 ballots, which were marked with sample votes and labelled 1 through 50. This test deck was then run through the voting machine to test the machine for errors.
6. The results of the test deck run was the same as the ballots had been marked: Scarsdale 8, Shepherd 18, Lundeen 12, Write-in 0, Blanks 12, total ballots counted 50. A copy of the test deck ballot tabulation is attached as "Exhibit A."
7. I oversaw the State Election in the Town of Dunstable on November 8, 2022.
8. There were 1727 total ballots cast at the State Election in Dunstable.
9. Pursuant to an order for a district-wide recount from the Secretary of the Commonwealth, I presided over the recount of the ballots cast in Dunstable for State Representative, First Middlesex District, on December 7, 2022.
10. At the recount, 1777 ballots were counted, which is exactly 50 more ballots than were counted at the State Election.
11. Following the recount, the change in results was as follows, Scarsdale received an additional 8 votes, Shepherd received an additional 18 votes, Lundeen received an additional 12 votes, Write-ins stayed the same, and Blanks received an additional 12 votes. The increase in votes for all candidates was exactly the same as the results of the test deck.

12. Following the recount, all ballots and other documents from the State Election and recount were sealed as required by law.
13. Although at the recount it was not immediately apparent where the 50 additional ballots came from, following an internal audit of State Election procedures in Dunstable, it became apparent that the 50 test deck ballots were likely inadvertently counted at part of the recount.
14. Following my internal audit of election procedures in Dunstable, I contacted Attorney Michelle Tassinari of the Elections Division of the Office of Secretary of the Commonwealth to explain that the test deck ballots were likely inadvertently counted as part of the recount, resulting in 50 additional ballots counted at the recount and an increase in votes for each candidate that exactly matched the results of the test deck.

Signed under the pains and penalties of perjury this 11<sup>th</sup> day of January, 2023.

Ellen L Faiella

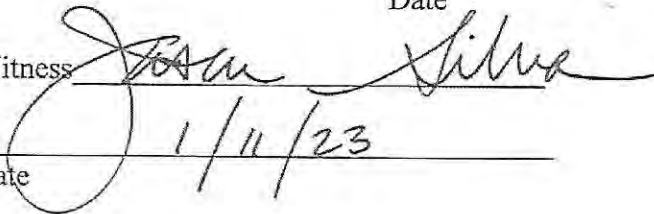
Name

  
Signature

January 11, 2023

Date

Witness

  
Date 1/11/23



# Exhibit A

*West  
Ballots  
tabulation*

MASSACHUSETTS STATE  
ELECTION NOVEMBER 2022  
Tuesday, November 8, 2022

Tabulator Name  
DUNSTABLE - PRECINCT 1

Tabulator ID  
152

Voting Location  
DUNSTABLE, MA

-----  
Poll Opened  
Nov 01/2022 10:19:52  
Poll Closed  
Nov 01/2022 10:35:31  
Report Printed  
Nov 01/2022 10:35:35  
-----

Unit Model: PCOS-320C (Rev 1072)  
Unit Serial: AFAJIA0167  
Protective Counter: 9854  
Software Version: 5.5.41.3  
-----

Total Scanned: 50  
Total Voters: 50  
-----

REPRESENTATIVE IN GENERAL COURT FIRST MIDDLESEX DISTRICT (1)	
MARGARET R. SCARSDALE:	8
ANDREW JAMES SHEPHERD:	18
CATHERINE LUNDEEN:	12
Write-in:	0
Total Votes:	38
Number of Blank Votes:	12

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO. 2281CV04326

ANDREW SHEPHERD,

Plaintiff,

v.

TOWN OF TOWNSEND REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF TOWNSEND,  
TOWN OF PEPPERELL REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF PEPPERELL,  
TOWN OF GROTON REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF GROTON,  
TOWN OF LUNENBURG REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF LUNENBURG,  
TOWN OF ASHBY REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF ASHBY,  
TOWN OF DUNSTABLE REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF DUNSTABLE,  
and  
WILLIAM F. GALVIN, in his official capacity as  
Secretary of the Commonwealth of Massachusetts,

Defendants.

**RECEIVED**

12/23/2022

**COMPLAINT**

**PRELIMINARY STATEMENT**

1. This is an action in the nature of mandamus and a request for declaratory relief concerning the November 8, 2022, First Middlesex District State Representative election (the “Election”) and the December 2022 district-wide Election recount (“Recount”).

2. In an election dispute, the “fundamental” rights of candidates and voters are “intertwined,” entitling both to redress in the event of a constitutional violation. *Goldstein v. Sec’y of Commonwealth*, 484 Mass. 516, 524 (2020); *see also* Mass. Decl. of Rights, Art. 9 (“all

inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.”).

3. A candidate’s fundamental rights cannot be abridged by the failure of ministerial officers to abide by Massachusetts law.

4. Defendant Town Clerks failed to undertake their clear-cut duties required under Massachusetts law.

5. In Massachusetts, election officials are obligated to compare the signature on the mail-in envelope with the signature on the voter’s registration, and if an election official cannot determine if the mail-in envelope signature matches the signature on the voter’s registration card, it must be rejected. *See* Exhibit A (Secretary’s “2022 Information For Voters” that addresses the protocol for voting by mail); Mass. Gen. Laws ch. 54, § 94 (“Section 94”).

6. Defendant Town Clerks—by their own admission—failed to undertake their statutory duties pursuant to Section 94. *See* Exhibit B (Declaration of Andrew Shepherd).

7. It is imperative that all statutorily mandated procedures be strictly followed to ensure an accurate count—especially where the margin of victory after the Recount is  $\approx 0.034\%$ .

8. The egregious dereliction of the procedural safeguards of mail-in voting has placed in doubt the results of the Election.

9. “[W]henver the irregularity or illegality of [an] election is such that the result of the election would be placed in doubt, then the election must be set aside, and the judge must order a new election.” *McCavitt v. Registrars of Voters of Brockton*, 385 Mass. 833, 850 (1982).

10. A new election must be ordered to preserve the integrity of the race for First Middlesex District State Representative, and to protect the fundamental rights of Plaintiff Shepherd.

## PARTIES

11. Plaintiff Andrew Shepherd was a candidate in the Election. Plaintiff Shepherd resides in Townsend, MA. *See Ex. B.*

12. Defendant Town of Townsend Registrars of Voters (“Townsend Registrars”) is a board formed in accordance with Mass. Gen. Laws ch. 51, § 15. The Townsend Registrars’ responsibilities include accepting and certifying nomination papers; certifying initiative or referendum petitions; conducting elections and recounts as necessary in a fair and impartial manner; maintaining accurate lists of registered voters in the town; maintenance and testing of voting equipment; processing absentee voter applications and mail-in voting; processing address and party changes; tallying election results; and the administration of voter registration.

13. Defendant Town Clerk for the Town of Townsend (“Townsend Town Clerk”) is responsible for the administration of elections and all other voter-related activities in Townsend, including (but not limited to) running election recounts.

14. Defendant Town of Pepperell Registrars of Voters (“Pepperell Registrars”) is a board formed in accordance with Mass. Gen. Laws ch. 51, § 15. The Pepperell Registrars’ responsibilities include accepting and certifying nomination papers; certifying initiative or referendum petitions; conducting elections and recounts as necessary in a fair and impartial manner; maintaining accurate lists of registered voters in the town; maintenance and testing of voting equipment; processing absentee voter applications and mail-in voting; processing address and party changes; tallying election results; and the administration of voter registration.

15. Defendant Town Clerk for the Town of Pepperell (“Pepperell Town Clerk”) is responsible for the administration of elections and all other voter-related activities in Pepperell, including (but not limited to) running election recounts.

16. Defendant Town of Groton Registrars of Voters (“Groton Registrars”) is a board formed in accordance with Mass. Gen. Laws ch. 51, § 15. The Groton Registrars’ responsibilities include accepting and certifying nomination papers; certifying initiative or referendum petitions; conducting elections and recounts as necessary in a fair and impartial manner; maintaining accurate lists of registered voters in the town; maintenance and testing of voting equipment; processing absentee voter applications and mail-in voting; processing address and party changes; tallying election results; and the administration of voter registration.

17. Defendant Town Clerk for the Town of Groton (“Groton Town Clerk”) is responsible for the administration of elections and all other voter-related activities in Groton, including (but not limited to) running election recounts.

18. Defendant Town of Lunenburg Registrars of Voters (“Lunenburg Registrars”) is a board formed in accordance with Mass. Gen. Laws ch. 51, § 15. The Lunenburg Registrars’ responsibilities include accepting and certifying nomination papers; certifying initiative or referendum petitions; conducting elections and recounts as necessary in a fair and impartial manner; maintaining accurate lists of registered voters in the town; maintenance and testing of voting equipment; processing absentee voter applications and mail-in voting; processing address and party changes; tallying election results; and the administration of voter registration

19. Defendant Town Clerk for the Town of Lunenburg (“Lunenburg Town Clerk”) is responsible for the administration of elections and all other voter-related activities in Lunenburg, including (but not limited to) running election recounts.

20. Defendant Town of Ashby Registrars of Voters (“Ashby Registrars”) is a board formed in accordance with Mass. Gen. Laws ch. 51, § 15. The Ashby Registrars’ responsibilities include accepting and certifying nomination papers; certifying initiative or referendum petitions;

conducting elections and recounts as necessary in a fair and impartial manner; maintaining accurate lists of registered voters in the town; maintenance and testing of voting equipment; processing absentee voter applications and mail-in voting; processing address and party changes; tallying election results; and the administration of voter registration.

21. Defendant Town Clerk for the Town of Ashby (“Ashby Town Clerk”) is responsible for the administration of elections and all other voter-related activities in Ashby, including (but not limited to) running election recounts.

22. Defendant Town of Dunstable Registrars of Voters (“Dunstable Registrars”) is a board formed in accordance with Mass. Gen. Laws ch. 51, § 15. The Dunstable Registrars’ responsibilities include accepting and certifying nomination papers; certifying initiative or referendum petitions; conducting elections and recounts as necessary in a fair and impartial manner; maintaining accurate lists of registered voters in the town; maintenance and testing of voting equipment; processing absentee voter applications and mail-in voting; processing address and party changes; tallying election results; and the administration of voter registration.

23. Defendant Town Clerk for the Town of Dunstable (“Dunstable Town Clerk”) is responsible for the administration of elections and all other voter-related activities in Dunstable, including (but not limited to) running election recounts.

24. Defendant William Francis Galvin is the Secretary of the Commonwealth of Massachusetts (“Secretary Galvin” or “Secretary”), and is being sued in his official capacity. The Secretary is the chief elections officer of the Commonwealth and is responsible for the administration of elections.

## VENUE AND JURISDICTION

25. Venue is properly laid in this Court pursuant to Mass. Gen. Laws ch. 214, § 5, and Mass. Gen. Laws ch. 223, § 1.

26. Plaintiff seeks a writ of mandamus requiring the Defendant Town Clerks to comply with clear-cut and mandatory statutory duties pursuant to Section 94.

27. Plaintiff further seeks a declaratory judgment that the integrity of the Election has been compromised by Defendant Town Clerk's derogation of statutory duties—and by extension, the unlawful results certified by Defendant Registrars and the Secretary—and as such, a new election is required.

28. Plaintiff's requests for relief are appropriately brought in this Court pursuant to several Massachusetts statutes.

29. Mass. Gen. Laws ch. 249, § 5, generally permits this Court to adjudicate civil actions "to obtain relief formerly available by writ of mandamus."

30. Mass. Gen. Laws ch. 214, § 1, confers upon this Court "original and concurrent jurisdiction of all cases and matters of equity cognizable under the general principles of equity jurisprudence."

31. Mass. Gen. Laws ch. 56, § 59, states that "the superior department of the trial court shall have jurisdiction of civil actions to enforce the provisions of chapters fifty to fifty-six, inclusive, and may award relief formerly available in equity or by mandamus."

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## **FACTUAL BACKGROUND**

### **The First Middlesex District**

32. The First Middlesex District is comprised of Ashby, Dunstable, Groton, Lunenburg, Pepperell, and Townsend. *See* Exhibit C (Recount Tally Sheet provided by the Secretary).

33. The First Middlesex District can be specified by precinct: Ashby precinct 1; Dunstable precinct 1; Groton precincts 2, 3; Lunenburg precincts A, B1, C, and D; Pepperell precincts 1, 2, 3, and 4; and Townsend precincts 1, 2, and 3. *Id.*

### **The Election and its Initial Results**

34. The Election was held on November 8, 2022.

35. Secretary Galvin's office released the initial results of the Election to the candidates on or about November 28, 2022.

36. After the initial count, Plaintiff Shepherd received a total of 9,367 votes. *See* Ex. C.

37. Ms. Scarsdale received a total of 9,384 votes after the initial count. *Id.*

38. The third candidate on the ballot—Catherine Lundeen, an independent—received a total of 1,074 votes in the Election. *Id.*

39. The remainder of the initial results included 85 votes for “All Others” and 393 votes called as “Blanks.” *Id.*

40. The margin of victory after the initial count was  $\approx 0.084\%$ . *Id.*

### **Challenges Made at Opening of Mail-In Ballots in Pepperell Prior to Recount**

41. On November 16, 2022, the Pepperell Town Clerk held an open meeting for the purpose of opening mail-in ballots that were purportedly postmarked by November 8, 2022, and arrived after the Election occurred but before the November 12, 2022, deadline.



42. Plaintiff Shepherd and his attorney attended this open meeting.

43. The Pepperell Town Clerk opened a total of 21 ballots (“Pepperell Mail-In Ballots”).

44. Plaintiff Shepherd’s attorney made 11 challenges on the basis that the voter signature cards did not match the signatures on the 11 mail-in envelopes in question, and as such the legality of the votes were in question.

45. After Plaintiff Shepherd’s attorney challenged a voter signature, the mail-in envelope was opened, and the top of the individual ballot was marked “C.V.” in red ink.

46. After each challenge, the individual envelope and voter signature card remained directly with and/or attached to the ballot that was contained within the envelope in question.

47. Despite the protests, all 11 ballots contained within the 11 challenged mail-in envelopes were called and included in the candidate vote count.

48. The Pepperell Mail-In Ballots were counted as follows: 16 were called for Ms. Scarsdale; three (3) were called for Plaintiff Shepherd; and two (2) were called for Ms. Lundeen.

49. Before the closure of the open meeting, Plaintiff Shepherd’s attorney restated his objection to the 11 challenged voter signatures (and by extension, the ballots contained therein), and put on the record his request for the Pepperell Town Clerk to keep each mail-in envelope in question together with its accompanying ballot so that, in the event of a recount or litigation, each ballot could be tracked and traced to its original mail-in envelope.

**Plaintiff Shepherd Petitions for a Recount**

50. Plaintiff Shepherd timely filed his petition for a district-wide recount.

51. On November 22, 2022, the office of the Secretary sent notice to the Election candidates that Plaintiff Shepherd filed a petition for a district-wide recount.

52. A district-wide recount—unlike a recount for a specific town precinct(s)—initiates a recount in all the towns that make up a specific district and can only be done where the margin of victory is not more than one-half of one percent (0.5%) of the votes cast for an office or question. Mass. Gen. Laws ch. 54, § 135.

53. On Monday, December 5, 2022, two town recounts took place in the towns of Pepperell and Townsend.

54. On Wednesday, December 7, 2022, two town recounts took place in the towns of Dunstable and Ashby.

55. On Thursday, December 8, 2022, a town recount took place in the town of Groton.

56. On Saturday, December 10, 2022, the final town recount took place in the town of Lunenburg.

#### **Results of the Recount**

57. After the Recount, Plaintiff Shepherd received a total of 9,402 votes. *See* Ex. C.

58. Ms. Scarsdale received a total of 9,409 votes after the Recount. *Id.*

#### **BASES FOR RELIEF**

##### **Failure of Town Clerks to Comply with Section 94 Is A Clear Derogation of Ministerial Duties Warranting Mandamus Relief**

59. This Court should exercise its authority to order a new election and order the Defendant Town Clerks to comply with Section 94.

60. “A complaint in the nature of mandamus is ‘a call to a government official to perform a clear cut duty,’ and the remedy is limited to requiring action on the part of the government official.” *Simmons v. Clerk-Magistrate of Bos. Div. of Hous. Court Dep’t*, 448 Mass.

57, 59–60 (2006) (quoting *Doe v. Dist. Attorney for the Plymouth Dist.*, 29 Mass. App. Ct. 671, 675 (1991)).

61. “[M]andamus is a remedy for (administrative) inaction.” *Town of Reading v. Attorney Gen.*, 362 Mass. 266, 269 (1972).

62. The duties imposed by Section 94 are “clear cut” and mandatory, and the Defendant Town Clerks’ “inaction” warrants mandamus relief. *Reading*, 362 Mass. at 269.

63. Section 94 uses the word “shall” to describe the Respondents’ duties. Mass. Gen. Laws ch. 54, § 94. “[S]hall’ is to be given a mandatory meaning.” *Uglietta v. City Clerk of Somerville*, 32 Mass. App. Ct. 742, 744 (1992) (quoting *Hashimi v. Kalil*, 388 Mass. 607, 609 (1983)); *Elmer v. Comm’r of Ins.*, 304 Mass. 194, 196 (1939) (“‘Shall’ in a statute is commonly a word of imperative obligation. It is inconsistent with the idea of discretion.”)

64. The requirements set forth by Section 94 are “public dut[ies];” *i.e.*, “dut[ies] by an officer with respect to a public right in which the voters at large have an interest.” *Brooks v. Sec’y of the Commonwealth*, 257 Mass. 91, 94 (1926) (granting mandamus relief). Namely, Plaintiff Shepherd and the public have a right for government workers to take the statutory steps required under Section 94.

65. Section 94 “requires election officials . . . to enforce the procedural protections of [Mass. Gen. Laws ch. 54] against fraud in [mail-in] ballots.” *Connolly v. Sec’y of the Commonwealth*, 404 Mass. 556, 569 (1989).

66. Townsend Town Clerk, Pepperell Town Clerk, and Lunenburg Registrar (whose actions as an election official fall under the purview of the Lunenburg Town Clerk) failed to comply with Section 94. *See Ex. B.*

67. Furthermore, on information and belief, the remaining Town Clerks and Registrars likewise failed to perform the mandatory duties imposed by Section 94. *Id.* (describing Plaintiff's review of write-in envelopes and the corresponding voter registration cards and finding a substantial amount of signatures that unmistakably did not match).

68. The incorrect results of the Election and the Recount were thus wrongfully certified by Defendant Registrars and the Secretary.

69. Plaintiff Shepherd lacks an adequate alternative remedy to mandamus to prevent the injustice caused by the Defendants' failure to comply with the law. *Lutheran Serv. Ass'n of New England, Inc. v. Metro. Dist. Comm'n*, 397 Mass. 341, 344 (1986).

70. The Court must therefore exercise its equitable authority and order a new election in order to safeguard the fundamental rights of Plaintiff Shepherd and voters, and preserve the integrity of the race for First Middlesex District State Representative. *See, e.g., McCavitt*, 385 Mass. at 850; *see also Connolly*, 404 Mass. at 570 ("Here, the vast majority of the envelopes of the absentee ballots were facially invalid. Only the election officials from [one town] followed the correct procedure under [Section 94] . . . . Although we reached the same result as the election officials in the majority of the absentee ballots, we had the benefit of testimony and findings from the judge below as to the circumstances of the ballots' execution. If we had reached a different result in a few more ballots, a new primary election would have been necessary.].

#### **ALTERNATIVE BASES FOR RELIEF**

##### **Pepperell Recount**

71. The initial Pepperell count included a total of 5,439 votes cast and counted across four precincts. Ex. C.

72. The Pepperell Recount included a total of 5,438 votes—a decrease of one (1) vote from the initially reported vote total, without explanation as to what caused the decrease in vote count. *Id.*

73. Plaintiff Shepherd gained a net total of five (5) votes at the Pepperell Recount. *Id.*

74. Towards the end of the Pepperell Recount, the Pepperell Mail-In Ballots were counted.

75. Upon opening the precinct envelopes that housed the Pepperell Mail-In Ballots at the Recount, it was discovered that the challenged mail-in envelopes were not together with their respective ballots.

76. Instead, while the Pepperell Town Clerk preserved the challenged mail-in envelopes within the larger precinct envelopes, the mail-in envelopes were separated from their respective ballots.

77. The 11 challenged write-in ballots can be identified without question due to the red “C.V.” marked atop the ballots.

78. However, since the mail-in envelopes were separated after the November 16<sup>th</sup> open meeting but before the Recount, the challenged ballots cannot be traced to their respective write-in envelopes that were challenged on the basis of voter signature inconsistencies.

79. The 11 challenged write-in envelope signatures do not match the voters’ respective registration signatures.

80. The 11 challenged signatures should be rejected in accordance with Massachusetts law. *See Ex. A; Mass. Gen. Laws ch. 54, § 94.*

81. Nevertheless, because the mail-in envelopes (and voter registration cards) were separated from their respective ballots, it cannot reasonably be determined which ballots were contained within their individual mail-in envelopes that were challenged.

82. Thus, in the alternative, the Pepperell Mail-In Ballots should be rejected as a whole—*i.e.*, all 21 mail-in ballots opened on November 16<sup>th</sup>—by the Court because of the inability to match the challenged mail-in envelopes to the ballots originally contained within each envelope.

83. The Pepperell Registrars certified the results of the Recount, which included the counting of the Pepperell Mail-In Ballots. These results should be voided or amended accordingly.

84. Plaintiff Shepherd's fundamental rights will be infringed upon without judicial intervention and correction of these ministerial errors.

#### **Groton Recount**

85. The initial Groton count included a total of 3,571 votes cast and counted across two precincts. Ex. C.

86. The Groton Recount included a total of 3,575 votes—an increase of four (4) votes—without explanation on why the vote increased by four (4) votes. *Id.*

87. At the Groton Recount, Ms. Scarsdale gained a net total of nine (9) votes. *Id.*

88. This is the first time that Groton has been divided up into two State Representative districts, and thus the first election where ballots for multiple districts had to be processed and counted.

89. The Groton Recount was defective for two reasons.

90. First, the Groton Town Clerk's disjointed administration of the Groton Recount likely resulted in the tallying and reporting of incorrect results. The Groton Recount was not conducted in order by precinct—*i.e.*, count all of Precinct 2, and then move on to Precinct 3.

Instead, at the direction of the Groton Town Clerk, the count would jump back-and-forth between the two precincts (2 and 3) depending upon when the votes came in—*i.e.*, ballots cast on Election day, early voting, timely mail-in ballots that arrived after the Election. This caused great confusion in the segregation process and at the counting tables. For example, at the segregation tables, the set of ballots going out for distribution would have a sheet that identified the precinct and block of ballots; at the counting tables, talliers would mark the tally sheets with the precinct-and-block information. But because the Groton Recount was not done in order (and instead flip-flopped), the second wave of ballots for the first precinct counted were labeled with the same block numbers as the first wave of ballots even though they were completely different ballots in completely different blocks. Plaintiff Shepherd's observer identified this substantial issue, and Plaintiff Shepherd's counsel alerted the Groton Town Clerk of the same. The count continued, and the Groton Town Clerk and election officials allegedly retroactively amended the precinct and block numbers with new identification and used the new identification as the count moved forward. Counsel for both Plaintiff Shepherd and Ms. Scarsdale objected on the record to the administration and procedure of the Groton Recount. At the end of the Groton Recount, Plaintiff Shepherd's counsel further objected to the administration and procedure of the Groton Recount, and stated that by extension the objection was to the entirety of the Groton Recount and the results reported and certified by the Groton Registrars.

91. Secondly, voters were disenfranchised because the Groton Town Clerk sent voters mail-in ballots for Precincts 1 and 3A, not the operative Precincts 2 and 3. Accordingly, lawfully registered voters were unable to cast their votes in the race for First Middlesex District State Representative. The Groton Town Clerk stated that, of the voters that returned the incorrect ballots, the votes were counted for the races that were common to all Massachusetts ballots—*e.g.*,

Governor, Attorney General, and State Auditor. However, at the Groton Town Recount, the Groton Town Clerk and the Groton Registrars counted the returned incorrect ballots as “blank” for the race for First Middlesex District State Representative. The Massachusetts Declaration of Rights provides that “all inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.” Mass. Decl. of Rights, Art. 9. These equal rights cannot be abridged by the failures of ministerial officers. Through no fault of their own, voters were deprived of their fundamental right to cast their votes for the Election due to receiving the wrong ballots.

92. Absent judicial intervention, the results of the Groton Recount will remain in question and some Groton voters will remain disenfranchised.

#### **Dunstable Recount**

93. A total of 50 extra ballots were discovered in Dunstable. *See* Ex. C.

94. The Secretary’s counsel told Plaintiff Shepherd that the “theory” is that test ballots were mistakenly counted, but that “theory” is not yet proven or known to be true. *See* Ex. B.

#### **Lunenburg Recount**

95. A total of 27 extra ballots were discovered in Lunenburg. *See* Ex. C.

96. Plaintiff Shepherd has not received an explanation for the 27 extra ballots discovered in Lunenburg. *See* Ex. B.

### **CLAIMS FOR RELIEF**

#### **COUNT I Writ of Mandamus**

97. All preceding paragraphs of this Complaint are hereby incorporated by reference.

98. Defendant Town Clerks failed to perform their clear-cut duties pursuant to Section 94.



99. Defendant Town Clerks' failure to perform pursuant to Section 94 places in doubt the integrity of the Election.

100. As a result of the Town Clerks' failure to perform, Defendant Registrars and the Secretary certified compromised Election and Recount results.

101. Plaintiff Shepherd has no adequate alternative remedy to rectify the unlawful actions and inaction by Defendants.

102. The Court must order a new election so as to ensure that Defendant Town Clerks perform their duties under Section 94, and as such safeguard the fundamental rights of Plaintiff Shepherd and voters and preserve the integrity of the race for First Middlesex District State Representative.

**COUNT II**  
**Declaratory Judgment Pursuant to Mass. Gen. Laws ch. 231A, § 1**

103. All preceding paragraphs of this Complaint are hereby incorporated by reference.

104. An actual and justiciable controversy exists between the parties regarding the result of the Election and the Recount.

105. Plaintiff is entitled to initiate judicial resolution of the controversy at the heart of this Complaint.

106. A justiciable controversy exists for the persons entitled to initiate the judicial resolution where there is a dispute involving a state agency's or state employee's action or inaction pursuant to a statutory duty.

107. The actions, decisions, mistakes, and inaction by Defendants placed into doubt the results of the Election.

108. Accordingly, the Court should declare that a new election is required because the integrity of the Election has been compromised.

**COUNT III**  
**Violation of Plaintiff's Fundamental Rights**

109. All preceding paragraphs of this Complaint are hereby incorporated by reference.

110. In an election dispute, the “fundamental” rights of candidates and voters are “intertwined,” entitling both to redress in the event of a constitutional violation. *Goldstein*, 484 Mass. at 524 (quotation marks omitted).

111. The Massachusetts Declaration of Rights provides that “all inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.” Mass. Decl. of Rights, Art. 9. These equal rights cannot be abridged by the failure of ministerial officers to abide by Massachusetts law.

112. The actions, decisions, mistakes, and inaction by Defendants violated Plaintiff Shepherd's fundamental rights and disenfranchised voters.

**COUNT IV**  
***De Novo* Review Pursuant to Mass. Gen. Laws ch. 56, § 59**

113. All preceding paragraphs of this Complaint are hereby incorporated by reference.

114. The determination of the legal effect of a ballot is a question of law. *McCavitt*, 385 Mass. at 839; *Morris v. Board of Registrars of Voters of East Bridgewater*, 362 Mass. 48, 49 (1972).

115. The Pepperell Mail-In Ballots and the write-in envelopes, *supra*, raise questions as to whether the votes in question were lawfully cast.

116. This Court must therefore exercise its equitable powers pursuant to Mass. Gen. Laws ch. 56, § 59, and initiate a *de novo* (in camera) review of the challenged Pepperell Mail-In Ballots and the write-in envelopes for the same.

117. Plaintiff Shepherd also asks this Court to exercise its equitable powers pursuant to Mass. Gen. Laws ch. 56, § 59, and conduct a *de novo* (in camera) review of all—across the First Middlesex District—mail-in ballot envelopes and their corresponding voter registration cards.

**COUNT V**  
**Contested Election**

118. All preceding paragraphs of this Complaint are hereby incorporated by reference.

119. Plaintiff challenges the results of the Election on the bases laid out, *supra*.

120. As a result of this election contest, the Court should declare that a new election is required because the integrity of the Election has been compromised.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Shepherd respectfully requests that the Court:

- a) issue a writ of mandamus, compelling the Defendant Town Clerks to perform their clear-cut duties pursuant to Section 94 in a new election;
- b) declare that the results of the Election have been placed in doubt because of the ministerial failures by Defendant Town Clerks, and, accordingly, that the Election must be set aside and a new election ordered;
- c) order that actions and inaction of Defendants violated the fundamental rights of Plaintiff Shepherd and Massachusetts voters;
- d) alternatively, conduct a *de novo* review and comparison of the write-in envelopes and the corresponding voter registration cards for mail-in votes cast in the Election;
- e) conduct a *de novo* (in camera) review of the Pepperell Mail-In Ballots;
- f) order that the Election has been contested by Plaintiff Shepherd;
- g) award Plaintiff the costs, including attorneys' fees, of bringing this Complaint; and
- h) award such other and further relief as this Court deems necessary and proper.

## REQUEST FOR HEARING

Plaintiff Shepherd respectfully requests that this Court hold a hearing on this Complaint at the Court's earliest convenience.

Dated: December 23, 2022

Respectfully submitted by,

/s/ Michael J. Sullivan

Michael J. Sullivan

MA BBO # 487210

J. Christopher Amrhein, Jr.

MA BBO # 703170

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*Attorney for Plaintiff*

**Andrew Shepherd**

# Exhibit A



## William Francis Galvin Secretary of the Commonwealth of Massachusetts



# 2022 Information For Voters

## Election Security

Elections in Massachusetts are secure, verifiable, and transparent. With recent changes to our election laws, you may have questions about the safeguards in place to ensure that every vote is counted legally and accurately.

## Verifiable Paper Trail

In Massachusetts, every voter casts a paper ballot. Ballots are counted either by an electronic tabulator or by election workers who tally the votes by hand.

No matter how your ballot was counted, election workers record all votes on a paper tally sheet in each polling place after polls close. All ballot counting and tallying takes place in public, with anyone welcome to observe the process.

Each local election office uses those tally sheets to compile unofficial results. Election results become official after they are checked thoroughly, certified by the local election official, reported to the Secretary of the Commonwealth's office, and certified again by the Governor and the Governor's Council.

Candidates always have the right to petition for a hand recount of ballots to verify that the official count was accurate.

## Ballot Tabulators

All ballot tabulators in Massachusetts are certified for use by the federal Election Assistance Commission and the Secretary of Commonwealth.

Before each election, local election officials must hold public logic & accuracy testing of all tabulators that will be used in the election. Each tabulator is tested to make sure it is counting ballots accurately. The testing date, time, and location is publicly posted, and members of the public are welcome to observe. Local party committees are also invited to observe testing of the voting equipment.

Only tabulators that count paper ballots are certified for use in Massachusetts. No voting tabulators in Massachusetts are connected to the internet.

## Voting by Mail

Your Vote by Mail ballot will be checked in as quickly as possible after it reaches your local election office. Your local election official will open the outer mailing envelope and check your inner ballot envelope for your signature. The signature on the ballot envelope will be compared to the signature on file with your local election office.

If your ballot envelope is signed and accepted, your local election official will mark your name off the voter list so that you can't vote again. The voter list used at your polling place will show that you have already voted.

If your ballot is not accepted, you will be notified that your ballot needed to be rejected and you will still be able to vote in person. If time allows, you will be sent a replacement ballot to use to vote by mail.

All mail-in ballots are checked against the voter list before they are counted. This prevents any voter from voting more than once. A mail-in ballot that arrives after someone has voted in person will be rejected when the ballot is checked in.

## Ballot Counting

When you vote in person at your polling place, you place your own ballot directly into the locked ballot box, where it remains until after polls close. Ballots inserted into tabulators are counted as you insert them, while ballots inserted into other ballot boxes are counted in the polling place after polls close.

When you vote early in person or vote by mail, you place your ballot into a ballot envelope, which is kept sealed and secured until it is ready to be counted. Ballots are never unsealed until a public tabulation session has begun.

### Go to:

[Offices on the Ballot in 2022](#)

[Question 1](#)

[Question 2](#)

[Question 3](#)

[Question 4](#)

[Voting in 2022](#)

[How to Register to Vote](#)

[Voting by Mail](#)

[Voting Early In-Person](#)

[Voting on Election Day](#)

[Frequently Asked Questions](#)

### Election Security

[Be a Poll Worker](#)

[Military and Overseas Voters](#)

[Massachusetts Voters' Bill of Rights](#)

[Elections Home](#)

All ballots are counted in public, either at a central tabulation facility or at your polling place on Election Day. Before any early or absentee ballot is counted, the name and address on the envelope is read aloud and the voter's name is marked off on the voter list.

Observers are welcome to attend tabulation sessions, which must be publicly posted by your local election office. Any ballots not tabulated at a central tabulation facility are sent to the appropriate polling place to be inserted into the ballot box on Election Day.

Observers are also welcome in polling places to watch the voting process and the counting of ballots at the end of the night. Observers must not interfere with the voting process and must observe from a designated location outside of the voting area.

## Election Results

For the November 8, 2022 State Election, unofficial election results reported on Election Night will include all ballots counted through November 8. Those results will include:

- All ballots cast during the early voting period;
- All mail-in ballots returned by November 7;
- All ballots cast in person on Election Day.

Ballots returned by mail or drop box on Election Day will be sent to be processed at the local election office, so that signatures on the ballot envelopes can be examined and voter lists can be consulted.

Mail-in ballots that arrive by November 12, 2022 will be counted as long as they are postmarked by Election Day.

After voting lists from polling places have been returned to the local election office, the election officials will check any ballots that arrived on or after Election Day against those lists to determine if the voter who returned the ballot has already voted in person. Ballots from voters who have already voted will be rejected.

Ballots that are accepted on or after Election Day will be counted during a public counting session to be held after 5 p.m. on November 12. Vote tallies will be amended to reflect those additional ballots before the results become official.

[<< Previous](#)      [Next >>](#)

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**William Francis Galvin, Secretary of the Commonwealth of Massachusetts**

[Terms and Conditions](#)

[Accessibility Statement](#)

# Exhibit B



COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO.

ANDREW SHEPHERD,

Plaintiff,

v.

TOWN OF TOWNSEND REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF TOWNSEND,  
TOWN OF PEPPERELL REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF PEPPERELL,  
TOWN OF GROTON REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF GROTON,  
TOWN OF LUNENBURG REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF LUNENBURG,  
TOWN OF ASHBY REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF ASHBY,  
TOWN OF DUNSTABLE REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF DUNSTABLE,  
and  
WILLIAM F. GALVIN, in his official capacity as  
Secretary of the Commonwealth of Massachusetts,

Defendants.

**DECLARATION OF ANDREW SHEPHERD**

I, Andrew Shepherd, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:

1. I reside in Townsend, MA.
2. I am a candidate in the First Middlesex District State Representative election (“Election”).
3. The allegations contained within the Complaint (to which this Declaration is an exhibit) are true and accurate to the best of my knowledge.

4. After the Recount, I spoke with the Townsend Town Clerk to ask whether Townsend election workers compared every signature on the mail-in envelopes with the signatures on the accompanying voter registration cards in order to see if the signatures matched. In response, the Townsend Town Clerk said “No.” The Townsend Town Clerk cited the large volume of mail-in ballots received, staffing, and cost as the reason why not all voter signatures were checked in the Election.

5. I had a similar conversation with a Lunenburg Registrar who likewise admitted that as relates to this Election, not all voter signatures on mail-in envelopes were compared to their corresponding voter registration cards.

6. Moreover, I spoke with the assistant Town Clerk for the Town of Pepperell, who indicated that while Pepperell does a relatively thorough job vetting mail-in voter signatures, they did not inspect and check all mail-in voter signatures in this Election.

7. I inspected mail-in envelopes and the corresponding voter registration cards during the Recount. In just two *precincts* alone—one precinct in Townsend, and one in Lunenburg—I found approximately 20 mail-in voter signatures that did not match the signatures on the corresponding voter registration cards.

8. I have not received an explanation for the 27 extra ballots discovered in Lunenburg.

9. In the 48 hours before the certification of the Recount results, I spoke with counsel for Defendant Secretary Galvin regarding the 50 extra ballots discovered in Dunstable. The Secretary’s counsel told me that the “theory” is that test ballots were mistakenly counted, but that “theory” is not yet proven or known to be true.

Executed on: December 23, 2022

Location: 55 Main St, Townsend MA 01469

  
Andrew Shepherd

# Exhibit C

Precinct	Original Tally						Recount Tally						Net Difference					
	Scarsdale	Shepherd	Lundeen	All Others	Blanks	Total	Scarsdale	Shepherd	Lundeen	All Others	Blanks	Total	Scarsdale	Shepherd	Lundeen	All Others	Blanks	Total
Ashby																		
Pct. 1	585	797	62	0	22	1,466	584	799	61	3	19	1,466	-1	2	-1	3	-3	0
Dunstable																		
Pct. 1	835	741	91	0	60	1,727	843	759	103	0	72	1,777	8	18	12	0	12	50
Groton																		
Pct. 2	997	667	94	3	39	1,800	1,001	664	89	4	43	1,801	4	-3	-5	1	4	1
Pct. 3	1,040	596	89	5	41	1,771	1,043	597	84	5	45	1,774	3	1	-5	0	4	3
Lunenburg																		
Pct. A	586	634	59	1	27	1,307	598	649	59	1	26	1,333	12	15	0	0	-1	26
Pct. B1	24	37	3	0	0	64	46	59	5	0	0	110	22	22	2	0	0	46
Pct. C	571	630	54	0	22	1,277	551	614	52	0	21	1,238	-20	-16	-2	0	-1	-39
Pct. D	668	683	78	0	27	1,456	668	678	78	0	26	1,450	0	-5	0	0	-1	-6
Pepperell																		
Pct. 1	610	554	82	15	15	1,276	611	556	82	15	14	1,278	1	2	0	0	-1	2
Pct. 2	766	695	98	20	30	1,609	765	694	98	20	30	1,607	-1	-1	0	0	0	-2
Pct. 3	670	621	88	25	25	1,429	669	622	88	24	25	1,428	-1	1	0	-1	0	-1
Pct. 4	595	418	90	9	13	1,125	594	419	90	9	13	1,125	-1	1	0	0	0	0
Townsend																		
Pct. 1	426	814	69	0	15	1,324	426	812	69	0	15	1,322	0	-2	0	0	0	-2
Pct. 2	497	728	64	6	35	1,330	496	728	64	8	34	1,330	-1	0	0	2	-1	0
Pct. 3	514	752	53	1	22	1,342	514	752	53	2	57	1,378	0	0	0	1	35	36
GRAND TOTAL	9,384	9,367	1,074	85	393	20,303	9,409	9,402	1,075	91	440	20,417	25	35	1	6	47	114

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO EXAMINE  
THE RETURNS OF VOTES OF  
CERTAIN REPRESENTATIVE DISTRICTS

**DECLARATION OF PAUL FROST**

I, Paul Frost, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:


1. I reside in [Auburn], MA.
2. I am a State Representative for the 7<sup>th</sup> Worcester district and was a volunteer for the Shepherd campaign during the Groton recount on December 8<sup>th</sup> 2022 in the recount of the First Middlesex District State Representative election (“Election”).
3. The allegations contained within this Declaration are true and accurate to the best of my knowledge.
4. I served as an observer for the Shepherd campaign looking over the town election workers checking to make sure the ballot was intact, had no stray marks, and the town employee read the correct name on the ballot at the voter intended.
5. While in Groton I was very disappointed with the candor and professionalism the recount was carried out with. There seemed to be constant confusion among the clerk and executors of the process. Blocks of ballots were being gone through in a sporadic manner, criss-crossing between precincts,. It seemed a dysfunctional enough on its face to question whatever the outcome would be.
6. While I was at a counting table we received a block of ballots which I believe had at least 6 ballots that did not have the 1<sup>st</sup> Middlesex Race on the ballot. Having those ballots separated from their envelopes but mixed in with ballots from the 1<sup>st</sup> Middlesex District, it is

tough for me, especially in light of the earlier dysfunction to fully trust that they were simply misplaced and not reflective of disenfranchised voters. As the one who raised my hand to challenge these ballots the town clerk looked at them and said something to the effect she was “confused by this and didn’t know what was going on” while she raised her hands in the air in frustration.

7. At one time I noticed a worker for the town clerk cut open a box and started reaching in without supervision of neither the town clerk nor the attorneys from both candidates. I quickly left my table to inform the attorney for Mr. Shepherd of what was happening. The town clerk overheard me informing the attorney and the town clerk’s face dropped and they both rushed over to the container in question and the town clerk’s worker who had opened it. Because I had turned my back to leave my table to find Mr. Shepherd’s attorney I did not see what if anything was taken out of or put into the container.

Executed on: January 11, 2023

Location: Aurino, MA

  
Name

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO EXAMINE  
THE RETURNS OF VOTES OF  
CERTAIN REPRESENTATIVE DISTRICTS

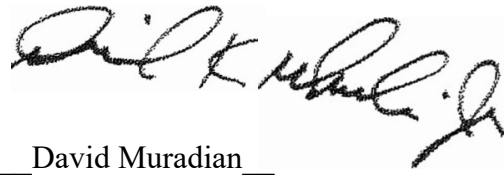
**DECLARATION OF DAVID MURADIAN**

I, David Muradian, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:

1. I reside in Grafton, MA.
2. I am the State Representative for the 9<sup>th</sup> Worcester district and was a volunteer for the Shepherd campaign during the Pepperell recount on December 5<sup>th</sup> 2022 in the recount of the First Middlesex District State Representative election (“Election”).
3. I served as an observer for the Shepherd campaign looking over the town election workers checking to make sure the ballot was intact, had no stray marks, and the town employee read the correct name on the ballot at the voter intended.
4. I did not see any error with the overall recount process of counting every ballot. The process worked as designed.
5. When it came time to review the challenged ballots I was aware that there had been 11 challenged ballots on the pretense of the mail in, inner security envelope signature matching the voters signature card. Upon review of the challenged ballots, it was disappointing to see that the connection between envelope and challenged ballot had been broken. This prevented any legitimate effort to perform a thorough comparison and deprived candidate Shepherd of his rights as a candidate to issue and receive judgment on a fair challenge.

Executed on: January \_11\_, 2023

Location: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "David Muradian". The signature is written in a cursive style with a large initial "D" and "M".

David Muradian  
Name



COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO EXAMINE  
THE RETURNS OF VOTES OF  
CERTAIN REPRESENTATIVE DISTRICTS

**DECLARATION OF ANDREW SHEPHERD**

I, Andrew Shepherd, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:

1. I reside in Townsend, MA.
2. I am a candidate in the First Middlesex District State Representative election (“Election”).
3. I incorporate herein all facts and allegations contained within the Complaint, *Shepherd v. Town of Pepperell Registrars of Voters, et al.*, 2281-CV-04326 (Mass. Super. Ct. Middlesex Cty.), Dkt. 1.
4. On November 10, 2022, I received a call from the Pepperell Town Clerk expressing that there had been an error in her spreadsheet tabulating all ballots. As a result, our 34-vote district-wide lead dropped to 20.
5. On Sunday, November 13, 2022, the Dunstable Town Clerk called me and said she had received all the mail-in ballots and was planning to open them that day. I initially accepted her intention and the call ended. Although after talking with a local lawyer I called the Dunstable clerk back and asked to attend the opening. She expressed that she may need to look into the rules further and was going to hold off on counting for now.
6. On November 14, 2022, the Groton election officials counted their original mail-in ballots. On November 15, 2022, the Groton Town Clerk reach out via email expressing that Groton election officials found nine (9) additional ballots scheduled to be counted on November 18<sup>th</sup>.

7. On December 5, 2022, the Townsend Recount found an additional 34 ballots that were called as blanks. It was explained that a Townsend election official allegedly placed blank, unused ballots in the piles of cast ballots.

8. On December 7, 2022, the Dunstable and Ashby Recounts occurred. I attended the Ashby Recount. I received word from a member of my team that the number of votes in Dunstable increased by 50, and I gained net of 10 votes.

9. On December 8, 2022, the Groton Recount took place. Both attorneys—counsel for Ms. Scarsdale and my own—made formal objections concerning the process and procedure of the Groton Recount. We also learned that an unknown number of individuals residing in the First Middlesex District were sent ballots from the 37<sup>th</sup> Middlesex District, and through no fault of their own they were unable to cast their votes in the Election. After the Groton Recount, I lost a net of 9 votes.

10. The Lunenburg Recount occurred on December 10, 2022. The total number of ballots increased by 27. To this day I have not received an explanation concerning the 27 extra ballots discovered in Lunenburg.

11. In the 48 hours before the certification of the Recount results, I spoke with counsel for Defendant Secretary Galvin regarding the 50 extra ballots discovered in Dunstable. The Secretary's counsel told me that the "theory" is that test ballots were mistakenly counted. As of today, this remains merely a "theory," and no confirmed explanation has been provided to me.

12. After the Recount, I spoke with the Townsend Town Clerk to ask whether Townsend election workers compared every signature on the mail-in envelopes with the signatures on the accompanying voter registration cards in order to see if the signatures matched. In response, the Townsend Town Clerk said "No." The Townsend Town Clerk cited the large volume of mail-

in ballots received, staffing, and cost as the reason why not all voter signatures were checked in accordance with Massachusetts law.

13. I had a similar conversation with a Lunenburg Registrar who likewise admitted that as relates to this Election, not all voter signatures on mail-in envelopes were compared to their corresponding voter registration cards.

14. Moreover, I spoke with the assistant Town Clerk for the Town of Pepperell, who indicated that while Pepperell does a relatively thorough job vetting mail-in voter signatures, they did not inspect and check all mail-in voter signatures in this Election.

15. I inspected mail-in envelopes and the corresponding voter registration cards during the Recount. In just two *precincts* alone—one precinct in Townsend, and one in Lunenburg—I found approximately 20 mail-in voter signatures that clearly did not match the signatures on the corresponding voter registration cards.

Executed on: January 11, 2023

Location:     Townsend    

  
\_\_\_\_\_  
Andrew Shepherd

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO EXAMINE  
THE RETURNS OF VOTES OF  
CERTAIN REPRESENTATIVE DISTRICTS

**DECLARATION OF GREGORY EATON**

I, Gregory Eaton, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:

1. I reside in Whitman, MA.
2. I am a volunteer for The Andrew Shepherd Campaign in the First Middlesex District State Representative election (“Election”).
3. The allegations contained within this Declaration are true and accurate to the best of my knowledge.
4. I have been to several recounts in my years as a political activist. However, during those years, I have never witnessed a recount that was as chaotic as the recount in the 1<sup>st</sup> Middlesex district State Representative election in Groton. The first issue I noticed the second that we entered the recount room was that the tables where the workers and observers from both campaigns are expected to do this recount were too close to one another. After raising this concern with Andrew Shepherd’s legal counsel, the tables were moved apart a little. After the tables were moved, I would describe the room set up in the following way, you have a reader of the ballots and tallier sitting at the table. Additionally, there is two people from each campaign standing over them, so 6 total people and less than an arm length away there’s another 6 people working on a different group of ballots on either side of the table you are at. Due to how close the tables were to each other interference from the other tables directly to the right or left of your table was inevitable.

5. The next issue was the lack of instructions from the Town Clerk or Town Counsel. At a "normal" recount there is a painstaking instruction period of at least 15 to 30 minutes, where the Town Clerk and Town Counsel go over the rules and procedures that are about to happen. In my experience this is mostly done as instructions to the recount staff however during this instruction period each group of people present are usually asked if there's any questions (the recount workers, attorneys/candidates, observers). At the Groton recount there was very little instructions to anyone in the room. This lack of instruction and the fact that we were all on top of each other led to a great amount of confusion throughout the entire recount.


6. Additionally, during the recount, the table I was observing was given the same "block number" on back-to-back blocks meaning that at the end of the recount, it would be possible that there would be more than one (Precinct 1, Block 8) for example. I objected to this at my table and it was resolved hopefully for the entire recount however I cannot be sure that this was not happening before I caught this error and raised an objection to the whole process. It was explained to me that the issue had to do with keeping the early vote ballots and absentee ballots segregated from the election day ballots. This is the only time I have ever seen something like that occur in the multiple recount efforts I have observed.

7. The lack of organization and attention to detail I observed at the Groton recount gives me serious pause that the well-meaning but inexperienced recount employees and/or volunteers representing the Town of Groton didn't make innocent mistakes that might have led to errors that would be greater than that of the margin of victory in the 1<sup>st</sup> Middlesex District State Representative election.

Executed on: January 10, 2023

Location: Whitman, MA

Name:

  
Gregory Eaton

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO EXAMINE  
THE RETURNS OF VOTES OF  
CERTAIN REPRESENTATIVE DISTRICTS

**DECLARATION OF Cathy Clark**

I, Cathy Clark, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:

1. I reside in Lunenburg, MA.
2. I was a volunteer for Andrew Shepherd, in the First Middlesex District State Representative election (“Election”) recount in Lunenburg on 12/10/2022.
3. The allegations contained within this Declaration are true and accurate to the best of my knowledge.
4. On December 10, 2022 I participated in the recount in Lunenburg, MA as a representative for Andrew Shepherd. I worked at a table with the another Shepherd campaign volunteer, two for the Scarsdale campaign and two town volunteers. All were professional and respectful. Conversations were kept at a minimum between all parties.
5. I found it concerning that the certified vote total in Lunenburg between the general election and the recount increased by 27 votes. I was not aware of any explanation for this increase.
6. I examined photos taken of the mail in envelopes sampled from precinct A in Lunenburg. There were many that matched, only having small or convincing variations between them. Although there were a handful – at least 7 which seemed to not match. Of the 7 there were blatant differences between a legible attempt and something like a stray line. There was also an envelope where it looked like a husband and wife mismatched their signatures. Seemingly the husband signed the wife’s ballot, and the wife signed his ballot or one spouse signed them both and mixed them up. Objectively, that makes sense and can happen. But my understanding is that

under normal circumstances if an election official notices an irregularity like this the ballot would be removed, the voter notified to rectify the issue.

7. To me the fundamental importance of our process is knowing with certainty that every individual casts their own vote. I have to think that upon my own examination of those envelopes that some of these ballots had they been noted or properly examined could have materially changed the outcome of the election.

Executed on: January 10, 2023

Location: Townsend, MA

Cathy Clark  
Name

<i>cathy clark</i>	dotloop verified 01/11/23 1:50 PM EST LISE-AM71-BOFK-J2KL
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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO EXAMINE  
THE RETURNS OF VOTES OF  
CERTAIN REPRESENTATIVE DISTRICTS

**DECLARATION OF KAREN RAPOZA**

I, Karen Rapoza, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:

1. I reside in Townsend, MA.
2. I am a volunteer for Andrew Shepherd, in the First Middlesex District State Representative election (“Election”).
3. On December 5, 2022, I participated in the recount in Townsend, MA, as a volunteer for Andrew Shepherd. I was stationed at a table with another Andrew Shepherd volunteer, two volunteers for Ms. Scarsdale, and Townsend election workers. All were professional and respectful. Conversations were kept at a minimum between all parties. Questions on several ballots were questions and adjudicated with the proper respective teams.
4. On December 7, 2022, I participated in the recount in Dunstable, MA. I was stationed at a table with another Andrew Shepherd volunteer, two volunteers for Ms. Scarsdale, and Dunstable election workers. After several miscounts of the ballots with the town reader and the town recorder, and having to start over a couple times with the recording, the Dunstable election worker reading the ballot asked to be replaced as they were getting flustered. This happened a couple of times with the Dunstable election workers swapping places. It was also of importance that there were numerous conversations between one of Ms. Scarsdale’s representatives and one of the Dunstable election workers at the table; it appeared they did know each other well outside this venue. There were also several times Dunstable election worker

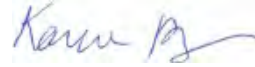


stopped on several ballots, looked at the Ms. Scarsdale's representative to see if he or she would gently nod or shake his or her head and then move onto counting and recording the next ballot. No ballots were identified with any stray marks or numbers in the top corners. No ballots were identified as test ballots.

5. On December 10, 2022, I participated in the recount in Lunenburg, MA, as a volunteer for Andrew Shepherd. As in the other towns, I was at a table with another Andrew Shepherd representative, two of Ms. Scarsdale's representatives, and the two town election workers. No anomalies were witnessed. All parties were respectful, and conversations were kept at a minimum. Several ballots were questioned, but counsel for the candidates were called in and adjudicated the ballots.

Executed on: January 12, 2023

Location: Townsend, MA



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Karen Rapoza

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO EXAMINE  
THE RETURNS OF VOTES OF  
CERTAIN REPRESENTATIVE DISTRICTS

**DECLARATION OF Marie S. McCormack**

I, Marie McCormack, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:

1. I reside in Essex Junction, VT.
2. I am a volunteer for the Committee to Elect Andrew Shepherd in the First Middlesex District State Representative election (“Election”).
3. I attended recounts in Townsend, Dunstable, Groton, and Lunenburg.
4. During the recount in Townsend, I was a tally observer.
5. During the recount in Dunstable, I was a ballot observer at table 2. I also spent time as a tally observer at table 2. During my time observing the ballots at table 2, I did not observe any stray markings on any of the ballots that indicated any numbered ballots (numbers 1-50, speculated as test ballots) being hand counted. I did not observe any stray markings anywhere on the subject ballots being counted that would lead a reasonable person to believe that these are test ballots.
6. After the Dunstable recount, I heard the clerk admit that she is new to the job and is unable to give an answer as to why there were a greater number of total ballots compared to the initial ballot count. The clerk stated that she would feel more concerned if there were less ballots recorded and that she is less concerned that the total ballot count was higher at the end of the recount. At the Dunstable recount, the Pepperell town clerk was engaging in the conversation and admitted that she was “not too concerned” with the greater number of ballots and encouraged the Registrars, amidst apprehension to certify the results, to move ahead while she made suggestions

for moving forward. After lengthy conversation, the Registrars motioned to certify the results and all three registrars agreed.

7. During the recount in Groton, the process was highly disorganized. I was a ballot observer as well as a tally observer. I heard the clerk admit that the ballot boxes were not organized. I also made note, as this stuck out to me that at 1:06pm Groton Clerk stated “I am so confused and lost at this point.” Additionally, the recount began with an expectation that any ‘challenge’ on the floor would stop the entire recount in the room. The Groton Clerk did not keep consistency on this rule for the duration of the recount. This caused confusion throughout the day.

8. During the recount in Lunenburg, I was a ballot observer.

9. After the recount in Lunenburg, I inspected mail-in envelopes and the corresponding voter registration cards during the Recount. I observed numerous mail-in voter signatures that did not match the signatures on the corresponding voter registration cards.

Executed on: January 12, 2023

Location: Essex Junction, Vermont

DocuSigned by:  
*Marie McCormack*  
21EB4EAA7A1040E  
Marie S. McCormack

DECLARATION OF: Russell E. Cleary

I, Russell E. Cleary, declare, upon personal knowledge and under the penalty of perjury, that the following is true and accurate:

1. I reside in Pepperell, Massachusetts, and am a registered voter in the town.
2. I was a volunteer for the Andrew Shepherd for State Representative Campaign at the Pepperell and Dunstable Recount.
3. I recall no untoward aspects while volunteering at the Pepperell and Dunstable recounts.
4. On November 1<sup>st</sup>, of 2022 I entered the Pepperell Town Hall to vote as an "early voter", in this year's General Election.
5. A ballot was given to me by one of the clerks at the Pepperell Town office, which I began to complete, going down the left-hand column first, voting for candidates for the State offices. When I got to the bottom, I saw that my choices for U. S. Representative (Congress) were Seth Moulton and his Republican challenger.

Taken aback, I scanned the ballot further, and saw that in the upper-right corner of the ballot SAUGUS, and not PEPPERELL, had been printed. Then I brought the ballot to the clerks, one of whom said that the ballot I was given had been "attached to the outside of the box", or something very close to that. She took the ballot from me. I asked what would be done with it, and she responded that it would go in an envelope for "spoiled" ballots, to be dealt with or recorded in some fashion, and then destroyed.

I was then given a PEPPERELL ballot and had no trouble filling it out and submitting it.

Executed on: January 11, 2023

Location: 14 Park Street, Pepperell, Massachusetts

Russell E. Cleary

Russell E. Cleary

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO EXAMINE  
THE RETURNS OF VOTES OF  
CERTAIN REPRESENTATIVE DISTRICTS

**DECLARATION OF MARIA MILLIKIN**

I, Maria Millikin, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:

1. I reside in Townsend, MA.
2. I was a volunteer for Andrew Shepherd's campaign in the First Middlesex District State Representative election ("Election").
3. At the recount in Groton, I was overseeing the counting of ballots at my table when we realized that the pile of ballots we were handed had the wrong candidates' names on them. We raised our hand and challenged. The Groton Clerk and the lawyers came over and watched as the ballots were reviewed again and confirmed that only four (4) ballots in the block were from the correct district, and the others were from another district. Furthermore, I recall there being a question regarding the number of ballots from this block and why two ballots were missing that should have been included. In the end, the ballots from the wrong district were removed and we were left with four (4) ballots to recount.
4. There was a lot of confusion at the Groton Recount. The stress in the room that day was very evident.

Executed on: January 10, 2023

Location: Townsend, MA

DocuSigned by:  
*Maria Millikin*  
89974EEA8C2048C...  
Maria Millikin

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO EXAMINE  
THE RETURNS OF VOTES OF  
CERTAIN REPRESENTATIVE DISTRICTS

**DECLARATION OF CYNTHIA E. O'NEIL**

I, Cynthia E. O'Neil, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:

1. I reside in Duxbury, MA.
2. I served as a volunteer for Andrew Shepherd, in the First Middlesex District State Representative election (“Election”) and recount (“Recount”).
3. I was at the Groton Recount on December 8, 2022, as a volunteer for the Shepherd campaign. My table consisted of two Groton election workers, and two volunteers each for Shepherd and Scarsdale. We received blocks of 50 ballots at a time. The Groton election workers counted and tallied each block. The Shepherd team kept our own count. After we finished each batch of 50, the Groton election workers raised their hands, turned in the blocked ballots and accompanying tally sheet, and requested another block to count. There was a very long delay—around 30–45 minutes of downtime—between each block received.
4. I stayed for six (6) blocks of 50, which took around five (5) hours. With one exception, which I do believe was just a mistake due to tedium and repetition, the workers read out the correct names that matched what was on the ballots.
5. All teams were told to stop counting whenever any Groton election worker or campaign observer had a concern and raised their hands for the Groton Clerk and lawyers to come address it. This added to the delay and confusion, and was not consistent throughout the Groton Recount.

Executed on: January 12, 2023

Location: Duxbury, MA

DocuSigned by:  
*Cynthia O'Neil*  
Cynthia E. O'Neil

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO  
EXAMINE THE RETURNS OF VOTES  
OF CERTAIN REPRESENTATIVE DISTRICTS

**AFFIDAVIT AND DECLARATION OF DAVID R. CHENELLE, ESQ.]**

I, David R. Chenelle, do hereby declare, upon my own personal knowledge, information and beliefs, that the following statements are true and accurate:

1. I reside in Townsend, MA where I have been a resident of since 1994.
2. I am an attorney, licensed to practice law within the Commonwealth of Massachusetts, as well as other jurisdictions, and have volunteered to assist Andrew Shepherd in his efforts in running for the open seat for First Middlesex District State Representative.
3. On December 6, 2022 I was requested to and did attend and view, at the Town Clerk's office, in Townsend, MA, the comparison of signatures on mail in ballot envelopes received to those signatures which appeared on the voter registration cards.
4. The first task at hand was to sort the materials out by precinct and then address. Once sorted out, the reviewers began with Precinct #1. While it was observed that some if not most of the signature comparisons provided some small variations, there were others which appeared to be completely different in form and structure. The significant difference in the signatures, should have, in my opinion, have raised concerns as to whether those votes should have been counted.
5. Unfortunately, at the stage of this review the votes cast on those ballots, where the signatures are in question, are unknown. However, given the closeness of the results, those mail



in ballot signatures which did not match the voter registration cards, did have had an impact on the results.

6. During the review I spoke with the Townsend Town Clerk asking whether the Townsend election workers compared every signature on the mail-in envelopes with the signatures on the accompanying voter registration cards to ensure that the signatures matched. Unfortunately, the response of the Townsend Town Clerk was “No.” The Townsend Town Clerk cited: the relative new law requiring election workers to check every mail-in voter signature to the voter registration card; the exceptionally large volume of mail-in ballots received; limits on staffing; and cost as the reason why not all voter signatures were checked in the Election.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 10<sup>TH</sup> DAY OF  
JANUARY, 2023



David R. Chenelle

Volume: I

Pages: 55

COMMONWEALTH OF MASSACHUSETTS

Special Committee of the House to Examine the Returns of Votes  
for Certain Representative Districts

SPECIAL COMMITTEE MEMBERS

Representative Michael S. Day, Chair,

31st Middlesex District

Representative Daniel J. Ryan,

2nd Suffolk District

Representative Bradley H. Jones, Jr.,

20th Middlesex District

Date of Hearing: Friday, January 13, 2023

Time: 2:00 p.m.

Location: Room A2, Massachusetts State House



## 1 A P P E A R A N C E S

2 Michael J. Sullivan, Esq.

3 Ashcroft Sullivan, LLC

4 200 State Street

5 7th Floor

6 Boston, MA 02109

7 617-573-9400

8 msullivan@ashcroftlawfirm.com

9 and

10 J. Christopher Amrhein, Esq.

11 20 Downer Ave., Suite 4

12 Hingham, MA 02043

13 781-749-8844

14 Representing: Andrew Shepard

15

16 Dennis Newman, Esq.

17 580 Pearl Street

18 Reading, MA 01867

19 617-780-1793

20 Representing: Margaret Scarsdale

21 ALSO PRESENT:

22 Margaret Scarsdale, State Representative Candidate; Andrew

23 Shepherd, State Representative Candidate; General Audience

24

## 1 P R O C E E D I N G S

2  
3 REPRESENTATIVE DAY: We'll open up the  
4 hearing, Special Committee of the House to  
5 examine the returns of certain representative  
6 districts. We are in Room A2 of the  
7 Massachusetts State House. It is approximately  
8 2:00 on Friday, January 13, 2023. We're here  
9 this afternoon to examine -- further examine the  
10 returns of the 1st Middlesex District.

11 Again, I am State Representative Michael  
12 Day, with me to my right is minority leader  
13 Representative Brad Jones from the 20th Middlesex  
14 District. And to my left, Representative Daniel  
15 Ryan from the 2nd Suffolk District. We are the  
16 members of the Special Committee appointed by the  
17 House.

18 This hearing, as it was this morning, is  
19 being recorded, live streamed, and closed  
20 captioned. A transcript is also being produced  
21 at a later date, but being recorded right now,  
22 and taken down by a stenographer. We will  
23 briefly again go over the ground rules of this  
24 afternoon's hearing as agreed to by the

1 committee.

2 Opening statements will be welcomed by  
3 counsel or by the candidates, followed by  
4 questions by the committee. The hearing is open  
5 to the public. As with all hearings here, any  
6 outbursts or political statements will not --  
7 political demonstrations, I should say, will not  
8 be tolerated by the Special Committee.

9 I'll now turn to the matter before us  
10 this afternoon. And I will run through some of  
11 the procedural background again as we did in this  
12 morning's hearing on the 2nd Essex District. The  
13 House convened on January 4, 2023, in accordance  
14 with the Constitution of the Commonwealth. We  
15 received a communication from the Secretary of  
16 the Commonwealth regarding the returns of the  
17 November 8th, 2022 elections for representative  
18 in general court.

19 An order was unanimously adopted by the  
20 House to form a Special Committee of the House to  
21 examine the returns, which is the custom and is  
22 consistent with the provisions of Article 10 of  
23 the Constitution. The Speaker appointed myself  
24 along with Representative Jones and

1 Representative Ryan to serve on that Committee.  
2 The House agreed, each member of this Committee  
3 then signed an order which was unanimously  
4 adopted by the House. We found in that order  
5 that 158 members of our -- of our colleagues were  
6 duly elected and ought to be sworn in by the  
7 Governor of that day. In two cases, the 2nd  
8 Essex and the 1st Middlesex, we determined that  
9 further -- further review of the returns was  
10 appropriate.

11 We held a hearing on the 2nd Essex -- Essex District  
12 this morning. The 1st Middlesex is why we are  
13 now here to conduct this hearing. I'd like to  
14 thank counsel and the candidates for their  
15 appearance here today and their engagement with  
16 the Special Committee. I believe Chairman Ryan  
17 would like to offer a few things for the record.

18 REPRESENTATIVE RYAN: Thank you, Mr.  
19 Chairman. I move that the communication from the  
20 Secretary of the Commonwealth issued to the House  
21 on January 4th be entered into the record.

22 REPRESENTATIVE JONES: Second.

23 REPRESENTATIVE DAY: All in agreement,  
24 that'll be entered into the record.

1           REPRESENTATIVE RYAN: Mr. Chairman, I  
2 further move the order that you referenced  
3 establishing this Special Committee be entered  
4 into the record.

5           REPRESENTATIVE JONES: Second.

6           REPRESENTATIVE DAY: All in favor,  
7 that'll also be moved into the record.

8           REPRESENTATIVE RYAN: I also move that  
9 the order of the Special Committee of the House  
10 seating 158 of our colleagues be entered into the  
11 record.

12          REPRESENTATIVE JONES: Second.

13          REPRESENTATIVE DAY: That will also be  
14 entered into the record. Prior to this publicly  
15 noticed hearing, we requested any documentation  
16 that counsel and the candidates wish to offer for  
17 our consideration be submitted to us in support  
18 of their claims.

19                On behalf of his client, Margaret  
20 Scarsdale, a candidate for State Representative  
21 in the 1st Middlesex District, Attorney Dennis  
22 Newman has submitted the following documents: a  
23 memorandum on status and history of Mr.  
24 Shepherd's litigation, a copy of Mr. Shepherd's

1 complaint, a memorandum in support of a motion to  
2 dismiss, a document entitled memorandum in  
3 support of confirming Representative- elect  
4 Margaret Scarsdale's victory in the 1st Middlesex  
5 District submitted to the Committee on January  
6 12, and an affidavit of Don Dunbar.

7 Do we have a motion to move those for  
8 the record?

9 REPRESENTATIVE RYAN: Yes, I move to --

10 REPRESENTATIVE JONES: Second.

11 REPRESENTATIVE DAY: Okay. Those will be  
12 moved in.

13 We also had, I believe, a series of  
14 affidavits submitted by Mr. Shepherd and adopting  
15 his complaint filed in court, as well. So we  
16 have a motion to move those affidavits in.

17 REPRESENTATIVE RYAN: Seconded.

18 REPRESENTATIVE DAY: Those will be  
19 entered into the record without objection as  
20 well.

21 I believe that encompasses the written  
22 submissions that were sent in by the parties in  
23 this matter. So with that, we will now ask Mr.  
24 Andrew Shepherd and his counsel to come in,



1 address the Committee with their opening remarks,  
2 and again, ask them to please identify themselves  
3 for the record. Welcome.

4 MR. SULLIVAN: Thank you, Mr. Chairman.

5 MR. SHEPHERD: Thank you.

6 MR. SULLIVAN: Mr. Chairman,  
7 Representative Ryan, and Representative Jones, my  
8 name is Michael Sullivan. I'm joined by  
9 Christopher Amrhein, and together we represent  
10 Andrew Shepherd. I know the Chair said, counsel  
11 would have an opportunity for an opening.  
12 Respectfully, I would ask if I can give a very  
13 brief opening, and then turn the microphone over  
14 to where Mr. Shepherd is.

15 REPRESENTATIVE DAY: Without objection.

16 MR. SULLIVAN: Great. Thank you very  
17 much. Once again, I want to recognize the  
18 Speaker and the House of Representatives for  
19 creating this Special Committee and for this  
20 Committee holding a hearing on the election for  
21 the State Representative in the 1st Middlesex  
22 District.

23 Andrew Shepherd was initially determined  
24 to have lost the election by a margin of 17

1 votes. Mr. Shepherd petitioned for a  
2 district-wide recount and after recount Mr.  
3 Shepherd was reported to have lost the election  
4 by several votes.

5 This Committee and the House could be  
6 most interested in understanding several of the  
7 facts and the evidence uncovered during the  
8 recount. It will help guide this Committee in  
9 terms of further action, but I just want to  
10 highlight a few of those.

11 First, the Middlesex District town  
12 clerk's failure to perform mandatory duties  
13 pursuant to Mass General Laws Chapter 54, Section  
14 94. It consequently failed to reject mail-in  
15 ballots, which signatures on the mail-in  
16 envelopes that did not match the corresponding  
17 voter registration cards, or other signature  
18 evidence at the municipality. And the Committee  
19 will see that there were several declarations  
20 that were provided to the Committee regarding  
21 that.

22 By the temporal towns' clerks improperly  
23 opening in the envelopes after an objection to  
24 the mail-in envelope signature, and thus allowing

1 the ballot to be counted, eliminating the right  
2 to have those envelopes and the resulting ballot  
3 rejected in accordance with Mass General Law  
4 Chapter 54, Section 94 for examination at a later  
5 time, so those ballots were counted. In several  
6 town recounts an increase of votes for no --  
7 which no confirmed reasoning has been provided.

8 The Groton town clerk's mailing to  
9 voters an unknown number of ballots for Precincts  
10 1 and 3A, and not operative Precincts 2 and 3  
11 because of the way that the town had been  
12 redistricted, there are at least two  
13 representative districts as I understand it. So  
14 precincts that would have had an opportunity to  
15 vote for Mr. Shepherd, were provided mail-in  
16 ballots that did not have Mr. Shepard's name on  
17 them. There's no evidence to know exactly how  
18 many of those mail-in ballots that were mailed to  
19 voters were incorrect.

20 The finding of ballots in the Groton  
21 recount for Precincts 1 and 3A, commingle with  
22 ballots of Precincts 2 and 3. And there is a  
23 declaration of both Representative Frost, and a  
24 declaration of Maria Milligan that talks about

1 that. So at the tables examining the ballots, it  
2 was uncovered amidst the ballots, in the race at  
3 question were ballots for a difference race. We  
4 don't know whether or not there were votes in  
5 this particular election that are someplace else  
6 as a result of the mis-commingling of those  
7 ballots.

8 And at least one early voter in  
9 Pepperell receiving the wrong ballot entirely and  
10 there is a declaration from (indiscernible)  
11 Cleary that describes that. That the recount  
12 counsel for Mr. Shepherd made formal objections  
13 to the above issues among other issues. And the  
14 challenged ballots and the mail-in envelopes were  
15 reserved for litigation.

16 However, it is noted in Mr. Shepherd's  
17 complaint, those challenged mail-in envelopes  
18 were separated from the ballots originally  
19 contained within those envelopes. So it's  
20 conjecture in terms of how many of those ballots  
21 would have gone to Mr. Shepherd or to somebody  
22 else.

23 On December 23rd, Mr. Shepherd filed a  
24 lawsuit against all of the 1st Middlesex District

1 registrars and clerks, as well as the Secretary.  
2 His complaint describes the reasons for the  
3 relief requested. In summary, Members of the  
4 Committee, the margin of conjecture clearly  
5 exceeds the margin of victory, notwithstanding  
6 whether it's 7 or 17. There's so many ballots  
7 that ended up being counted where they should not  
8 have been counted in the first instance because  
9 of the failures of matching the signatures on the  
10 envelope with the signatures at the town halls.

11 With that, we respectfully ask this  
12 Committee to exercise all of its authorities and  
13 conduct the examination fully of the challenged  
14 ballots and signatures and to determine and  
15 recommend to the full House that the seat is  
16 vacant as a result of that so the new order -- a  
17 new election could be held. And if I may, I'm  
18 going to ask Mr. Shepherd to say a few words.

19 MR. SHEPHERD: Sure. Thank you.  
20 Chairman Day, Minority Leader Jones, and  
21 Representative Ryan, thank you for your time  
22 today and your willingness to listen and hold an  
23 open mind. I also want to thank Speaker Mariano  
24 for his willingness to order the Special

1 Committee, and hear Representative Mirra's and my  
2 own case.

3 Briefly, I'd like to introduce myself to  
4 the Committee. My name is Andrew Shepherd. I'm  
5 a small-business owner, a farmer, and a call  
6 volunteer firefighter in the community that I was  
7 born and raised in. I spent most of my life  
8 volunteering and working to support and  
9 strengthen our community, and I ran because I  
10 believed in the importance and the positive  
11 impact that this position and this body holds.

12 I want to be clear for the Committee and  
13 for the public watching that this is not election  
14 denialism. This is a case where the number --  
15 with -- where there were a number of different  
16 and unique issues in almost every town. We've  
17 had individuals who are not allowed to vote. We  
18 may have had test ballots accidentally counted.  
19 We've had election officials admit to not  
20 following the laws around mail-in voting created  
21 by this chamber.

22 All I've wanted was a fair shake, For  
23 every vote to be legally and accurately counted.  
24 All of these issues referenced, I believe

1 credibly cast legitimate doubt on the outcome and  
2 the fairness in the execution of an extremely  
3 close election.

4 Although, I did not believe it until I  
5 lived it, the new and expanded option for voting  
6 has simply created more operational points where  
7 errors can occur. And when there is a margin so  
8 close, when you have a three-person race, when no  
9 candidate received a majority and the vote totals  
10 changed so much between the general and the  
11 recount.

12 And I'm not talking as was earlier  
13 mentioned in this morning's hearing about small  
14 vote total changes. I'm talking about 114 vote  
15 total changes between the two. I'm not sure how  
16 someone wouldn't have legitimate doubts.

17 My hope for this Committee is that you  
18 look at the evidence with an open mind, that you  
19 consider all these errors together, and  
20 regardless of the outcome, you use what we  
21 discuss to make the voting process stronger for  
22 every member of the Commonwealth. Thank you.

23 REPRESENTATIVE DAY: Thank you, Mr.  
24 Shepherd. Counsel. Questions. So, you're

1 asking this Committee to throw out the election  
2 and order a new election.

3 Is that fair to say what the remedy is  
4 you're seeking?

5 MR. SULLIVAN: I think obviously to  
6 examine the evidence and as a result of examining  
7 the evidence, recognizing that mandatory  
8 obligations that were the duty of the municipal  
9 employees within those communities weren't done,  
10 and as result of that, a serious conjecture that  
11 far exceeds the margin of victory and call into  
12 question the results and determining and  
13 recommending that the seat is vacant and allowing  
14 a new election.

15 REPRESENTATIVE DAY: So you're asking us  
16 to throw out the election, to declare the seat  
17 vacant, the one that's been -- we were set to --  
18 or Scarsdale was sent a certificate from the  
19 Governor, from the Secretary of the Commonwealth,  
20 from the Governor's Council, stating that she was  
21 the winner in accordance with the decision and  
22 the counts by the registrars in both the initial  
23 election and the recount?

24 MR. SULLIVAN: Right.



1           REPRESENTATIVE DAY: Fair to say, we've  
2           been consistent in the House, that -- that's not  
3           an action we take when we've been presented with  
4           a certificate of membership.

5           MR. SULLIVAN: I don't know that to be  
6           accurate, but I'll assume that it is, Mr.  
7           Chairman, but I would say this, the legislature  
8           has created statutes that allow election results  
9           to be contested in the judicial branch of  
10          government, notwithstanding the right that you  
11          have a Constitutional right and duty to determine  
12          who gets to be seated as a member of the House.  
13          So you're delegated at least by legislation, some  
14          authority, that would allow the judicial branch  
15          of government to look at all of this during a  
16          certain time period and make some determinations  
17          and conclusions.

18          I don't think you have any less  
19          authority than what you've given to the judicial  
20          branch. I think you have as much authority as  
21          you want to exercise under the Constitution,  
22          including doing the things that we're asking you  
23          to do. This -- the accuracy of an election is  
24          paramount. And I think that's what we're here to

1 say, is you've clearly mandated what should be  
2 done in terms of -- in terms of mail-in ballots,  
3 that's clear. It's not a discretionary function.

4 You've told them, "You shall do this,"  
5 and you have evidence before this Committee that  
6 clearly says an admission by the town clerks  
7 themselves that, we didn't do it; we didn't  
8 compare those signatures, which is critically  
9 important.

10 And I would say, you know, the case, the  
11 -- the Connolly Case, I think it's an important  
12 case on point when it talks about conjecture.  
13 And the importance of mandatory duties to be  
14 fulfilled by those people in the election  
15 process. So I think this Committee has an  
16 authority, and this House has the authority to  
17 determine the seat vacant as a result of its  
18 investigation.

19 REPRESENTATIVE DAY: Yes --

20 MR. SHEPHERD: Whether they've done that  
21 before, Mr. Chairman, I don't know. I haven't  
22 looked at the full history of the House, but you  
23 certainly, I think, have the constitutional  
24 authority to do it if you choose to do it.

1           REPRESENTATIVE DAY: And let me just  
2 follow up on that, I guess, on a jurisdictional  
3 question where our predecessors have said, and  
4 the courts, I think, have been fairly clear that  
5 once the House exercises jurisdiction, a  
6 certificate's been issued, and we've decided to  
7 exercise jurisdiction here to -- to determine the  
8 qualifications of members, that ends the judicial  
9 inquiry.

10           Do you disagree with that?

11           MR. SULLIVAN: I think it's pretty clear  
12 in terms of, you know, cases that I've read that  
13 that is the case. We do have -- as it's been  
14 indicated, we have a case pending on behalf of  
15 Mr. Shepherd. We're likely going to receive at  
16 some point in time shortly a motion to dismiss  
17 under Rule 9-A from Mr. Newman on behalf of his  
18 client. We'll review it.

19           And obviously, based on these changed  
20 circumstances, if there is no case in controversy  
21 to go forward with, then we will have to dismiss  
22 that matter. So there's no question that this  
23 body has complete jurisdiction. And if I were to  
24 hire somebody as an expert in election law, if

1           they were available to provide it, I'd hire the  
2           Secretary of the Commonwealth; they do this all  
3           the time.

4                       The Secretary of the Commonwealth said a  
5           couple of things in the other litigation. One,  
6           that the courts had jurisdiction at the time that  
7           we filed the litigation, made that clear. But  
8           also said it's unclear in terms of what the  
9           court's jurisdiction is after the House decides  
10          to take the matter under its own purview.

11                      So there is an open question. I will  
12          say this, I don't think a court has any ability  
13          at this point in time to order the House to do or  
14          not do something regarding the seating of a  
15          member.

16                      REPRESENTATIVE DAY: I would think you  
17          would get broad assent with that proposition.

18                      REPRESENTATIVE RYAN: Yes, I think we  
19          would probably give you that.

20                      REPRESENTATIVE DAY: Do you intend to  
21          press your case forward if this Committee doesn't  
22          issue a decision to your liking, in the courts?

23                      MR. SULLIVAN: I don't think so, Mr.  
24          Chairman. I think we'll -- but respectfully, I'd

1           like to see Mr. Newman's motion to dismiss. I  
2           don't know what would be remaining after this, to  
3           be honest with you.

4                       And this is different from the previous  
5           case we talked about because the previous case  
6           was dismissed based on subject matter  
7           jurisdiction, and I think that's an important  
8           question. I think it's an important question for  
9           this body to know exactly when the courts no  
10          longer have subject matter jurisdiction.

11                      So that matter, just for the purposes of  
12          that issue, I think would be helpful in terms of  
13          going forward. Here, the court has not declined  
14          the matter because of subject matter  
15          jurisdiction, but I suspect at some point in time  
16          would claim that it is moot and has no authority.  
17          But we're not -- at this point, we'd like to at  
18          least have the opportunity to speak to Mr. Newman  
19          and see what he is filing or serving us in the  
20          motion.

21                      REPRESENTATIVE DAY: Are you alleging any  
22          voter fraud in this election?

23                      MR. SULLIVAN: I don't think we're  
24          claiming any voter fraud at all. I think we were

1 pointing out is some serious irregularities  
2 regarding the process, particularly the mandatory  
3 duties of the of the clerks.

4 REPRESENTATIVE DAY: Any registrar fraud?

5 MR. SULLIVAN: Sorry?

6 REPRESENTATIVE DAY: Are you alleging any  
7 registrar fraud in this election or any  
8 intentional wrongdoing in this election?

9 MR. SULLIVAN: No.

10 REPRESENTATIVE DAY: So the -- the  
11 mistakes that you're alleging here were not  
12 intentional; is that fair to say?

13 MR. SULLIVAN: Well, I think it was  
14 intentional that they didn't examine the -- the  
15 signatures. I don't know how you can say that  
16 was a mistake. I think that they know what  
17 they're -- I mean, I have no reason to disbelieve  
18 that the clerks did not know what their  
19 obligations were. I think they describe, at  
20 least in terms of one of the declarations, they  
21 just didn't have the time or resources to do it.  
22 So, I think they knew what their duties were and  
23 they just didn't do their duties.

24 REPRESENTATIVE DAY: But again, just to

1 be clear for -- for the Special Committee's  
2 perspective, you're not alleging fraud or  
3 tampering --

4 MR. SULLIVAN: No.

5 REPRESENTATIVE DAY: -- with that? How  
6 do you then get around the -- that you want us to  
7 follow precedent in the courts, the Swift  
8 decision?

9 MR. SULLIVAN: Well, I go to the Connolly  
10 decision because I think the Connolly decision  
11 clearly says that this type of activity is not  
12 ministerial. It's mandatory. And you talk  
13 about guard rails, you know, within the kind of  
14 election process, particularly around mail-in  
15 ballots, it's important to verify by examining  
16 the signatures.

17 I think the court in Connolly made clear  
18 when you're talking about mandatory  
19 responsibilities. It gets to the heart of the  
20 election process, as opposed to mistakes that  
21 really don't have a material effect; they're  
22 treated differently.

23 REPRESENTATIVE DAY: So, with respect to  
24 Connolly and the confluence of Swift and

1 Connolly. I mean the language in Swift that's  
2 been pointed out to us seems to be pretty on  
3 point here, right? You've got a -- a situation  
4 where the envelopes were not retained with the  
5 ballots casts at the election pursuant to Section  
6 95, which is what you're alleging here.

7 And the court said there's nothing in  
8 the record to indicate fraud or tampering. This  
9 failure on the part of election officers to  
10 perform the precise duty imposed on them with  
11 respect to the envelopes does not invalidate the  
12 votes or forward any ground for nullifying the  
13 count. This branch of the case falls within the  
14 authority of several decisions, and then it goes  
15 on to quote those decisions.

16 And even in Connolly, Section 97, which  
17 is the situation they're dealing with in that  
18 one, directs courts not to reject a ballot for an  
19 immaterial addition, omission, or irregularity.

20 Does that not manifest the intent to not  
21 require absolute strict compliance?

22 MR. SULLIVAN: Well, and I appreciate the  
23 question. I think if you read Connolly, I think  
24 Connolly, I think has done a phenomenal job in



1 terms of distinguishing those instances in which  
2 those types of mistakes really don't rise to the  
3 materiality of which it'd be concerned about  
4 conjecture, where they examine a number of  
5 different classifications of ballots that were  
6 rejected for a range of different reasons.

7 And they kept on saying about conjecture  
8 in Connolly, if conjecture exceeds the vote, the  
9 margin of victory, then you must order a new  
10 election. And at the end of Connolly, after they  
11 determine that the conjecture did not exceed the  
12 margin of victory is -- I think the margin of  
13 victory was five. My memory is that Connolly  
14 there might've been greater fell in conjecture,  
15 meaning the conjecture didn't exceed it.

16 At the end of Connolly they talked about  
17 -- about raising this issue, about election  
18 officials statutory lack of discretion that the  
19 level of the original finding is to minimize this  
20 possibility in the future. It's kind of putting  
21 us all on notice that you have to pay attention  
22 to the mandatory responsibilities that the  
23 legislature puts in place in terms of the  
24 integrity of the election. I don't know what

1 would to be more important than comparing the  
2 signatures?

3 REPRESENTATIVE DAY: And that's what the  
4 challenge is, right? That you maintain the  
5 signatures didn't match?

6 MR. SULLIVAN: Yes -- yes. And I think  
7 there's --

8 REPRESENTATIVE DAY: And the clerk --  
9 sorry to interrupt, Counsel, the -- the clerk or  
10 the registrar said they did match to their  
11 belief; there's a difference there, right?

12 MR. SULLIVAN: I'm not sure they said  
13 that clearly, to be honest with, Mr. Chairman.  
14 They certainly opened them, and they counted  
15 them, and they commingled them. I think there  
16 were many instances would they would say that  
17 they didn't even examine them.

18 REPRESENTATIVE DAY: The clerk would say  
19 they didn't examine the absent -- the signatures  
20 when they came in?

21 MR. SULLIVAN: Yes.

22 REPRESENTATIVE DAY: That they opened  
23 them up, and didn't -- and didn't look at the  
24 signatures?

1 MR. SULLIVAN: Yes.

2 REPRESENTATIVE DAY: And then commingled?  
3 That's the contention?

4 MR. SULLIVAN: Well, I, I think you'll  
5 see that in several of the declarations that  
6 were provided to the -- to the Committee, that  
7 there were a number of people that said that the  
8 signatures that -- they spoke with the --  
9 actually, I think Mr. Shepherd himself spoke with  
10 several of the clerks. I think he has a  
11 declaration where the clerk said, "No, we didn't  
12 we -- didn't match the signatures. We didn't go  
13 through any of them and match signatures."

14 REPRESENTATIVE RYAN: Was there anyone in  
15 person when these ballots were opened, was there  
16 any objections raised when the ballots were open  
17 at the time?

18 MR. SULLIVAN: I do know in Pepperell,  
19 there was. They were 21, I believe, mail-in  
20 ballots in Pepperell, I think 11 of them were  
21 objected prior to opening. The clerk still  
22 opened those -- those envelopes and then  
23 commingled the ballots. So yes, there was  
24 somebody in Pepperell. In the other communities,

1 I don't know.

2 REPRESENTATIVE JONES: Those would have  
3 been probably the post-election mail-in ballots  
4 they would've opened. An objection was raised,  
5 but they were commingled. So assuming an  
6 objection was raised at the time, they were  
7 effectively ignored.

8 MR. SULLIVAN: So I think what's  
9 available to the Committee are a couple of  
10 things. Certainly, we can't find particular  
11 ballots in these instances to dispute about  
12 whether or not the signatures match because  
13 they've all been removed from the envelope.

14 But what's available to the Committee  
15 certainly are the envelopes. The towns have all  
16 those envelopes and the signature of the voter  
17 requesting the -- the mail-in ballot or the  
18 signature of the voter based on voting  
19 registration cards, which could be examined.

20 A number of them have been examined and  
21 reading the declarations that the numbers that  
22 had been examined, far exceed the margin of  
23 victory, examined and a claim did not match.  
24 When we get back to the principal point here is

1           that clerks themselves admit through a  
2           declaration by Mr. Shepherd that they didn't do  
3           that mandatory step.

4                         REPRESENTATIVE JONES: Excuse me, if I  
5           may? I think both the case this morning and  
6           this one is very important because I feel like  
7           part of this is that the legislature has in some  
8           instances set up clerks for failure because we  
9           have dramatically increased the workload. We've  
10          dramatically increased -- let's say the  
11          signatures in the back.

12                        Most of these cases, I'm pretty sure,  
13          were all when it was absentee ballots, which, you  
14          know, were obviously an important part of the  
15          electrical process. But compared to the amount  
16          of mail-in voting and signatures today are almost  
17          de minimus, comparatively speaking. In some  
18          instances, you know, half the vote is mail-in and  
19          maybe even more in certain communities. And  
20          we've asked clerks who may be understaffed,  
21          underpaid and in some instances perhaps unafraid  
22          to take all this on.

23                        And as I said this morning, you know,  
24          this year it will be maybe a nice quiet town

1 election without anybody from the outside world  
2 involved, and next year it will be presidential  
3 primary, town election, town meeting, state  
4 primary, presidential election and -- and be  
5 inundated. So I think one of the things that  
6 certainly we as a Committee need to take away  
7 from this, and hopefully become part of our  
8 report or reports, is the legislature needs to  
9 look at this either in terms of giving greater  
10 clarity.

11 One of the other concerns I have is that  
12 regardless of how you all can say, well, okay,  
13 this should or shouldn't be the standard for  
14 checking signatures, it needs to be an even  
15 standard. So, there isn't, clerk in Community A  
16 has, let's say, a very strict standard, a clerk  
17 in Community B has a lesser standard, and a clerk  
18 in Community C has -- we don't check at all other  
19 than maybe to make sure they haven't already  
20 voted either in-person, over the counter, or  
21 whatever the case may be. That creates the  
22 likelihood for an unequal application of law,  
23 which I think is -- which means violating of the  
24 election process.

1           So -- and -- and I'm particularly  
2           concerned that in some instances where you raised  
3           an objection, effectively the -- the -- okay, it  
4           was commingled, and then ignored, and this  
5           morning, I heard an objection has to be raised at  
6           the time of -- so the objection was timely  
7           raised, but it was ignored. And now there's  
8           really no way to tie that, you know, the ballot  
9           to the envelope other than sort of conjecture  
10          that, okay, they should've been checking. I  
11          think that's a problem.

12           I'm also taken aback that, by looking at  
13          it there's almost 114 additional votes between  
14          the recount from the -- the general election on  
15          November 8 numbers and the recount, and I realize  
16          one of the theories out there is at least 50 of  
17          these are these test ballots. So if I understand  
18          that the test ballots, and I think it's the Town  
19          of Dunstable, were -- the Town of Dunstable  
20          recount, they did the blocking, which I guess is  
21          the counting of the ballots into blocks of 50.

22           I think initially the number was -- hey,  
23          we have 50 more ballots and people were  
24          concerned, but the recount proceeded. The totals

1           were tallied up, the results were recorded, and  
2           there was really no explanation at the time, and  
3           then a theory was posited after the recount was  
4           over that well, this must be the test ballots  
5           because the numbers changed in relation to the  
6           test ballot markings.

7                         What concerns me, and again, this may  
8           not -- again, this may a position where something  
9           needs to be done through a regulatory or  
10          ministerial process, not that it affects the  
11          outcome of the election, but that the fact that  
12          that happened is a great concern to me. That  
13          means we have certified election results in the  
14          Commonwealth of Massachusetts and 50 ballots that  
15          weren't cast by people. They weren't cast by  
16          voters, they were cast by, you know, a machine or  
17          a -- a part of the process we were just testing  
18          the equipment.

19                        And it's amazing to me that they were  
20          included in the recount and they weren't  
21          identified either in the blocking or the  
22          recounting and that -- that to me is amazing and  
23          something I hope that at a minimum, the Secretary  
24          of State Office says, we need to provide better



1 guidance on how those ballots are marked because  
2 to me, the counting them out and then the  
3 blocking of them, and then in the recounting that  
4 nothings jumped out and say, hey, what's this  
5 mark over here? When I would think it would be a  
6 big bright clearly delineated situation.

7 I mean, I know the arguments you made  
8 that if we open that box up again, hopefully  
9 those would be readily obvious to everybody. It  
10 could be identified and potentially backed out.  
11 But that's a concern to me from a process  
12 standpoint outside of the impact in this election  
13 is that -- and to think that, you know, these  
14 numbers changed that much.

15 And this was highlighted only because we  
16 had a recount which raised some -- you know, 158  
17 other districts across the Commonwealth where  
18 numbers -- and we need to work collectively to  
19 take the issues that I think are highlighted here  
20 and hopefully translate that into, in some cases,  
21 training and resources and support for our clerks  
22 who are asked to do a heck of a lot. It may be a  
23 quiet year now, but 2024 is probably going to be  
24 a crazy year.

1           REPRESENTATIVE DAY: So, just following  
2 up on that. There was both of -- both parties  
3 briefed the Dunstable, I guess what they call the  
4 Dunstable 50, where the Secretary's office said  
5 one through 50 on the test ballots were  
6 inadvertently included, you can back those out.  
7 And if what Ms. Scarsdale is saying, is if you  
8 back those out, her margin increases; do you  
9 disagree with that?

10           MR. SULLIVAN: No. We don't just  
11 disagree with that at all, if in fact those are  
12 the test ballots. And I think we -- I think I've  
13 already said that during my testimony today, and  
14 I -- I know that Mr. Shepherd has referenced it  
15 in his declaration it would go from 7 to 17, if  
16 in fact those were test ballots. So, again,  
17 we're not going to dispute that.

18           Can I just make three additional quick  
19 points, Mr. Chairman?

20           REPRESENTATIVE DAY: Sure.

21           MR. SULLIVAN: First, if we can keep the  
22 record open until Tuesday, close of business in  
23 the event, we want to supplement the record we  
24 respectfully ask for -- for that. If something

1 comes up during Mr. Newman's presentation, it's  
2 important for me to provide some type of clarity  
3 or reply, you know, response and I'd like to have  
4 the opportunity to come back to the Committee.  
5 And if I could just ask if Mr. Shepherd has  
6 anything that he wants to say that I've missed or  
7 correct anything I've said for the purpose of the  
8 record.

9 REPRESENTATIVE DAY: Sure, I have no  
10 issue for the rebuttal.

11 REPRESENTATIVE JONES: No objection.

12 MR. SHEPHERD: Just, you know, real --  
13 real briefly, I'd like to thank the Committee,  
14 you know, Chair Day, Minority Leader Jones, and  
15 Representative Ryan. Truly in the light -- in  
16 light of the national news cycle, I don't want  
17 anyone to believe that this was a stolen  
18 election. I do not believe there were any  
19 conspiracies nor nefarious intent.

20 I simply believe that there was human  
21 error under the smallest of margins that had  
22 materially affected the outcome of this race.  
23 And I think everybody involved, the clerks and  
24 the registrars, I think they did their absolute

1 best given their resources and their constraints.  
2 It simply comes down, I think for the Committee,  
3 what magnitude of -- of human error is one  
4 willing to accept. So thank you for your time.

5 REPRESENTATIVE DAY: Any suggestion of  
6 what that is, the magnitude, what that threshold  
7 is?

8 MR. SULLIVAN: I would suggest the  
9 threshold should be about conjecture. As  
10 Connolly points out --

11 REPRESENTATIVE DAY: Well, in fairness, I  
12 can raise conjecture about a host of ballots.

13 REPRESENTATIVE JONES: You know Chairman  
14 Day; he raises his conjectures all the time.

15 REPRESENTATIVE DAY: All the time.  
16 That's what I do.

17 Is there a -- is there a bright line  
18 you've got here?

19 MR. SHEPHERD: I don't know if there is a  
20 clear line.

21 REPRESENTATIVE DAY: Thank you.

22 MR. SULLIVAN: I wish there was, it would  
23 be easy for everybody.

24 REPRESENTATIVE JONES: I don't know that

1 we haven't changed that line with some of the  
2 election changes and the election law changes  
3 that we've made. And we need to account for that  
4 on the back end of those election laws.

5 REPRESENTATIVE DAY: Thank you. I'd like  
6 to welcome Ms. Scarsdale and Counsel. Again, if  
7 you could introduce yourselves for the record,  
8 and then the floor is yours.

9 MS. SCARSDALE: Chairman Day,  
10 Representative Ryan, and Leader Jones, it is an  
11 honor to appear before this Special Committee.  
12 My name is Margaret Scarsdale, and I am the  
13 Representatives Elect from the 1st Middlesex  
14 District. I am joined today by members of my  
15 family, campaign team, constituents from my  
16 district, and supporters from across the  
17 Commonwealth. I want to thank this Committee for  
18 expeditiously scheduling this hearing. And the  
19 Speaker for his leadership and urgency in forming  
20 this Committee.

21 As you are aware, the 1st Middlesex  
22 District was reconfigured during the decennial  
23 redistricting process, but five of the six  
24 communities in this district, have been without

1 representation in the House since February of  
2 2022, when Representative Harrington resigned to  
3 take a seat in the state judiciary. This makes  
4 your work here today and the rapid seating of a  
5 representative in this district even more  
6 critical.

7 I launched my campaign for this seat  
8 over a year-and-a-half ago. And thanks to the  
9 hard work of so many dedicated campaign  
10 supporters, I was certified twice by Governor's  
11 Council, as the victor in this race. Once after  
12 the final tabulation of all ballots legally cast  
13 in the November 8th election and once again after  
14 the recount.

15 As someone who has a deep belief in the  
16 power of public service, it truly was the honor  
17 of a lifetime to have received my certificate of  
18 election to the Massachusetts House of  
19 Representatives, signed by Governor Baker. I  
20 stand ready today to represent all of the  
21 constituents of the 1st Middlesex District and to  
22 collaborate with my colleagues in the House under  
23 the leadership of Speaker Mariano to deliver real  
24 results for the residents of our Commonwealth.

1           This afternoon, my attorney, Dennis  
2 Newman, will be presenting our response to the  
3 Shepherd team's filing. I want it to be clear,  
4 by waiting to file this lawsuit until 6:09 p.m.  
5 on Friday, December 23rd, when the courts were  
6 closed for the long weekend for the Christmas  
7 holidays, and to date, have not served any of the  
8 defendants in the case, Mr. Shepherd ensured that  
9 this case could not be heard by a judge.

10           And yet in an interview with the Boston  
11 Globe, published Wednesday, my opponent has also  
12 refused to say whether he would drop this lawsuit  
13 upon the completion of the work of this  
14 Committee, which will strike a blow to the  
15 exclusive jurisdiction of the House to seat its  
16 own members, and to the work of this Committee.

17           I am certain that when this Committee  
18 reviews the results of this election, you will  
19 find what my team and I have known since the  
20 recount ended over a month ago. That this  
21 election was administered through transparency  
22 and integrity by our town clerks, election  
23 workers and registrars. Our team is ready and  
24 willing to support the Committee in whatever way

1 we can to ensure a swift resolution to this  
2 election process.

3 Chairman Day, Chairman Ryan, and Leader  
4 Jones, each of you hold respective leadership  
5 roles across this esteemed body, and I look  
6 forward to serving with you. I come before you  
7 today both thankful and hopeful. I am thankful  
8 to Speaker Mariano for rapidly convening this  
9 Committee and to you all for your effort to gain  
10 closure to this election. I am thankful to all  
11 of those who made the trip in to the State House  
12 this afternoon to support me today.

13 And I am hopeful. I am hopeful today  
14 that this Committee will complete their work  
15 expeditiously so my district can once again have  
16 a voice. And I'm hopeful and confident that the  
17 will of the voters will be respected, and our  
18 democratic principles will be upheld. I thank  
19 this Committee, for your time and your hard work,  
20 and if the Chair so approves, I would like to  
21 turn this over to my attorney, Dennis Newman.

22 REPRESENTATIVE DAY: Thank you.

23 MR. NEWMAN: Thank you. Thank you, Mr.  
24 Chairman. Chairman Day, Representative Ryan



1 Leader Jones. I come before you to represent  
2 Representative-Elect Margaret Scarsdale. And I  
3 first want to go -- I want to say that when Mr.  
4 -- Attorney Sullivan was saying that if he had to  
5 hire an expert election lawyer, I -- I was hoping  
6 he would say me, however, I concur that I would  
7 -- I would also hire Secretary Gavin, if he was  
8 available.

9 First thing I'd like to talk about is  
10 the so-called Dunstable 50. I was actually at  
11 the Dunstable recount, and it's one precinct and  
12 a -- a new -- newer clerk, I think she had been  
13 there about two months. We actually counted all  
14 of the ballots before. And -- and originally on  
15 election day, it was 1,727 ballots were counted  
16 on election day.

17 At the recount, and we didn't know until  
18 the end because they didn't count the ballots  
19 beforehand, it was 1,777. Both counsel actually  
20 objected to that. That was a big, big red flag.  
21 We probably spent about 45 minutes to an hour and  
22 a half looking at in-list, out-list, couldn't  
23 figure it out. It all seems to be a mystery.

24 I was very afraid that, you know, that

1 the clerk might need an AED at one point, but, we  
2 actually left there, that was on Wednesday,  
3 December 7th, I believe. On Monday, December 12,  
4 Michelle Tassinari, the counsel for Secretary  
5 Galvin called me, as she did the other counsel  
6 and the other attorney, or the other candidate,  
7 Mr. Shepherd, and said that they solved the  
8 mystery because it -- it was a mystery, where did  
9 these 50 ballots come? We looked at the sheets,  
10 whether or not one block had been counted twice.  
11 We couldn't -- couldn't figure it out.

12 The registrar of voters chair, I  
13 believe, or one of the members were raising all  
14 kinds of questions. And I think the -- the --  
15 the clerk probably had some sleepless nights, but  
16 she called the Secretary's office and said, I  
17 believe what happened is that the test ballots --  
18 a test deck is before every election in every  
19 community, a test deck is done just to make sure  
20 that machine is calibrated correctly. 1 to 50  
21 ballots. They're marked 1 to 50, and they run  
22 through the machine and the results were Ms.  
23 Scarsdale was 8, Mr. Shepherd was 18, the third  
24 candidate was 12, and then I believe the other -

1 the write-ins were zero and blanks were 12, 50  
2 ballots.

3 That's the exact, and -- and when  
4 Michelle sent -- Michelle Tassinari sent that  
5 e-mail, which I included in my filing, saying  
6 that they believe this is what happened, and  
7 also, the tab from the test was exactly that. 8  
8 -- 8, 18, 12, and zero, 12. So that's -- that's  
9 solves the mystery. And that makes our margin  
10 17. And I think that Mr. Shepherd, I think would  
11 concede that.

12 Also, the Secretary, throughout the  
13 opportunity said that to solve this mystery, we  
14 could -- we could convene the Board of Registrars  
15 in a public session and have both candidates  
16 there, and go in and look at the ballots, see if  
17 they were marked 1 to 50. And in fact, if was  
18 that and if we had done that, we could have  
19 solved that theory, or proven or disproven that  
20 theory.

21 I assented to that arrangement, Mr.  
22 Shepherd's team did not, so that was not done.  
23 So I believe that the margin is 17 here. And in  
24 their presentation prior, they talked about a

1 difference of 114 difference, raises a concern.  
2 In fact, 50 of that is there. Also, if you'll  
3 notice on the -- the complaint of Mr. Shepherd on  
4 the last page, it gives the results and the  
5 difference.

6 Townsend, there is an additional 36,  
7 which would be 86 of that 114. I believe what  
8 happened there because of Pepperell and Townsend  
9 were on the same day, I was not in Townsend, I  
10 was in Pepperell. The Townsend attorney said to  
11 me, what happened at the end, I think as people  
12 who do elections -- the blank ballots that have  
13 not been used. There was a stack of them,  
14 totally blank, nobody voted on any of those  
15 elections. Our counsel said we shouldn't count  
16 those, the Board of Registrar said, well they're  
17 here, we're going to count them, blanks -- 35  
18 blanks.

19 If you can see from that, there was zero  
20 -- Scarsdale, no change in hers, Shepherd, no  
21 change in his, Lundeen, no change in hers, all  
22 others there is one, and then 35 blanks. So that  
23 explains 85 of that 114. So I -- I believe that  
24 -- that does that.

1           The other thing I would like to point  
2 out is that the absentee ballot process as it has  
3 evolved over time. At one time, you needed a  
4 notary public to sign the -- that you needed a  
5 notary public and a signature, that's changed  
6 with legislative action. I want to point out  
7 that absentee ballot applications, and if you're  
8 at all familiar with them, are signed on the  
9 pains and penalties of perjury.

10           So a voter submits this to the clerk,  
11 they send a ballot to this address, comes back  
12 with this signature. If it's not signed at all,  
13 they don't count it. If it comes in early,  
14 they'll call them and say they didn't sign it.  
15 If they have time, they'll send out a new ballot,  
16 but they're very good about trying to make sure  
17 that people have the right to vote.

18           So what Mr. Shepherd 's team is doing by  
19 challenging these ballots, they're saying these  
20 people committed perjury. And if there's a  
21 challenged ballot, the -- the procedure in a  
22 challenged ballot -- so if you go on election  
23 day, or you have to challenge the ballots when  
24 they come in, then you have to challenge and

1           there's a process. And there's penalties for  
2           challenging frivolously so that that's not done  
3           to -- to try to tamper the vote down.

4                        This -- this procedure is after the  
5           challenge, then the Board of Registrars can  
6           convene a hearing and summons -- Legislative  
7           would -- statutory they can summons in witnesses  
8           to say, did you vote? So what there is that  
9           they want to throw out approximately 10,000  
10          ballots. And there's clear case law, and I said  
11          it in my -- my memorandum to the Committee that  
12          inconsequential -- or errors by the clerks do not  
13          affect them with the ballots.

14                       I think Chairman Day pointed out the --  
15          the remedy that Mr. Shepherd in his complaint  
16          that he filed again on -- on Christmas Eve eve,  
17          while the courts were closed, wants to throw the  
18          election out. He hasn't asked to look at the  
19          ballots, look at the challenge ballots to declare  
20          him the winner. They want to throw the election  
21          out and have new election on this seat, as a  
22          Representative-Elect Scarsdale pointed out, has  
23          been vacant since last February. I think it's  
24          not in the public interest to call for a new

1 election. Also the expense and -- and time, the  
2 towns having an election, a recount, and then  
3 another special election. And who knows, maybe  
4 another recount is -- is not in the public  
5 interest. And I -- I would urge this Committee  
6 to declare Ms. Scarsdale the duly-elected  
7 representative and have her sworn-in as quickly  
8 as possible.

9 REPRESENTATIVE DAY: Thank you, Ms.  
10 Scarsdale, Counsel as well. Questions? I guess  
11 I'll start with the same questions I posited to  
12 Counsel in all of this matter.

13 What is your view of the impact of the  
14 certificate that's been issued --

15 MR. NEWMAN: I think --

16 REPRESENTATIVE DAY: -- by the --

17 MR. NEWMAN: I think this transferred all  
18 the jurisdictions to you. Up until that  
19 certificate was issued, the courts did have that  
20 jurisdiction under Chapter 56. Chapter 56,  
21 Section 59, it had broad equitable powers.  
22 Again, this -- this election was on November 8,  
23 the recount could not be ordered because it was a  
24 district-wide recount.

1           If it was a precinct-by-precinct  
2 recount, it could've been ordered right away. It  
3 could not be ordered until the -- because  
4 district-wide recounts, the vote has to be less  
5 than a half percent in order to be ordered. The  
6 Secretary of State orders it, you have to file  
7 the petitions with the local clerk, get them  
8 certified, and then bring them into the Secretary  
9 of State, you have ten days to get the  
10 signatures, 15 days to get it to the -- to the  
11 Secretary of State's office. He reviews them,  
12 has to wait until the vote is certified. If it's  
13 over a one half of 1 percent, it's not ordered.  
14 If it is, he orders all the cities and towns to  
15 have a district-wide recount.

16           The recount was held from December 5th  
17 to December 10th. On December 10th there were no  
18 new -- new facts known after December 10th until  
19 December 23rd. If the suit was filed the  
20 following Monday, was a Saturday, the following  
21 Monday, Tuesday, Wednesday, even Wednesday, a  
22 court could have it -- would have had  
23 jurisdiction under Chapter 56, Section 59, to  
24 look at the ballots, to look at the issue they



1 have and make a determination; that was not done.

2 It was filed again at 6:09 on Friday,  
3 the -- December 23rd. The courts were closed;  
4 they weren't open. We were not -- we were not --  
5 we're not a party in that suit, which is  
6 appropriate because you're suing the cities and  
7 towns and the Secretary of State who called the  
8 district-wide recount, but we didn't find out  
9 about it until Margaret's, you know, campaign  
10 manager saw it, and then filed an appearance the  
11 next day.

12 None of the parties, none of the  
13 defendants, as of last night, when I checked with  
14 the -- with the -- with the -- on the court  
15 docket, haven't been served yet. They haven't  
16 been served. None of the towns have been served.  
17 The Secretary of State has not been served. In  
18 my filing I put the -- the court thing is that,  
19 technically they don't have to be served until  
20 March 23rd. So services, it's not -- it's not --  
21 but it's unusual in a case where they're looking  
22 for quick action not to serve.

23 Also, give a courtesy -- give us a  
24 courtesy service on that. I filed a -- an

1 appearance that's been noted on the record. I  
2 filed a motion to intervene. A judge was not  
3 appointed until January 4th, and they stated that  
4 the -- I had not strictly complied with the Rule  
5 9-A. On all the other cases that I've done, I  
6 cut and pasted that and always get in right away.

7 So -- so but I have filed another -- and  
8 I did file a motion to dismiss that they ruled  
9 when the judge is appointed on March 5th, no  
10 action taken, pending, getting in. So I filed  
11 last Sunday an emergency motion to intervene as a  
12 party -- third-party defendant, and under Rule  
13 9-A D-I, and that has not even been docketed yet.  
14 That was Sunday -- Sunday night. I filed it. I  
15 can't file electronically because I'm not a party  
16 yet. But I filed it on Sunday.

17 And as of last night, it is -- it has  
18 not been docketed. The clerk had e-mailed me and  
19 said, look, we're going to say that you'd have to  
20 have a 9-A package. So instead of that, I did an  
21 emergency motion. And she said, once that -- if  
22 you are admitted, assuming you will be, then you  
23 can file your motion to dismiss.

24 I checked with some of the other parties

1 and asked if -- because they are parties and they  
2 filed motions to dismiss in the -- in the Mirra  
3 case, whether or not they would file a motion to  
4 dismiss. And they said we haven't been served  
5 yet, we can't.

6 REPRESENTATIVE DAY: Counsel, I -- as  
7 much as I'm sure everyone enjoys the 9-A  
8 intricacies, that is the bane of many attorney's  
9 existence.

10 MR. NEWMAN: I am good at the cut and  
11 paste.

12 REPRESENTATIVE DAY: I -- I think that  
13 the question is, what in your view, we asked  
14 Counsel of Mr. Shepherd the same question, does  
15 the impact of a certificate and the convening of  
16 this Special Commission have, if any, on a court  
17 case dealing with the --

18 MR. NEWMAN: I think a motion to dismiss  
19 on the jurisdictional grounds would be made --  
20 granted quickly.

21 REPRESENTATIVE DAY: Do you contend or  
22 believe there was any fraud in this case?

23 MR. NEWMAN: We do not. And Mr.  
24 Shepherd, in his testimony did not, and in fact,

1 I posted -- not posted, in my submission, he had  
2 a Facebook posting that said exactly the same  
3 thing that he said today. So, no.

4 REPRESENTATIVE DAY: And what -- what is  
5 your client and your view on the interconnection,  
6 if any, between the Swift and the Connolly Case?

7 MR. NEWMAN: I think the Swift Case  
8 rules. I think it's definitive, I believe. And  
9 to quote, fraud or -- absent the evidence of  
10 fraud or tampering, the failure on the part of  
11 election officials to perform the precise duty  
12 imposed on them with respect to the absentee  
13 ballot envelopes does not invalidate the votes or  
14 afford any ground for nullifying the count.

15 I'd also like to point out is, that they  
16 say they didn't compare notes, but in fact, they  
17 were there when they did. In their -- in their  
18 -- in their declarations, they say we were there  
19 and they didn't match. All hearsay, and again, I  
20 know this is not a court of law, but all hearsay,  
21 and if they didn't -- if the clerks were there,  
22 they looked at them, they did, they -- because  
23 they said that they have looked at them and they  
24 didn't think they matched. I don't know if

1           they're hand -- handwriting experts or not, but I  
2           just hope that the next time I've signed a credit  
3           sheet at a restaurant, they don't check my  
4           license or signatures.

5                    REPRESENTATIVE DAY: Counsel, Ms.  
6           Scarsdale, thanks for much for coming in.  
7           Attorney Sullivan?

8                    MR. SULLIVAN: I just have --

9                    REPRESENTATIVE DAY: Hold on one second,  
10          just come up to the microphone so we get a clear  
11          record of it.

12                   MR. SULLIVAN: The issue raised by Mr.  
13          Newman claiming that we're alleging perjury,  
14          there's nothing in any of our pleadings to  
15          suggest that anybody is alleging perjury. The  
16          documented that Mr. Newman showed you is the  
17          document in which somebody submits claiming them  
18          to be who they are, requesting an absentee  
19          ballot. Our position is the envelope, when it  
20          came back, the signature on the envelope did not  
21          match that.

22                    We're not suggesting that that  
23          submission at the outset requesting an absolutely  
24          ballot was perjurious by anybody. Then the issue

1 with regards to the timing of the filing of the  
2 complaint, which has been mentioned several  
3 times, that was not controlled by Mr. Shepherd  
4 and was not done strategically. I wish we had  
5 much more time between the time that the  
6 recounted had completed, and the time in which  
7 this body was going to be meeting for the  
8 purposes of seating the new members.

9 I think as Minority Leader Jones  
10 mentioned earlier today, it was a tighter window  
11 of time in this election cycle than normally  
12 exists in terms of recounts. Just because of the  
13 way the calendar fell, we had limited amount of  
14 time and Mr. Shepherd, to his credit, wanted to  
15 try to get as much information as he possibly  
16 could before -- before he filed the complaint.  
17 Those are the only two points.

18 REPRESENTATIVE DAY: So as we did with  
19 this morning, we'll leave the record open to  
20 close of business on Tuesday for any further  
21 submissions that the parties wish to offer for  
22 the Special Committee. And that will then close  
23 the period for the additional records.

24 All right. So that will conclude this

1           afternoon's hearing. We appreciate, again, as we  
2           did with this morning's hearing, the civility  
3           that we've heard from the parties involved in  
4           this issue. And we will strive to arrive at a  
5           very expeditious decision here.

6                       MR. NEWMAN: Again, thanks. Thank you to  
7           the Committee.

8                       MS. SCARSDALE: Thank you.

9                       (Whereupon, the proceeding is concluded at 2:28 p.m.)  
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COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF PLYMOUTH, ss.

I, Julianne Ryan, a Professional Court Reporter  
and Notary Public in and for the Commonwealth of  
Massachusetts, do hereby certify that the foregoing Special  
Committee Hearing Transcript was taken by me on January 13, 2023;  
That the said testimony was taken audiographically  
and then transcribed under my direction. To the best of  
my knowledge, the within transcript is a complete,  
true and accurate record of said hearing.

I am not connected by blood or marriage  
with any of the said parties, nor interested directly or  
indirectly in the matter in controversy.

In witness whereof, I have hereunto set my hand  
and Notary Seal this 17th day of January, 2023.



*Julianne Ryan*  
COURT REPORTER  
MY COMMISSION EXPIRES:  
OCTOBER 12, 2029



Appendix E- Documents Submitted on  
behalf of Andrew Shepherd

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO. 2281CV04326

ANDREW SHEPHERD,

Plaintiff,

v.

TOWN OF TOWNSEND REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF TOWNSEND,  
TOWN OF PEPPERELL REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF PEPPERELL,  
TOWN OF GROTON REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF GROTON,  
TOWN OF LUNENBURG REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF LUNENBURG,  
TOWN OF ASHBY REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF ASHBY,  
TOWN OF DUNSTABLE REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF DUNSTABLE,  
and  
WILLIAM F. GALVIN, in his official capacity as  
Secretary of the Commonwealth of Massachusetts,

Defendants.

**RECEIVED**  
12/23/2022

**COMPLAINT**

**PRELIMINARY STATEMENT**

1. This is an action in the nature of mandamus and a request for declaratory relief concerning the November 8, 2022, First Middlesex District State Representative election (the “Election”) and the December 2022 district-wide Election recount (“Recount”).

2. In an election dispute, the “fundamental” rights of candidates and voters are “intertwined,” entitling both to redress in the event of a constitutional violation. *Goldstein v. Sec’y of Commonwealth*, 484 Mass. 516, 524 (2020); *see also* Mass. Decl. of Rights, Art. 9 (“all

inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.”).

3. A candidate’s fundamental rights cannot be abridged by the failure of ministerial officers to abide by Massachusetts law.

4. Defendant Town Clerks failed to undertake their clear-cut duties required under Massachusetts law.

5. In Massachusetts, election officials are obligated to compare the signature on the mail-in envelope with the signature on the voter’s registration, and if an election official cannot determine if the mail-in envelope signature matches the signature on the voter’s registration card, it must be rejected. *See* Exhibit A (Secretary’s “2022 Information For Voters” that addresses the protocol for voting by mail); Mass. Gen. Laws ch. 54, § 94 (“Section 94”).

6. Defendant Town Clerks—by their own admission—failed to undertake their statutory duties pursuant to Section 94. *See* Exhibit B (Declaration of Andrew Shepherd).

7. It is imperative that all statutorily mandated procedures be strictly followed to ensure an accurate count—especially where the margin of victory after the Recount is  $\approx 0.034\%$ .

8. The egregious dereliction of the procedural safeguards of mail-in voting has placed in doubt the results of the Election.

9. “[W]henver the irregularity or illegality of [an] election is such that the result of the election would be placed in doubt, then the election must be set aside, and the judge must order a new election.” *McCavitt v. Registrars of Voters of Brockton*, 385 Mass. 833, 850 (1982).

10. A new election must be ordered to preserve the integrity of the race for First Middlesex District State Representative, and to protect the fundamental rights of Plaintiff Shepherd.

## PARTIES

11. Plaintiff Andrew Shepherd was a candidate in the Election. Plaintiff Shepherd resides in Townsend, MA. *See* Ex. B.

12. Defendant Town of Townsend Registrars of Voters (“Townsend Registrars”) is a board formed in accordance with Mass. Gen. Laws ch. 51, § 15. The Townsend Registrars’ responsibilities include accepting and certifying nomination papers; certifying initiative or referendum petitions; conducting elections and recounts as necessary in a fair and impartial manner; maintaining accurate lists of registered voters in the town; maintenance and testing of voting equipment; processing absentee voter applications and mail-in voting; processing address and party changes; tallying election results; and the administration of voter registration.

13. Defendant Town Clerk for the Town of Townsend (“Townsend Town Clerk”) is responsible for the administration of elections and all other voter-related activities in Townsend, including (but not limited to) running election recounts.

14. Defendant Town of Pepperell Registrars of Voters (“Pepperell Registrars”) is a board formed in accordance with Mass. Gen. Laws ch. 51, § 15. The Pepperell Registrars’ responsibilities include accepting and certifying nomination papers; certifying initiative or referendum petitions; conducting elections and recounts as necessary in a fair and impartial manner; maintaining accurate lists of registered voters in the town; maintenance and testing of voting equipment; processing absentee voter applications and mail-in voting; processing address and party changes; tallying election results; and the administration of voter registration.

15. Defendant Town Clerk for the Town of Pepperell (“Pepperell Town Clerk”) is responsible for the administration of elections and all other voter-related activities in Pepperell, including (but not limited to) running election recounts.

16. Defendant Town of Groton Registrars of Voters (“Groton Registrars”) is a board formed in accordance with Mass. Gen. Laws ch. 51, § 15. The Groton Registrars’ responsibilities include accepting and certifying nomination papers; certifying initiative or referendum petitions; conducting elections and recounts as necessary in a fair and impartial manner; maintaining accurate lists of registered voters in the town; maintenance and testing of voting equipment; processing absentee voter applications and mail-in voting; processing address and party changes; tallying election results; and the administration of voter registration.

17. Defendant Town Clerk for the Town of Groton (“Groton Town Clerk”) is responsible for the administration of elections and all other voter-related activities in Groton, including (but not limited to) running election recounts.

18. Defendant Town of Lunenburg Registrars of Voters (“Lunenburg Registrars”) is a board formed in accordance with Mass. Gen. Laws ch. 51, § 15. The Lunenburg Registrars’ responsibilities include accepting and certifying nomination papers; certifying initiative or referendum petitions; conducting elections and recounts as necessary in a fair and impartial manner; maintaining accurate lists of registered voters in the town; maintenance and testing of voting equipment; processing absentee voter applications and mail-in voting; processing address and party changes; tallying election results; and the administration of voter registration

19. Defendant Town Clerk for the Town of Lunenburg (“Lunenburg Town Clerk”) is responsible for the administration of elections and all other voter-related activities in Lunenburg, including (but not limited to) running election recounts.

20. Defendant Town of Ashby Registrars of Voters (“Ashby Registrars”) is a board formed in accordance with Mass. Gen. Laws ch. 51, § 15. The Ashby Registrars’ responsibilities include accepting and certifying nomination papers; certifying initiative or referendum petitions;

conducting elections and recounts as necessary in a fair and impartial manner; maintaining accurate lists of registered voters in the town; maintenance and testing of voting equipment; processing absentee voter applications and mail-in voting; processing address and party changes; tallying election results; and the administration of voter registration.

21. Defendant Town Clerk for the Town of Ashby (“Ashby Town Clerk”) is responsible for the administration of elections and all other voter-related activities in Ashby, including (but not limited to) running election recounts.

22. Defendant Town of Dunstable Registrars of Voters (“Dunstable Registrars”) is a board formed in accordance with Mass. Gen. Laws ch. 51, § 15. The Dunstable Registrars’ responsibilities include accepting and certifying nomination papers; certifying initiative or referendum petitions; conducting elections and recounts as necessary in a fair and impartial manner; maintaining accurate lists of registered voters in the town; maintenance and testing of voting equipment; processing absentee voter applications and mail-in voting; processing address and party changes; tallying election results; and the administration of voter registration.

23. Defendant Town Clerk for the Town of Dunstable (“Dunstable Town Clerk”) is responsible for the administration of elections and all other voter-related activities in Dunstable, including (but not limited to) running election recounts.

24. Defendant William Francis Galvin is the Secretary of the Commonwealth of Massachusetts (“Secretary Galvin” or “Secretary”), and is being sued in his official capacity. The Secretary is the chief elections officer of the Commonwealth and is responsible for the administration of elections.

## VENUE AND JURISDICTION

25. Venue is properly laid in this Court pursuant to Mass. Gen. Laws ch. 214, § 5, and Mass. Gen. Laws ch. 223, § 1.

26. Plaintiff seeks a writ of mandamus requiring the Defendant Town Clerks to comply with clear-cut and mandatory statutory duties pursuant to Section 94.

27. Plaintiff further seeks a declaratory judgment that the integrity of the Election has been compromised by Defendant Town Clerk's derogation of statutory duties—and by extension, the unlawful results certified by Defendant Registrars and the Secretary—and as such, a new election is required.

28. Plaintiff's requests for relief are appropriately brought in this Court pursuant to several Massachusetts statutes.

29. Mass. Gen. Laws ch. 249, § 5, generally permits this Court to adjudicate civil actions "to obtain relief formerly available by writ of mandamus."

30. Mass. Gen. Laws ch. 214, § 1, confers upon this Court "original and concurrent jurisdiction of all cases and matters of equity cognizable under the general principles of equity jurisprudence."

31. Mass. Gen. Laws ch. 56, § 59, states that "the superior department of the trial court shall have jurisdiction of civil actions to enforce the provisions of chapters fifty to fifty-six, inclusive, and may award relief formerly available in equity or by mandamus."

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## **FACTUAL BACKGROUND**

### **The First Middlesex District**

32. The First Middlesex District is comprised of Ashby, Dunstable, Groton, Lunenburg, Pepperell, and Townsend. *See* Exhibit C (Recount Tally Sheet provided by the Secretary).

33. The First Middlesex District can be specified by precinct: Ashby precinct 1; Dunstable precinct 1; Groton precincts 2, 3; Lunenburg precincts A, B1, C, and D; Pepperell precincts 1, 2, 3, and 4; and Townsend precincts 1, 2, and 3. *Id.*

### **The Election and its Initial Results**

34. The Election was held on November 8, 2022.

35. Secretary Galvin's office released the initial results of the Election to the candidates on or about November 28, 2022.

36. After the initial count, Plaintiff Shepherd received a total of 9,367 votes. *See* Ex. C.

37. Ms. Scarsdale received a total of 9,384 votes after the initial count. *Id.*

38. The third candidate on the ballot—Catherine Lundeen, an independent—received a total of 1,074 votes in the Election. *Id.*

39. The remainder of the initial results included 85 votes for "All Others" and 393 votes called as "Blanks." *Id.*

40. The margin of victory after the initial count was  $\approx 0.084\%$ . *Id.*

### **Challenges Made at Opening of Mail-In Ballots in Pepperell Prior to Recount**

41. On November 16, 2022, the Pepperell Town Clerk held an open meeting for the purpose of opening mail-in ballots that were purportedly postmarked by November 8, 2022, and arrived after the Election occurred but before the November 12, 2022, deadline.



42. Plaintiff Shepherd and his attorney attended this open meeting.

43. The Pepperell Town Clerk opened a total of 21 ballots (“Pepperell Mail-In Ballots”).

44. Plaintiff Shepherd’s attorney made 11 challenges on the basis that the voter signature cards did not match the signatures on the 11 mail-in envelopes in question, and as such the legality of the votes were in question.

45. After Plaintiff Shepherd’s attorney challenged a voter signature, the mail-in envelope was opened, and the top of the individual ballot was marked “C.V.” in red ink.

46. After each challenge, the individual envelope and voter signature card remained directly with and/or attached to the ballot that was contained within the envelope in question.

47. Despite the protests, all 11 ballots contained within the 11 challenged mail-in envelopes were called and included in the candidate vote count.

48. The Pepperell Mail-In Ballots were counted as follows: 16 were called for Ms. Scarsdale; three (3) were called for Plaintiff Shepherd; and two (2) were called for Ms. Lundeen.

49. Before the closure of the open meeting, Plaintiff Shepherd’s attorney restated his objection to the 11 challenged voter signatures (and by extension, the ballots contained therein), and put on the record his request for the Pepperell Town Clerk to keep each mail-in envelope in question together with its accompanying ballot so that, in the event of a recount or litigation, each ballot could be tracked and traced to its original mail-in envelope.

**Plaintiff Shepherd Petitions for a Recount**

50. Plaintiff Shepherd timely filed his petition for a district-wide recount.

51. On November 22, 2022, the office of the Secretary sent notice to the Election candidates that Plaintiff Shepherd filed a petition for a district-wide recount.

52. A district-wide recount—unlike a recount for a specific town precinct(s)—initiates a recount in all the towns that make up a specific district and can only be done where the margin of victory is not more than one-half of one percent (0.5%) of the votes cast for an office or question. Mass. Gen. Laws ch. 54, § 135.

53. On Monday, December 5, 2022, two town recounts took place in the towns of Pepperell and Townsend.

54. On Wednesday, December 7, 2022, two town recounts took place in the towns of Dunstable and Ashby.

55. On Thursday, December 8, 2022, a town recount took place in the town of Groton.

56. On Saturday, December 10, 2022, the final town recount took place in the town of Lunenburg.

#### **Results of the Recount**

57. After the Recount, Plaintiff Shepherd received a total of 9,402 votes. *See* Ex. C.

58. Ms. Scarsdale received a total of 9,409 votes after the Recount. *Id.*

#### **BASES FOR RELIEF**

##### **Failure of Town Clerks to Comply with Section 94 Is A Clear Derogation of Ministerial Duties Warranting Mandamus Relief**

59. This Court should exercise its authority to order a new election and order the Defendant Town Clerks to comply with Section 94.

60. “A complaint in the nature of mandamus is ‘a call to a government official to perform a clear cut duty,’ and the remedy is limited to requiring action on the part of the government official.” *Simmons v. Clerk-Magistrate of Bos. Div. of Hous. Court Dep’t*, 448 Mass.

57, 59–60 (2006) (quoting *Doe v. Dist. Attorney for the Plymouth Dist.*, 29 Mass. App. Ct. 671, 675 (1991)).

61. “[M]andamus is a remedy for (administrative) inaction.” *Town of Reading v. Attorney Gen.*, 362 Mass. 266, 269 (1972).

62. The duties imposed by Section 94 are “clear cut” and mandatory, and the Defendant Town Clerks’ “inaction” warrants mandamus relief. *Reading*, 362 Mass. at 269.

63. Section 94 uses the word “shall” to describe the Respondents’ duties. Mass. Gen. Laws ch. 54, § 94. “[S]hall’ is to be given a mandatory meaning.” *Uglietta v. City Clerk of Somerville*, 32 Mass. App. Ct. 742, 744 (1992) (quoting *Hashimi v. Kalil*, 388 Mass. 607, 609 (1983)); *Elmer v. Comm’r of Ins.*, 304 Mass. 194, 196 (1939) (“‘Shall’ in a statute is commonly a word of imperative obligation. It is inconsistent with the idea of discretion.”)

64. The requirements set forth by Section 94 are “public dut[ies];” *i.e.*, “dut[ies] by an officer with respect to a public right in which the voters at large have an interest.” *Brooks v. Sec’y of the Commonwealth*, 257 Mass. 91, 94 (1926) (granting mandamus relief). Namely, Plaintiff Shepherd and the public have a right for government workers to take the statutory steps required under Section 94.

65. Section 94 “requires election officials . . . to enforce the procedural protections of [Mass. Gen. Laws ch. 54] against fraud in [mail-in] ballots.” *Connolly v. Sec’y of the Commonwealth*, 404 Mass. 556, 569 (1989).

66. Townsend Town Clerk, Pepperell Town Clerk, and Lunenburg Registrar (whose actions as an election official fall under the purview of the Lunenburg Town Clerk) failed to comply with Section 94. *See Ex. B.*

67. Furthermore, on information and belief, the remaining Town Clerks and Registrars likewise failed to perform the mandatory duties imposed by Section 94. *Id.* (describing Plaintiff's review of write-in envelopes and the corresponding voter registration cards and finding a substantial amount of signatures that unmistakably did not match).

68. The incorrect results of the Election and the Recount were thus wrongfully certified by Defendant Registrars and the Secretary.

69. Plaintiff Shepherd lacks an adequate alternative remedy to mandamus to prevent the injustice caused by the Defendants' failure to comply with the law. *Lutheran Serv. Ass'n of New England, Inc. v. Metro. Dist. Comm'n*, 397 Mass. 341, 344 (1986).

70. The Court must therefore exercise its equitable authority and order a new election in order to safeguard the fundamental rights of Plaintiff Shepherd and voters, and preserve the integrity of the race for First Middlesex District State Representative. *See, e.g., McCavitt*, 385 Mass. at 850; *see also Connolly*, 404 Mass. at 570 ("Here, the vast majority of the envelopes of the absentee ballots were facially invalid. Only the election officials from [one town] followed the correct procedure under [Section 94] . . . . Although we reached the same result as the election officials in the majority of the absentee ballots, we had the benefit of testimony and findings from the judge below as to the circumstances of the ballots' execution. If we had reached a different result in a few more ballots, a new primary election would have been necessary.].

#### **ALTERNATIVE BASES FOR RELIEF**

##### **Pepperell Recount**

71. The initial Pepperell count included a total of 5,439 votes cast and counted across four precincts. Ex. C.

72. The Pepperell Recount included a total of 5,438 votes—a decrease of one (1) vote from the initially reported vote total, without explanation as to what caused the decrease in vote count. *Id.*

73. Plaintiff Shepherd gained a net total of five (5) votes at the Pepperell Recount. *Id.*

74. Towards the end of the Pepperell Recount, the Pepperell Mail-In Ballots were counted.

75. Upon opening the precinct envelopes that housed the Pepperell Mail-In Ballots at the Recount, it was discovered that the challenged mail-in envelopes were not together with their respective ballots.

76. Instead, while the Pepperell Town Clerk preserved the challenged mail-in envelopes within the larger precinct envelopes, the mail-in envelopes were separated from their respective ballots.

77. The 11 challenged write-in ballots can be identified without question due to the red “C.V.” marked atop the ballots.

78. However, since the mail-in envelopes were separated after the November 16<sup>th</sup> open meeting but before the Recount, the challenged ballots cannot be traced to their respective write-in envelopes that were challenged on the basis of voter signature inconsistencies.

79. The 11 challenged write-in envelope signatures do not match the voters’ respective registration signatures.

80. The 11 challenged signatures should be rejected in accordance with Massachusetts law. *See Ex. A; Mass. Gen. Laws ch. 54, § 94.*

81. Nevertheless, because the mail-in envelopes (and voter registration cards) were separated from their respective ballots, it cannot reasonably be determined which ballots were contained within their individual mail-in envelopes that were challenged.

82. Thus, in the alternative, the Pepperell Mail-In Ballots should be rejected as a whole—*i.e.*, all 21 mail-in ballots opened on November 16<sup>th</sup>—by the Court because of the inability to match the challenged mail-in envelopes to the ballots originally contained within each envelope.

83. The Pepperell Registrars certified the results of the Recount, which included the counting of the Pepperell Mail-In Ballots. These results should be voided or amended accordingly.

84. Plaintiff Shepherd's fundamental rights will be infringed upon without judicial intervention and correction of these ministerial errors.

#### **Groton Recount**

85. The initial Groton count included a total of 3,571 votes cast and counted across two precincts. Ex. C.

86. The Groton Recount included a total of 3,575 votes—an increase of four (4) votes—without explanation on why the vote increased by four (4) votes. *Id.*

87. At the Groton Recount, Ms. Scarsdale gained a net total of nine (9) votes. *Id.*

88. This is the first time that Groton has been divided up into two State Representative districts, and thus the first election where ballots for multiple districts had to be processed and counted.

89. The Groton Recount was defective for two reasons.

90. First, the Groton Town Clerk's disjointed administration of the Groton Recount likely resulted in the tallying and reporting of incorrect results. The Groton Recount was not conducted in order by precinct—*i.e.*, count all of Precinct 2, and then move on to Precinct 3.

Instead, at the direction of the Groton Town Clerk, the count would jump back-and-forth between the two precincts (2 and 3) depending upon when the votes came in—*i.e.*, ballots cast on Election day, early voting, timely mail-in ballots that arrived after the Election. This caused great confusion in the segregation process and at the counting tables. For example, at the segregation tables, the set of ballots going out for distribution would have a sheet that identified the precinct and block of ballots; at the counting tables, talliers would mark the tally sheets with the precinct-and-block information. But because the Groton Recount was not done in order (and instead flip-flopped), the second wave of ballots for the first precinct counted were labeled with the same block numbers as the first wave of ballots even though they were completely different ballots in completely different blocks. Plaintiff Shepherd's observer identified this substantial issue, and Plaintiff Shepherd's counsel alerted the Groton Town Clerk of the same. The count continued, and the Groton Town Clerk and election officials allegedly retroactively amended the precinct and block numbers with new identification and used the new identification as the count moved forward. Counsel for both Plaintiff Shepherd and Ms. Scarsdale objected on the record to the administration and procedure of the Groton Recount. At the end of the Groton Recount, Plaintiff Shepherd's counsel further objected to the administration and procedure of the Groton Recount, and stated that by extension the objection was to the entirety of the Groton Recount and the results reported and certified by the Groton Registrars.

91. Secondly, voters were disenfranchised because the Groton Town Clerk sent voters mail-in ballots for Precincts 1 and 3A, not the operative Precincts 2 and 3. Accordingly, lawfully registered voters were unable to cast their votes in the race for First Middlesex District State Representative. The Groton Town Clerk stated that, of the voters that returned the incorrect ballots, the votes were counted for the races that were common to all Massachusetts ballots—*e.g.*,

Governor, Attorney General, and State Auditor. However, at the Groton Town Recount, the Groton Town Clerk and the Groton Registrars counted the returned incorrect ballots as “blank” for the race for First Middlesex District State Representative. The Massachusetts Declaration of Rights provides that “all inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.” Mass. Decl. of Rights, Art. 9. These equal rights cannot be abridged by the failures of ministerial officers. Through no fault of their own, voters were deprived of their fundamental right to cast their votes for the Election due to receiving the wrong ballots.

92. Absent judicial intervention, the results of the Groton Recount will remain in question and some Groton voters will remain disenfranchised.

#### **Dunstable Recount**

93. A total of 50 extra ballots were discovered in Dunstable. *See* Ex. C.

94. The Secretary’s counsel told Plaintiff Shepherd that the “theory” is that test ballots were mistakenly counted, but that “theory” is not yet proven or known to be true. *See* Ex. B.

#### **Lunenburg Recount**

95. A total of 27 extra ballots were discovered in Lunenburg. *See* Ex. C.

96. Plaintiff Shepherd has not received an explanation for the 27 extra ballots discovered in Lunenburg. *See* Ex. B.

### **CLAIMS FOR RELIEF**

#### **COUNT I Writ of Mandamus**

97. All preceding paragraphs of this Complaint are hereby incorporated by reference.

98. Defendant Town Clerks failed to perform their clear-cut duties pursuant to Section 94.



99. Defendant Town Clerks' failure to perform pursuant to Section 94 places in doubt the integrity of the Election.

100. As a result of the Town Clerks' failure to perform, Defendant Registrars and the Secretary certified compromised Election and Recount results.

101. Plaintiff Shepherd has no adequate alternative remedy to rectify the unlawful actions and inaction by Defendants.

102. The Court must order a new election so as to ensure that Defendant Town Clerks perform their duties under Section 94, and as such safeguard the fundamental rights of Plaintiff Shepherd and voters and preserve the integrity of the race for First Middlesex District State Representative.

**COUNT II**  
**Declaratory Judgment Pursuant to Mass. Gen. Laws ch. 231A, § 1**

103. All preceding paragraphs of this Complaint are hereby incorporated by reference.

104. An actual and justiciable controversy exists between the parties regarding the result of the Election and the Recount.

105. Plaintiff is entitled to initiate judicial resolution of the controversy at the heart of this Complaint.

106. A justiciable controversy exists for the persons entitled to initiate the judicial resolution where there is a dispute involving a state agency's or state employee's action or inaction pursuant to a statutory duty.

107. The actions, decisions, mistakes, and inaction by Defendants placed into doubt the results of the Election.

108. Accordingly, the Court should declare that a new election is required because the integrity of the Election has been compromised.

**COUNT III**  
**Violation of Plaintiff's Fundamental Rights**

109. All preceding paragraphs of this Complaint are hereby incorporated by reference.

110. In an election dispute, the “fundamental” rights of candidates and voters are “intertwined,” entitling both to redress in the event of a constitutional violation. *Goldstein*, 484 Mass. at 524 (quotation marks omitted).

111. The Massachusetts Declaration of Rights provides that “all inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.” Mass. Decl. of Rights, Art. 9. These equal rights cannot be abridged by the failure of ministerial officers to abide by Massachusetts law.

112. The actions, decisions, mistakes, and inaction by Defendants violated Plaintiff Shepherd's fundamental rights and disenfranchised voters.

**COUNT IV**  
***De Novo* Review Pursuant to Mass. Gen. Laws ch. 56, § 59**

113. All preceding paragraphs of this Complaint are hereby incorporated by reference.

114. The determination of the legal effect of a ballot is a question of law. *McCavitt*, 385 Mass. at 839; *Morris v. Board of Registrars of Voters of East Bridgewater*, 362 Mass. 48, 49 (1972).

115. The Pepperell Mail-In Ballots and the write-in envelopes, *supra*, raise questions as to whether the votes in question were lawfully cast.

116. This Court must therefore exercise its equitable powers pursuant to Mass. Gen. Laws ch. 56, § 59, and initiate a *de novo* (in camera) review of the challenged Pepperell Mail-In Ballots and the write-in envelopes for the same.

117. Plaintiff Shepherd also asks this Court to exercise its equitable powers pursuant to Mass. Gen. Laws ch. 56, § 59, and conduct a *de novo* (in camera) review of all—across the First Middlesex District—mail-in ballot envelopes and their corresponding voter registration cards.

**COUNT V**  
**Contested Election**

118. All preceding paragraphs of this Complaint are hereby incorporated by reference.

119. Plaintiff challenges the results of the Election on the bases laid out, *supra*.

120. As a result of this election contest, the Court should declare that a new election is required because the integrity of the Election has been compromised.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Shepherd respectfully requests that the Court:

- a) issue a writ of mandamus, compelling the Defendant Town Clerks to perform their clear-cut duties pursuant to Section 94 in a new election;
- b) declare that the results of the Election have been placed in doubt because of the ministerial failures by Defendant Town Clerks, and, accordingly, that the Election must be set aside and a new election ordered;
- c) order that actions and inaction of Defendants violated the fundamental rights of Plaintiff Shepherd and Massachusetts voters;
- d) alternatively, conduct a *de novo* review and comparison of the write-in envelopes and the corresponding voter registration cards for mail-in votes cast in the Election;
- e) conduct a *de novo* (in camera) review of the Pepperell Mail-In Ballots;
- f) order that the Election has been contested by Plaintiff Shepherd;
- g) award Plaintiff the costs, including attorneys' fees, of bringing this Complaint; and
- h) award such other and further relief as this Court deems necessary and proper.

## REQUEST FOR HEARING

Plaintiff Shepherd respectfully requests that this Court hold a hearing on this Complaint at the Court's earliest convenience.

Dated: December 23, 2022

Respectfully submitted by,

/s/ Michael J. Sullivan

Michael J. Sullivan

MA BBO # 487210

J. Christopher Amrhein, Jr.

MA BBO # 703170

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*Attorney for Plaintiff*

**Andrew Shepherd**

# Exhibit A



## William Francis Galvin Secretary of the Commonwealth of Massachusetts



# 2022 Information For Voters

## Election Security

Elections in Massachusetts are secure, verifiable, and transparent. With recent changes to our election laws, you may have questions about the safeguards in place to ensure that every vote is counted legally and accurately.

## Verifiable Paper Trail

In Massachusetts, every voter casts a paper ballot. Ballots are counted either by an electronic tabulator or by election workers who tally the votes by hand.

No matter how your ballot was counted, election workers record all votes on a paper tally sheet in each polling place after polls close. All ballot counting and tallying takes place in public, with anyone welcome to observe the process.

Each local election office uses those tally sheets to compile unofficial results. Election results become official after they are checked thoroughly, certified by the local election official, reported to the Secretary of the Commonwealth's office, and certified again by the Governor and the Governor's Council.

Candidates always have the right to petition for a hand recount of ballots to verify that the official count was accurate.

## Ballot Tabulators

All ballot tabulators in Massachusetts are certified for use by the federal Election Assistance Commission and the Secretary of Commonwealth.

Before each election, local election officials must hold public logic & accuracy testing of all tabulators that will be used in the election. Each tabulator is tested to make sure it is counting ballots accurately. The testing date, time, and location is publicly posted, and members of the public are welcome to observe. Local party committees are also invited to observe testing of the voting equipment.

Only tabulators that count paper ballots are certified for use in Massachusetts. No voting tabulators in Massachusetts are connected to the internet.

## Voting by Mail

Your Vote by Mail ballot will be checked in as quickly as possible after it reaches your local election office. Your local election official will open the outer mailing envelope and check your inner ballot envelope for your signature. The signature on the ballot envelope will be compared to the signature on file with your local election office.

If your ballot envelope is signed and accepted, your local election official will mark your name off the voter list so that you can't vote again. The voter list used at your polling place will show that you have already voted.

If your ballot is not accepted, you will be notified that your ballot needed to be rejected and you will still be able to vote in person. If time allows, you will be sent a replacement ballot to use to vote by mail.

All mail-in ballots are checked against the voter list before they are counted. This prevents any voter from voting more than once. A mail-in ballot that arrives after someone has voted in person will be rejected when the ballot is checked in.

## Ballot Counting

When you vote in person at your polling place, you place your own ballot directly into the locked ballot box, where it remains until after polls close. Ballots inserted into tabulators are counted as you insert them, while ballots inserted into other ballot boxes are counted in the polling place after polls close.

When you vote early in person or vote by mail, you place your ballot into a ballot envelope, which is kept sealed and secured until it is ready to be counted. Ballots are never unsealed until a public tabulation session has begun.

### Go to:

[Offices on the Ballot in 2022](#)

[Question 1](#)

[Question 2](#)

[Question 3](#)

[Question 4](#)

[Voting in 2022](#)

[How to Register to Vote](#)

[Voting by Mail](#)

[Voting Early In-Person](#)

[Voting on Election Day](#)

[Frequently Asked Questions](#)

### Election Security

[Be a Poll Worker](#)

[Military and Overseas Voters](#)

[Massachusetts Voters' Bill of Rights](#)

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All ballots are counted in public, either at a central tabulation facility or at your polling place on Election Day. Before any early or absentee ballot is counted, the name and address on the envelope is read aloud and the voter's name is marked off on the voter list.

Observers are welcome to attend tabulation sessions, which must be publicly posted by your local election office. Any ballots not tabulated at a central tabulation facility are sent to the appropriate polling place to be inserted into the ballot box on Election Day.

Observers are also welcome in polling places to watch the voting process and the counting of ballots at the end of the night. Observers must not interfere with the voting process and must observe from a designated location outside of the voting area.

## Election Results

For the November 8, 2022 State Election, unofficial election results reported on Election Night will include all ballots counted through November 8. Those results will include:

- All ballots cast during the early voting period;
- All mail-in ballots returned by November 7;
- All ballots cast in person on Election Day.

Ballots returned by mail or drop box on Election Day will be sent to be processed at the local election office, so that signatures on the ballot envelopes can be examined and voter lists can be consulted.

Mail-in ballots that arrive by November 12, 2022 will be counted as long as they are postmarked by Election Day.

After voting lists from polling places have been returned to the local election office, the election officials will check any ballots that arrived on or after Election Day against those lists to determine if the voter who returned the ballot has already voted in person. Ballots from voters who have already voted will be rejected.

Ballots that are accepted on or after Election Day will be counted during a public counting session to be held after 5 p.m. on November 12. Vote tallies will be amended to reflect those additional ballots before the results become official.

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**William Francis Galvin, Secretary of the Commonwealth of Massachusetts**

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# Exhibit B



COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO.

ANDREW SHEPHERD,

Plaintiff,

v.

TOWN OF TOWNSEND REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF TOWNSEND,  
TOWN OF PEPPERELL REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF PEPPERELL,  
TOWN OF GROTON REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF GROTON,  
TOWN OF LUNENBURG REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF LUNENBURG,  
TOWN OF ASHBY REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF ASHBY,  
TOWN OF DUNSTABLE REGISTRARS OF VOTERS,  
TOWN CLERK OF THE TOWN OF DUNSTABLE,  
and  
WILLIAM F. GALVIN, in his official capacity as  
Secretary of the Commonwealth of Massachusetts,

Defendants.

**DECLARATION OF ANDREW SHEPHERD**

I, Andrew Shepherd, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:

1. I reside in Townsend, MA.
2. I am a candidate in the First Middlesex District State Representative election (“Election”).
3. The allegations contained within the Complaint (to which this Declaration is an exhibit) are true and accurate to the best of my knowledge.

4. After the Recount, I spoke with the Townsend Town Clerk to ask whether Townsend election workers compared every signature on the mail-in envelopes with the signatures on the accompanying voter registration cards in order to see if the signatures matched. In response, the Townsend Town Clerk said “No.” The Townsend Town Clerk cited the large volume of mail-in ballots received, staffing, and cost as the reason why not all voter signatures were checked in the Election.

5. I had a similar conversation with a Lunenburg Registrar who likewise admitted that as relates to this Election, not all voter signatures on mail-in envelopes were compared to their corresponding voter registration cards.

6. Moreover, I spoke with the assistant Town Clerk for the Town of Pepperell, who indicated that while Pepperell does a relatively thorough job vetting mail-in voter signatures, they did not inspect and check all mail-in voter signatures in this Election.

7. I inspected mail-in envelopes and the corresponding voter registration cards during the Recount. In just two *precincts* alone—one precinct in Townsend, and one in Lunenburg—I found approximately 20 mail-in voter signatures that did not match the signatures on the corresponding voter registration cards.

8. I have not received an explanation for the 27 extra ballots discovered in Lunenburg.

9. In the 48 hours before the certification of the Recount results, I spoke with counsel for Defendant Secretary Galvin regarding the 50 extra ballots discovered in Dunstable. The Secretary’s counsel told me that the “theory” is that test ballots were mistakenly counted, but that “theory” is not yet proven or known to be true.

Executed on: December 23, 2022

Location: 55 Main St, Townsend MA 01469

  
Andrew Shepherd

# Exhibit C

Precinct	Original Tally						Recount Tally						Net Difference					
	Scarsdale	Shepherd	Lundeen	All Others	Blanks	Total	Scarsdale	Shepherd	Lundeen	All Others	Blanks	Total	Scarsdale	Shepherd	Lundeen	All Others	Blanks	Total
Ashby																		
Pct. 1	585	797	62	0	22	1,466	584	799	61	3	19	1,466	-1	2	-1	3	-3	0
Dunstable																		
Pct. 1	835	741	91	0	60	1,727	843	759	103	0	72	1,777	8	18	12	0	12	50
Groton																		
Pct. 2	997	667	94	3	39	1,800	1,001	664	89	4	43	1,801	4	-3	-5	1	4	1
Pct. 3	1,040	596	89	5	41	1,771	1,043	597	84	5	45	1,774	3	1	-5	0	4	3
Lunenburg																		
Pct. A	586	634	59	1	27	1,307	598	649	59	1	26	1,333	12	15	0	0	-1	26
Pct. B1	24	37	3	0	0	64	46	59	5	0	0	110	22	22	2	0	0	46
Pct. C	571	630	54	0	22	1,277	551	614	52	0	21	1,238	-20	-16	-2	0	-1	-39
Pct. D	668	683	78	0	27	1,456	668	678	78	0	26	1,450	0	-5	0	0	-1	-6
Pepperell																		
Pct. 1	610	554	82	15	15	1,276	611	556	82	15	14	1,278	1	2	0	0	-1	2
Pct. 2	766	695	98	20	30	1,609	765	694	98	20	30	1,607	-1	-1	0	0	0	-2
Pct. 3	670	621	88	25	25	1,429	669	622	88	24	25	1,428	-1	1	0	-1	0	-1
Pct. 4	595	418	90	9	13	1,125	594	419	90	9	13	1,125	-1	1	0	0	0	0
Townsend																		
Pct. 1	426	814	69	0	15	1,324	426	812	69	0	15	1,322	0	-2	0	0	0	-2
Pct. 2	497	728	64	6	35	1,330	496	728	64	8	34	1,330	-1	0	0	2	-1	0
Pct. 3	514	752	53	1	22	1,342	514	752	53	2	57	1,378	0	0	0	1	35	36
GRAND TOTAL	9,384	9,367	1,074	85	393	20,303	9,409	9,402	1,075	91	440	20,417	25	35	1	6	47	114

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO EXAMINE  
THE RETURNS OF VOTES OF  
CERTAIN REPRESENTATIVE DISTRICTS

**DECLARATION OF PAUL FROST**

I, Paul Frost, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:


1. I reside in [Auburn], MA.
2. I am a State Representative for the 7<sup>th</sup> Worcester district and was a volunteer for the Shepherd campaign during the Groton recount on December 8<sup>th</sup> 2022 in the recount of the First Middlesex District State Representative election (“Election”).
3. The allegations contained within this Declaration are true and accurate to the best of my knowledge.
4. I served as an observer for the Shepherd campaign looking over the town election workers checking to make sure the ballot was intact, had no stray marks, and the town employee read the correct name on the ballot at the voter intended.
5. While in Groton I was very disappointed with the candor and professionalism the recount was carried out with. There seemed to be constant confusion among the clerk and executors of the process. Blocks of ballots were being gone through in a sporadic manner, criss-crossing between precincts,. It seemed a dysfunctional enough on its face to question whatever the outcome would be.
6. While I was at a counting table we received a block of ballots which I believe had at least 6 ballots that did not have the 1<sup>st</sup> Middlesex Race on the ballot. Having those ballots separated from their envelopes but mixed in with ballots from the 1<sup>st</sup> Middlesex District, it is

tough for me, especially in light of the earlier dysfunction to fully trust that they were simply misplaced and not reflective of disenfranchised voters. As the one who raised my hand to challenge these ballots the town clerk looked at them and said something to the effect she was “confused by this and didn’t know what was going on” while she raised her hands in the air in frustration.

7. At one time I noticed a worker for the town clerk cut open a box and started reaching in without supervision of neither the town clerk nor the attorneys from both candidates. I quickly left my table to inform the attorney for Mr. Shepherd of what was happening. The town clerk overheard me informing the attorney and the town clerk’s face dropped and they both rushed over to the container in question and the town clerk’s worker who had opened it. Because I had turned my back to leave my table to find Mr. Shepherd’s attorney I did not see what if anything was taken out of or put into the container.

Executed on: January 11, 2023

Location: Aurino, MA

  
Name

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO EXAMINE  
THE RETURNS OF VOTES OF  
CERTAIN REPRESENTATIVE DISTRICTS

**DECLARATION OF DAVID MURADIAN**

I, David Muradian, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:

1. I reside in Grafton, MA.
2. I am the State Representative for the 9<sup>th</sup> Worcester district and was a volunteer for the Shepherd campaign during the Pepperell recount on December 5<sup>th</sup> 2022 in the recount of the First Middlesex District State Representative election (“Election”).
3. I served as an observer for the Shepherd campaign looking over the town election workers checking to make sure the ballot was intact, had no stray marks, and the town employee read the correct name on the ballot at the voter intended.
4. I did not see any error with the overall recount process of counting every ballot. The process worked as designed.
5. When it came time to review the challenged ballots I was aware that there had been 11 challenged ballots on the pretense of the mail in, inner security envelope signature matching the voters signature card. Upon review of the challenged ballots, it was disappointing to see that the connection between envelope and challenged ballot had been broken. This prevented any legitimate effort to perform a thorough comparison and deprived candidate Shepherd of his rights as a candidate to issue and receive judgment on a fair challenge.

Executed on: January \_11\_, 2023

Location: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "David Muradian". The signature is written in a cursive style with a large initial "D" and "M".

David Muradian  
Name



COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO EXAMINE  
THE RETURNS OF VOTES OF  
CERTAIN REPRESENTATIVE DISTRICTS

**DECLARATION OF ANDREW SHEPHERD**

I, Andrew Shepherd, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:

1. I reside in Townsend, MA.
2. I am a candidate in the First Middlesex District State Representative election (“Election”).
3. I incorporate herein all facts and allegations contained within the Complaint, *Shepherd v. Town of Pepperell Registrars of Voters, et al.*, 2281-CV-04326 (Mass. Super. Ct. Middlesex Cty.), Dkt. 1.
4. On November 10, 2022, I received a call from the Pepperell Town Clerk expressing that there had been an error in her spreadsheet tabulating all ballots. As a result, our 34-vote district-wide lead dropped to 20.
5. On Sunday, November 13, 2022, the Dunstable Town Clerk called me and said she had received all the mail-in ballots and was planning to open them that day. I initially accepted her intention and the call ended. Although after talking with a local lawyer I called the Dunstable clerk back and asked to attend the opening. She expressed that she may need to look into the rules further and was going to hold off on counting for now.
6. On November 14, 2022, the Groton election officials counted their original mail-in ballots. On November 15, 2022, the Groton Town Clerk reach out via email expressing that Groton election officials found nine (9) additional ballots scheduled to be counted on November 18<sup>th</sup>.

7. On December 5, 2022, the Townsend Recount found an additional 34 ballots that were called as blanks. It was explained that a Townsend election official allegedly placed blank, unused ballots in the piles of cast ballots.

8. On December 7, 2022, the Dunstable and Ashby Recounts occurred. I attended the Ashby Recount. I received word from a member of my team that the number of votes in Dunstable increased by 50, and I gained net of 10 votes.

9. On December 8, 2022, the Groton Recount took place. Both attorneys—counsel for Ms. Scarsdale and my own—made formal objections concerning the process and procedure of the Groton Recount. We also learned that an unknown number of individuals residing in the First Middlesex District were sent ballots from the 37<sup>th</sup> Middlesex District, and through no fault of their own they were unable to cast their votes in the Election. After the Groton Recount, I lost a net of 9 votes.

10. The Lunenburg Recount occurred on December 10, 2022. The total number of ballots increased by 27. To this day I have not received an explanation concerning the 27 extra ballots discovered in Lunenburg.

11. In the 48 hours before the certification of the Recount results, I spoke with counsel for Defendant Secretary Galvin regarding the 50 extra ballots discovered in Dunstable. The Secretary's counsel told me that the "theory" is that test ballots were mistakenly counted. As of today, this remains merely a "theory," and no confirmed explanation has been provided to me.

12. After the Recount, I spoke with the Townsend Town Clerk to ask whether Townsend election workers compared every signature on the mail-in envelopes with the signatures on the accompanying voter registration cards in order to see if the signatures matched. In response, the Townsend Town Clerk said "No." The Townsend Town Clerk cited the large volume of mail-

in ballots received, staffing, and cost as the reason why not all voter signatures were checked in accordance with Massachusetts law.

13. I had a similar conversation with a Lunenburg Registrar who likewise admitted that as relates to this Election, not all voter signatures on mail-in envelopes were compared to their corresponding voter registration cards.

14. Moreover, I spoke with the assistant Town Clerk for the Town of Pepperell, who indicated that while Pepperell does a relatively thorough job vetting mail-in voter signatures, they did not inspect and check all mail-in voter signatures in this Election.

15. I inspected mail-in envelopes and the corresponding voter registration cards during the Recount. In just two *precincts* alone—one precinct in Townsend, and one in Lunenburg—I found approximately 20 mail-in voter signatures that clearly did not match the signatures on the corresponding voter registration cards.

Executed on: January 11, 2023

Location:     Townsend    

  
\_\_\_\_\_  
Andrew Shepherd

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO EXAMINE  
THE RETURNS OF VOTES OF  
CERTAIN REPRESENTATIVE DISTRICTS

**DECLARATION OF GREGORY EATON**

I, Gregory Eaton, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:

1. I reside in Whitman, MA.
2. I am a volunteer for The Andrew Shepherd Campaign in the First Middlesex District State Representative election (“Election”).
3. The allegations contained within this Declaration are true and accurate to the best of my knowledge.
4. I have been to several recounts in my years as a political activist. However, during those years, I have never witnessed a recount that was as chaotic as the recount in the 1<sup>st</sup> Middlesex district State Representative election in Groton. The first issue I noticed the second that we entered the recount room was that the tables where the workers and observers from both campaigns are expected to do this recount were too close to one another. After raising this concern with Andrew Shepherd’s legal counsel, the tables were moved apart a little. After the tables were moved, I would describe the room set up in the following way, you have a reader of the ballots and tallier sitting at the table. Additionally, there is two people from each campaign standing over them, so 6 total people and less than an arm length away there’s another 6 people working on a different group of ballots on either side of the table you are at. Due to how close the tables were to each other interference from the other tables directly to the right or left of your table was inevitable.

5. The next issue was the lack of instructions from the Town Clerk or Town Counsel. At a "normal" recount there is a painstaking instruction period of at least 15 to 30 minutes, where the Town Clerk and Town Counsel go over the rules and procedures that are about to happen. In my experience this is mostly done as instructions to the recount staff however during this instruction period each group of people present are usually asked if there's any questions (the recount workers, attorneys/candidates, observers). At the Groton recount there was very little instructions to anyone in the room. This lack of instruction and the fact that we were all on top of each other led to a great amount of confusion throughout the entire recount.


6. Additionally, during the recount, the table I was observing was given the same "block number" on back-to-back blocks meaning that at the end of the recount, it would be possible that there would be more than one (Precinct 1, Block 8) for example. I objected to this at my table and it was resolved hopefully for the entire recount however I cannot be sure that this was not happening before I caught this error and raised an objection to the whole process. It was explained to me that the issue had to do with keeping the early vote ballots and absentee ballots segregated from the election day ballots. This is the only time I have ever seen something like that occur in the multiple recount efforts I have observed.

7. The lack of organization and attention to detail I observed at the Groton recount gives me serious pause that the well-meaning but inexperienced recount employees and/or volunteers representing the Town of Groton didn't make innocent mistakes that might have led to errors that would be greater than that of the margin of victory in the 1<sup>st</sup> Middlesex District State Representative election.

Executed on: January 10, 2023

Location: Whitman, MA

Name:

  
Gregory Eaton

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO EXAMINE  
THE RETURNS OF VOTES OF  
CERTAIN REPRESENTATIVE DISTRICTS

**DECLARATION OF Cathy Clark**

I, Cathy Clark, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:

1. I reside in Lunenburg, MA.
2. I was a volunteer for Andrew Shepherd, in the First Middlesex District State Representative election (“Election”) recount in Lunenburg on 12/10/2022.
3. The allegations contained within this Declaration are true and accurate to the best of my knowledge.
4. On December 10, 2022 I participated in the recount in Lunenburg, MA as a representative for Andrew Shepherd. I worked at a table with the another Shepherd campaign volunteer, two for the Scarsdale campaign and two town volunteers. All were professional and respectful. Conversations were kept at a minimum between all parties.
5. I found it concerning that the certified vote total in Lunenburg between the general election and the recount increased by 27 votes. I was not aware of any explanation for this increase.
6. I examined photos taken of the mail in envelopes sampled from precinct A in Lunenburg. There were many that matched, only having small or convincing variations between them. Although there were a handful – at least 7 which seemed to not match. Of the 7 there were blatant differences between a legible attempt and something like a stray line. There was also an envelope where it looked like a husband and wife mismatched their signatures. Seemingly the husband signed the wife’s ballot, and the wife signed his ballot or one spouse signed them both and mixed them up. Objectively, that makes sense and can happen. But my understanding is that

under normal circumstances if an election official notices an irregularity like this the ballot would be removed, the voter notified to rectify the issue.

7. To me the fundamental importance of our process is knowing with certainty that every individual casts their own vote. I have to think that upon my own examination of those envelopes that some of these ballots had they been noted or properly examined could have materially changed the outcome of the election.

Executed on: January 10, 2023

Location: Townsend, MA

Cathy Clark  
Name

<i>cathy clark</i>	dotloop verified 01/11/23 1:50 PM EST LISE-AM71-BOFK-J2KL
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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO EXAMINE  
THE RETURNS OF VOTES OF  
CERTAIN REPRESENTATIVE DISTRICTS

**DECLARATION OF KAREN RAPOZA**

I, Karen Rapoza, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:

1. I reside in Townsend, MA.
2. I am a volunteer for Andrew Shepherd, in the First Middlesex District State Representative election (“Election”).
3. On December 5, 2022, I participated in the recount in Townsend, MA, as a volunteer for Andrew Shepherd. I was stationed at a table with another Andrew Shepherd volunteer, two volunteers for Ms. Scarsdale, and Townsend election workers. All were professional and respectful. Conversations were kept at a minimum between all parties. Questions on several ballots were questions and adjudicated with the proper respective teams.
4. On December 7, 2022, I participated in the recount in Dunstable, MA. I was stationed at a table with another Andrew Shepherd volunteer, two volunteers for Ms. Scarsdale, and Dunstable election workers. After several miscounts of the ballots with the town reader and the town recorder, and having to start over a couple times with the recording, the Dunstable election worker reading the ballot asked to be replaced as they were getting flustered. This happened a couple of times with the Dunstable election workers swapping places. It was also of importance that there were numerous conversations between one of Ms. Scarsdale’s representatives and one of the Dunstable election workers at the table; it appeared they did know each other well outside this venue. There were also several times Dunstable election worker

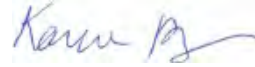


stopped on several ballots, looked at the Ms. Scarsdale's representative to see if he or she would gently nod or shake his or her head and then move onto counting and recording the next ballot. No ballots were identified with any stray marks or numbers in the top corners. No ballots were identified as test ballots.

5. On December 10, 2022, I participated in the recount in Lunenburg, MA, as a volunteer for Andrew Shepherd. As in the other towns, I was at a table with another Andrew Shepherd representative, two of Ms. Scarsdale's representatives, and the two town election workers. No anomalies were witnessed. All parties were respectful, and conversations were kept at a minimum. Several ballots were questioned, but counsel for the candidates were called in and adjudicated the ballots.

Executed on: January 12, 2023

Location: Townsend, MA



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Karen Rapoza

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO EXAMINE  
THE RETURNS OF VOTES OF  
CERTAIN REPRESENTATIVE DISTRICTS

**DECLARATION OF Marie S. McCormack**

I, Marie McCormack, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:

1. I reside in Essex Junction, VT.
2. I am a volunteer for the Committee to Elect Andrew Shepherd in the First Middlesex District State Representative election (“Election”).
3. I attended recounts in Townsend, Dunstable, Groton, and Lunenburg.
4. During the recount in Townsend, I was a tally observer.
5. During the recount in Dunstable, I was a ballot observer at table 2. I also spent time as a tally observer at table 2. During my time observing the ballots at table 2, I did not observe any stray markings on any of the ballots that indicated any numbered ballots (numbers 1-50, speculated as test ballots) being hand counted. I did not observe any stray markings anywhere on the subject ballots being counted that would lead a reasonable person to believe that these are test ballots.
6. After the Dunstable recount, I heard the clerk admit that she is new to the job and is unable to give an answer as to why there were a greater number of total ballots compared to the initial ballot count. The clerk stated that she would feel more concerned if there were less ballots recorded and that she is less concerned that the total ballot count was higher at the end of the recount. At the Dunstable recount, the Pepperell town clerk was engaging in the conversation and admitted that she was “not too concerned” with the greater number of ballots and encouraged the Registrars, amidst apprehension to certify the results, to move ahead while she made suggestions

for moving forward. After lengthy conversation, the Registrars motioned to certify the results and all three registrars agreed.

7. During the recount in Groton, the process was highly disorganized. I was a ballot observer as well as a tally observer. I heard the clerk admit that the ballot boxes were not organized. I also made note, as this stuck out to me that at 1:06pm Groton Clerk stated “I am so confused and lost at this point.” Additionally, the recount began with an expectation that any ‘challenge’ on the floor would stop the entire recount in the room. The Groton Clerk did not keep consistency on this rule for the duration of the recount. This caused confusion throughout the day.

8. During the recount in Lunenburg, I was a ballot observer.

9. After the recount in Lunenburg, I inspected mail-in envelopes and the corresponding voter registration cards during the Recount. I observed numerous mail-in voter signatures that did not match the signatures on the corresponding voter registration cards.

Executed on: January 12, 2023

Location: Essex Junction, Vermont

DocuSigned by:  
*Marie McCormack*  
21EB4EAA7A1040E  
Marie S. McCormack

DECLARATION OF: Russell E. Cleary

I, Russell E. Cleary, declare, upon personal knowledge and under the penalty of perjury, that the following is true and accurate:

1. I reside in Pepperell, Massachusetts, and am a registered voter in the town.
2. I was a volunteer for the Andrew Shepherd for State Representative Campaign at the Pepperell and Dunstable Recount.
3. I recall no untoward aspects while volunteering at the Pepperell and Dunstable recounts.
4. On November 1<sup>st</sup>, of 2022 I entered the Pepperell Town Hall to vote as an "early voter", in this year's General Election.
5. A ballot was given to me by one of the clerks at the Pepperell Town office, which I began to complete, going down the left-hand column first, voting for candidates for the State offices. When I got to the bottom, I saw that my choices for U. S. Representative (Congress) were Seth Moulton and his Republican challenger.

Taken aback, I scanned the ballot further, and saw that in the upper-right corner of the ballot SAUGUS, and not PEPPERELL, had been printed. Then I brought the ballot to the clerks, one of whom said that the ballot I was given had been "attached to the outside of the box", or something very close to that. She took the ballot from me. I asked what would be done with it, and she responded that it would go in an envelope for "spoiled" ballots, to be dealt with or recorded in some fashion, and then destroyed.

I was then given a PEPPERELL ballot and had no trouble filling it out and submitting it.

Executed on: January 11, 2023

Location: 14 Park Street, Pepperell, Massachusetts

Russell E. Cleary

Russell E. Cleary

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO EXAMINE  
THE RETURNS OF VOTES OF  
CERTAIN REPRESENTATIVE DISTRICTS

**DECLARATION OF MARIA MILLIKIN**

I, Maria Millikin, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:

1. I reside in Townsend, MA.
2. I was a volunteer for Andrew Shepherd's campaign in the First Middlesex District State Representative election ("Election").
3. At the recount in Groton, I was overseeing the counting of ballots at my table when we realized that the pile of ballots we were handed had the wrong candidates' names on them. We raised our hand and challenged. The Groton Clerk and the lawyers came over and watched as the ballots were reviewed again and confirmed that only four (4) ballots in the block were from the correct district, and the others were from another district. Furthermore, I recall there being a question regarding the number of ballots from this block and why two ballots were missing that should have been included. In the end, the ballots from the wrong district were removed and we were left with four (4) ballots to recount.
4. There was a lot of confusion at the Groton Recount. The stress in the room that day was very evident.

Executed on: January 10, 2023

Location: Townsend, MA

DocuSigned by:  
*Maria Millikin*  
89974EEA8C2048C...  
Maria Millikin

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO EXAMINE  
THE RETURNS OF VOTES OF  
CERTAIN REPRESENTATIVE DISTRICTS

**DECLARATION OF CYNTHIA E. O'NEIL**

I, Cynthia E. O'Neil, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:

1. I reside in Duxbury, MA.
2. I served as a volunteer for Andrew Shepherd, in the First Middlesex District State Representative election (“Election”) and recount (“Recount”).
3. I was at the Groton Recount on December 8, 2022, as a volunteer for the Shepherd campaign. My table consisted of two Groton election workers, and two volunteers each for Shepherd and Scarsdale. We received blocks of 50 ballots at a time. The Groton election workers counted and tallied each block. The Shepherd team kept our own count. After we finished each batch of 50, the Groton election workers raised their hands, turned in the blocked ballots and accompanying tally sheet, and requested another block to count. There was a very long delay—around 30–45 minutes of downtime—between each block received.
4. I stayed for six (6) blocks of 50, which took around five (5) hours. With one exception, which I do believe was just a mistake due to tedium and repetition, the workers read out the correct names that matched what was on the ballots.
5. All teams were told to stop counting whenever any Groton election worker or campaign observer had a concern and raised their hands for the Groton Clerk and lawyers to come address it. This added to the delay and confusion, and was not consistent throughout the Groton Recount.

Executed on: January 12, 2023

Location: Duxbury, MA

DocuSigned by:  
*Cynthia O'Neil*  
Cynthia E. O'Neil

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO  
EXAMINE THE RETURNS OF VOTES  
OF CERTAIN REPRESENTATIVE DISTRICTS

**AFFIDAVIT AND DECLARATION OF DAVID R. CHENELLE, ESQ.]**

I, David R. Chenelle, do hereby declare, upon my own personal knowledge, information and beliefs, that the following statements are true and accurate:

1. I reside in Townsend, MA where I have been a resident of since 1994.
2. I am an attorney, licensed to practice law within the Commonwealth of Massachusetts, as well as other jurisdictions, and have volunteered to assist Andrew Shepherd in his efforts in running for the open seat for First Middlesex District State Representative.
3. On December 6, 2022 I was requested to and did attend and view, at the Town Clerk's office, in Townsend, MA, the comparison of signatures on mail in ballot envelopes received to those signatures which appeared on the voter registration cards.
4. The first task at hand was to sort the materials out by precinct and then address. Once sorted out, the reviewers began with Precinct #1. While it was observed that some if not most of the signature comparisons provided some small variations, there were others which appeared to be completely different in form and structure. The significant difference in the signatures, should have, in my opinion, have raised concerns as to whether those votes should have been counted.
5. Unfortunately, at the stage of this review the votes cast on those ballots, where the signatures are in question, are unknown. However, given the closeness of the results, those mail



in ballot signatures which did not match the voter registration cards, did have had an impact on the results.

6. During the review I spoke with the Townsend Town Clerk asking whether the Townsend election workers compared every signature on the mail-in envelopes with the signatures on the accompanying voter registration cards to ensure that the signatures matched. Unfortunately, the response of the Townsend Town Clerk was “No.” The Townsend Town Clerk cited: the relative new law requiring election workers to check every mail-in voter signature to the voter registration card; the exceptionally large volume of mail-in ballots received; limits on staffing; and cost as the reason why not all voter signatures were checked in the Election.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 10<sup>TH</sup> DAY OF  
JANUARY, 2023



David R. Chenelle

# Appendix F- Transcript of Proceedings

Volume: I

Pages: 55

COMMONWEALTH OF MASSACHUSETTS

Special Committee of the House to Examine the Returns of Votes  
for Certain Representative Districts

SPECIAL COMMITTEE MEMBERS

Representative Michael S. Day, Chair,

31st Middlesex District

Representative Daniel J. Ryan,

2nd Suffolk District

Representative Bradley H. Jones, Jr.,

20th Middlesex District

Date of Hearing: Friday, January 13, 2023

Time: 2:00 p.m.

Location: Room A2, Massachusetts State House



## 1 A P P E A R A N C E S

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9 and

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14 Representing: Andrew Shepard

15

16 Dennis Newman, Esq.

17 580 Pearl Street

18 Reading, MA 01867

19 617-780-1793

20 Representing: Margaret Scarsdale

21 ALSO PRESENT:

22 Margaret Scarsdale, State Representative Candidate; Andrew

23 Shepherd, State Representative Candidate; General Audience

24

## 1 P R O C E E D I N G S

2  
3 REPRESENTATIVE DAY: We'll open up the  
4 hearing, Special Committee of the House to  
5 examine the returns of certain representative  
6 districts. We are in Room A2 of the  
7 Massachusetts State House. It is approximately  
8 2:00 on Friday, January 13, 2023. We're here  
9 this afternoon to examine -- further examine the  
10 returns of the 1st Middlesex District.

11 Again, I am State Representative Michael  
12 Day, with me to my right is minority leader  
13 Representative Brad Jones from the 20th Middlesex  
14 District. And to my left, Representative Daniel  
15 Ryan from the 2nd Suffolk District. We are the  
16 members of the Special Committee appointed by the  
17 House.

18 This hearing, as it was this morning, is  
19 being recorded, live streamed, and closed  
20 captioned. A transcript is also being produced  
21 at a later date, but being recorded right now,  
22 and taken down by a stenographer. We will  
23 briefly again go over the ground rules of this  
24 afternoon's hearing as agreed to by the

1 committee.

2 Opening statements will be welcomed by  
3 counsel or by the candidates, followed by  
4 questions by the committee. The hearing is open  
5 to the public. As with all hearings here, any  
6 outbursts or political statements will not --  
7 political demonstrations, I should say, will not  
8 be tolerated by the Special Committee.

9 I'll now turn to the matter before us  
10 this afternoon. And I will run through some of  
11 the procedural background again as we did in this  
12 morning's hearing on the 2nd Essex District. The  
13 House convened on January 4, 2023, in accordance  
14 with the Constitution of the Commonwealth. We  
15 received a communication from the Secretary of  
16 the Commonwealth regarding the returns of the  
17 November 8th, 2022 elections for representative  
18 in general court.

19 An order was unanimously adopted by the  
20 House to form a Special Committee of the House to  
21 examine the returns, which is the custom and is  
22 consistent with the provisions of Article 10 of  
23 the Constitution. The Speaker appointed myself  
24 along with Representative Jones and

1 Representative Ryan to serve on that Committee.  
2 The House agreed, each member of this Committee  
3 then signed an order which was unanimously  
4 adopted by the House. We found in that order  
5 that 158 members of our -- of our colleagues were  
6 duly elected and ought to be sworn in by the  
7 Governor of that day. In two cases, the 2nd  
8 Essex and the 1st Middlesex, we determined that  
9 further -- further review of the returns was  
10 appropriate.

11 We held a hearing on the 2nd Essex -- Essex District  
12 this morning. The 1st Middlesex is why we are  
13 now here to conduct this hearing. I'd like to  
14 thank counsel and the candidates for their  
15 appearance here today and their engagement with  
16 the Special Committee. I believe Chairman Ryan  
17 would like to offer a few things for the record.

18 REPRESENTATIVE RYAN: Thank you, Mr.  
19 Chairman. I move that the communication from the  
20 Secretary of the Commonwealth issued to the House  
21 on January 4th be entered into the record.

22 REPRESENTATIVE JONES: Second.

23 REPRESENTATIVE DAY: All in agreement,  
24 that'll be entered into the record.

1           REPRESENTATIVE RYAN: Mr. Chairman, I  
2 further move the order that you referenced  
3 establishing this Special Committee be entered  
4 into the record.

5           REPRESENTATIVE JONES: Second.

6           REPRESENTATIVE DAY: All in favor,  
7 that'll also be moved into the record.

8           REPRESENTATIVE RYAN: I also move that  
9 the order of the Special Committee of the House  
10 seating 158 of our colleagues be entered into the  
11 record.

12          REPRESENTATIVE JONES: Second.

13          REPRESENTATIVE DAY: That will also be  
14 entered into the record. Prior to this publicly  
15 noticed hearing, we requested any documentation  
16 that counsel and the candidates wish to offer for  
17 our consideration be submitted to us in support  
18 of their claims.

19                On behalf of his client, Margaret  
20 Scarsdale, a candidate for State Representative  
21 in the 1st Middlesex District, Attorney Dennis  
22 Newman has submitted the following documents: a  
23 memorandum on status and history of Mr.  
24 Shepherd's litigation, a copy of Mr. Shepherd's



1 complaint, a memorandum in support of a motion to  
2 dismiss, a document entitled memorandum in  
3 support of confirming Representative- elect  
4 Margaret Scarsdale's victory in the 1st Middlesex  
5 District submitted to the Committee on January  
6 12, and an affidavit of Don Dunbar.

7 Do we have a motion to move those for  
8 the record?

9 REPRESENTATIVE RYAN: Yes, I move to --

10 REPRESENTATIVE JONES: Second.

11 REPRESENTATIVE DAY: Okay. Those will be  
12 moved in.

13 We also had, I believe, a series of  
14 affidavits submitted by Mr. Shepherd and adopting  
15 his complaint filed in court, as well. So we  
16 have a motion to move those affidavits in.

17 REPRESENTATIVE RYAN: Seconded.

18 REPRESENTATIVE DAY: Those will be  
19 entered into the record without objection as  
20 well.

21 I believe that encompasses the written  
22 submissions that were sent in by the parties in  
23 this matter. So with that, we will now ask Mr.  
24 Andrew Shepherd and his counsel to come in,

1 address the Committee with their opening remarks,  
2 and again, ask them to please identify themselves  
3 for the record. Welcome.

4 MR. SULLIVAN: Thank you, Mr. Chairman.

5 MR. SHEPHERD: Thank you.

6 MR. SULLIVAN: Mr. Chairman,  
7 Representative Ryan, and Representative Jones, my  
8 name is Michael Sullivan. I'm joined by  
9 Christopher Amrhein, and together we represent  
10 Andrew Shepherd. I know the Chair said, counsel  
11 would have an opportunity for an opening.  
12 Respectfully, I would ask if I can give a very  
13 brief opening, and then turn the microphone over  
14 to where Mr. Shepherd is.

15 REPRESENTATIVE DAY: Without objection.

16 MR. SULLIVAN: Great. Thank you very  
17 much. Once again, I want to recognize the  
18 Speaker and the House of Representatives for  
19 creating this Special Committee and for this  
20 Committee holding a hearing on the election for  
21 the State Representative in the 1st Middlesex  
22 District.

23 Andrew Shepherd was initially determined  
24 to have lost the election by a margin of 17

1 votes. Mr. Shepherd petitioned for a  
2 district-wide recount and after recount Mr.  
3 Shepherd was reported to have lost the election  
4 by several votes.

5 This Committee and the House could be  
6 most interested in understanding several of the  
7 facts and the evidence uncovered during the  
8 recount. It will help guide this Committee in  
9 terms of further action, but I just want to  
10 highlight a few of those.

11 First, the Middlesex District town  
12 clerk's failure to perform mandatory duties  
13 pursuant to Mass General Laws Chapter 54, Section  
14 94. It consequently failed to reject mail-in  
15 ballots, which signatures on the mail-in  
16 envelopes that did not match the corresponding  
17 voter registration cards, or other signature  
18 evidence at the municipality. And the Committee  
19 will see that there were several declarations  
20 that were provided to the Committee regarding  
21 that.

22 By the temporal towns' clerks improperly  
23 opening in the envelopes after an objection to  
24 the mail-in envelope signature, and thus allowing

1 the ballot to be counted, eliminating the right  
2 to have those envelopes and the resulting ballot  
3 rejected in accordance with Mass General Law  
4 Chapter 54, Section 94 for examination at a later  
5 time, so those ballots were counted. In several  
6 town recounts an increase of votes for no --  
7 which no confirmed reasoning has been provided.

8 The Groton town clerk's mailing to  
9 voters an unknown number of ballots for Precincts  
10 1 and 3A, and not operative Precincts 2 and 3  
11 because of the way that the town had been  
12 redistricted, there are at least two  
13 representative districts as I understand it. So  
14 precincts that would have had an opportunity to  
15 vote for Mr. Shepherd, were provided mail-in  
16 ballots that did not have Mr. Shepard's name on  
17 them. There's no evidence to know exactly how  
18 many of those mail-in ballots that were mailed to  
19 voters were incorrect.

20 The finding of ballots in the Groton  
21 recount for Precincts 1 and 3A, commingle with  
22 ballots of Precincts 2 and 3. And there is a  
23 declaration of both Representative Frost, and a  
24 declaration of Maria Milligan that talks about

1 that. So at the tables examining the ballots, it  
2 was uncovered amidst the ballots, in the race at  
3 question were ballots for a difference race. We  
4 don't know whether or not there were votes in  
5 this particular election that are someplace else  
6 as a result of the mis-commingling of those  
7 ballots.

8 And at least one early voter in  
9 Pepperell receiving the wrong ballot entirely and  
10 there is a declaration from (indiscernible)  
11 Cleary that describes that. That the recount  
12 counsel for Mr. Shepherd made formal objections  
13 to the above issues among other issues. And the  
14 challenged ballots and the mail-in envelopes were  
15 reserved for litigation.

16 However, it is noted in Mr. Shepherd's  
17 complaint, those challenged mail-in envelopes  
18 were separated from the ballots originally  
19 contained within those envelopes. So it's  
20 conjecture in terms of how many of those ballots  
21 would have gone to Mr. Shepherd or to somebody  
22 else.

23 On December 23rd, Mr. Shepherd filed a  
24 lawsuit against all of the 1st Middlesex District

1 registrars and clerks, as well as the Secretary.  
2 His complaint describes the reasons for the  
3 relief requested. In summary, Members of the  
4 Committee, the margin of conjecture clearly  
5 exceeds the margin of victory, notwithstanding  
6 whether it's 7 or 17. There's so many ballots  
7 that ended up being counted where they should not  
8 have been counted in the first instance because  
9 of the failures of matching the signatures on the  
10 envelope with the signatures at the town halls.

11 With that, we respectfully ask this  
12 Committee to exercise all of its authorities and  
13 conduct the examination fully of the challenged  
14 ballots and signatures and to determine and  
15 recommend to the full House that the seat is  
16 vacant as a result of that so the new order -- a  
17 new election could be held. And if I may, I'm  
18 going to ask Mr. Shepherd to say a few words.

19 MR. SHEPHERD: Sure. Thank you.  
20 Chairman Day, Minority Leader Jones, and  
21 Representative Ryan, thank you for your time  
22 today and your willingness to listen and hold an  
23 open mind. I also want to thank Speaker Mariano  
24 for his willingness to order the Special

1 Committee, and hear Representative Mirra's and my  
2 own case.

3 Briefly, I'd like to introduce myself to  
4 the Committee. My name is Andrew Shepherd. I'm  
5 a small-business owner, a farmer, and a call  
6 volunteer firefighter in the community that I was  
7 born and raised in. I spent most of my life  
8 volunteering and working to support and  
9 strengthen our community, and I ran because I  
10 believed in the importance and the positive  
11 impact that this position and this body holds.

12 I want to be clear for the Committee and  
13 for the public watching that this is not election  
14 denialism. This is a case where the number --  
15 with -- where there were a number of different  
16 and unique issues in almost every town. We've  
17 had individuals who are not allowed to vote. We  
18 may have had test ballots accidentally counted.  
19 We've had election officials admit to not  
20 following the laws around mail-in voting created  
21 by this chamber.

22 All I've wanted was a fair shake, For  
23 every vote to be legally and accurately counted.  
24 All of these issues referenced, I believe

1           credibly cast legitimate doubt on the outcome and  
2           the fairness in the execution of an extremely  
3           close election.

4                         Although, I did not believe it until I  
5           lived it, the new and expanded option for voting  
6           has simply created more operational points where  
7           errors can occur. And when there is a margin so  
8           close, when you have a three-person race, when no  
9           candidate received a majority and the vote totals  
10          changed so much between the general and the  
11          recount.

12                        And I'm not talking as was earlier  
13          mentioned in this morning's hearing about small  
14          vote total changes. I'm talking about 114 vote  
15          total changes between the two. I'm not sure how  
16          someone wouldn't have legitimate doubts.

17                        My hope for this Committee is that you  
18          look at the evidence with an open mind, that you  
19          consider all these errors together, and  
20          regardless of the outcome, you use what we  
21          discuss to make the voting process stronger for  
22          every member of the Commonwealth. Thank you.

23                        REPRESENTATIVE DAY: Thank you, Mr.  
24          Shepherd. Counsel. Questions. So, you're



1 asking this Committee to throw out the election  
2 and order a new election.

3 Is that fair to say what the remedy is  
4 you're seeking?

5 MR. SULLIVAN: I think obviously to  
6 examine the evidence and as a result of examining  
7 the evidence, recognizing that mandatory  
8 obligations that were the duty of the municipal  
9 employees within those communities weren't done,  
10 and as result of that, a serious conjecture that  
11 far exceeds the margin of victory and call into  
12 question the results and determining and  
13 recommending that the seat is vacant and allowing  
14 a new election.

15 REPRESENTATIVE DAY: So you're asking us  
16 to throw out the election, to declare the seat  
17 vacant, the one that's been -- we were set to --  
18 or Scarsdale was sent a certificate from the  
19 Governor, from the Secretary of the Commonwealth,  
20 from the Governor's Council, stating that she was  
21 the winner in accordance with the decision and  
22 the counts by the registrars in both the initial  
23 election and the recount?

24 MR. SULLIVAN: Right.

1           REPRESENTATIVE DAY: Fair to say, we've  
2           been consistent in the House, that -- that's not  
3           an action we take when we've been presented with  
4           a certificate of membership.

5           MR. SULLIVAN: I don't know that to be  
6           accurate, but I'll assume that it is, Mr.  
7           Chairman, but I would say this, the legislature  
8           has created statutes that allow election results  
9           to be contested in the judicial branch of  
10          government, notwithstanding the right that you  
11          have a Constitutional right and duty to determine  
12          who gets to be seated as a member of the House.  
13          So you're delegated at least by legislation, some  
14          authority, that would allow the judicial branch  
15          of government to look at all of this during a  
16          certain time period and make some determinations  
17          and conclusions.

18          I don't think you have any less  
19          authority than what you've given to the judicial  
20          branch. I think you have as much authority as  
21          you want to exercise under the Constitution,  
22          including doing the things that we're asking you  
23          to do. This -- the accuracy of an election is  
24          paramount. And I think that's what we're here to

1 say, is you've clearly mandated what should be  
2 done in terms of -- in terms of mail-in ballots,  
3 that's clear. It's not a discretionary function.

4 You've told them, "You shall do this,"  
5 and you have evidence before this Committee that  
6 clearly says an admission by the town clerks  
7 themselves that, we didn't do it; we didn't  
8 compare those signatures, which is critically  
9 important.

10 And I would say, you know, the case, the  
11 -- the Connolly Case, I think it's an important  
12 case on point when it talks about conjecture.  
13 And the importance of mandatory duties to be  
14 fulfilled by those people in the election  
15 process. So I think this Committee has an  
16 authority, and this House has the authority to  
17 determine the seat vacant as a result of its  
18 investigation.

19 REPRESENTATIVE DAY: Yes --

20 MR. SHEPHERD: Whether they've done that  
21 before, Mr. Chairman, I don't know. I haven't  
22 looked at the full history of the House, but you  
23 certainly, I think, have the constitutional  
24 authority to do it if you choose to do it.

1           REPRESENTATIVE DAY: And let me just  
2 follow up on that, I guess, on a jurisdictional  
3 question where our predecessors have said, and  
4 the courts, I think, have been fairly clear that  
5 once the House exercises jurisdiction, a  
6 certificate's been issued, and we've decided to  
7 exercise jurisdiction here to -- to determine the  
8 qualifications of members, that ends the judicial  
9 inquiry.

10           Do you disagree with that?

11           MR. SULLIVAN: I think it's pretty clear  
12 in terms of, you know, cases that I've read that  
13 that is the case. We do have -- as it's been  
14 indicated, we have a case pending on behalf of  
15 Mr. Shepherd. We're likely going to receive at  
16 some point in time shortly a motion to dismiss  
17 under Rule 9-A from Mr. Newman on behalf of his  
18 client. We'll review it.

19           And obviously, based on these changed  
20 circumstances, if there is no case in controversy  
21 to go forward with, then we will have to dismiss  
22 that matter. So there's no question that this  
23 body has complete jurisdiction. And if I were to  
24 hire somebody as an expert in election law, if

1           they were available to provide it, I'd hire the  
2           Secretary of the Commonwealth; they do this all  
3           the time.

4                       The Secretary of the Commonwealth said a  
5           couple of things in the other litigation. One,  
6           that the courts had jurisdiction at the time that  
7           we filed the litigation, made that clear. But  
8           also said it's unclear in terms of what the  
9           court's jurisdiction is after the House decides  
10          to take the matter under its own purview.

11                      So there is an open question. I will  
12          say this, I don't think a court has any ability  
13          at this point in time to order the House to do or  
14          not do something regarding the seating of a  
15          member.

16                      REPRESENTATIVE DAY: I would think you  
17          would get broad assent with that proposition.

18                      REPRESENTATIVE RYAN: Yes, I think we  
19          would probably give you that.

20                      REPRESENTATIVE DAY: Do you intend to  
21          press your case forward if this Committee doesn't  
22          issue a decision to your liking, in the courts?

23                      MR. SULLIVAN: I don't think so, Mr.  
24          Chairman. I think we'll -- but respectfully, I'd

1           like to see Mr. Newman's motion to dismiss. I  
2           don't know what would be remaining after this, to  
3           be honest with you.

4                       And this is different from the previous  
5           case we talked about because the previous case  
6           was dismissed based on subject matter  
7           jurisdiction, and I think that's an important  
8           question. I think it's an important question for  
9           this body to know exactly when the courts no  
10          longer have subject matter jurisdiction.

11                      So that matter, just for the purposes of  
12          that issue, I think would be helpful in terms of  
13          going forward. Here, the court has not declined  
14          the matter because of subject matter  
15          jurisdiction, but I suspect at some point in time  
16          would claim that it is moot and has no authority.  
17          But we're not -- at this point, we'd like to at  
18          least have the opportunity to speak to Mr. Newman  
19          and see what he is filing or serving us in the  
20          motion.

21                      REPRESENTATIVE DAY: Are you alleging any  
22          voter fraud in this election?

23                      MR. SULLIVAN: I don't think we're  
24          claiming any voter fraud at all. I think we were

1 pointing out is some serious irregularities  
2 regarding the process, particularly the mandatory  
3 duties of the of the clerks.

4 REPRESENTATIVE DAY: Any registrar fraud?

5 MR. SULLIVAN: Sorry?

6 REPRESENTATIVE DAY: Are you alleging any  
7 registrar fraud in this election or any  
8 intentional wrongdoing in this election?

9 MR. SULLIVAN: No.

10 REPRESENTATIVE DAY: So the -- the  
11 mistakes that you're alleging here were not  
12 intentional; is that fair to say?

13 MR. SULLIVAN: Well, I think it was  
14 intentional that they didn't examine the -- the  
15 signatures. I don't know how you can say that  
16 was a mistake. I think that they know what  
17 they're -- I mean, I have no reason to disbelieve  
18 that the clerks did not know what their  
19 obligations were. I think they describe, at  
20 least in terms of one of the declarations, they  
21 just didn't have the time or resources to do it.  
22 So, I think they knew what their duties were and  
23 they just didn't do their duties.

24 REPRESENTATIVE DAY: But again, just to

1 be clear for -- for the Special Committee's  
2 perspective, you're not alleging fraud or  
3 tampering --

4 MR. SULLIVAN: No.

5 REPRESENTATIVE DAY: -- with that? How  
6 do you then get around the -- that you want us to  
7 follow precedent in the courts, the Swift  
8 decision?

9 MR. SULLIVAN: Well, I go to the Connolly  
10 decision because I think the Connolly decision  
11 clearly says that this type of activity is not  
12 ministerial. It's mandatory. And you talk  
13 about guard rails, you know, within the kind of  
14 election process, particularly around mail-in  
15 ballots, it's important to verify by examining  
16 the signatures.

17 I think the court in Connolly made clear  
18 when you're talking about mandatory  
19 responsibilities. It gets to the heart of the  
20 election process, as opposed to mistakes that  
21 really don't have a material effect; they're  
22 treated differently.

23 REPRESENTATIVE DAY: So, with respect to  
24 Connolly and the confluence of Swift and



1 Connolly. I mean the language in Swift that's  
2 been pointed out to us seems to be pretty on  
3 point here, right? You've got a -- a situation  
4 where the envelopes were not retained with the  
5 ballots casts at the election pursuant to Section  
6 95, which is what you're alleging here.

7 And the court said there's nothing in  
8 the record to indicate fraud or tampering. This  
9 failure on the part of election officers to  
10 perform the precise duty imposed on them with  
11 respect to the envelopes does not invalidate the  
12 votes or forward any ground for nullifying the  
13 count. This branch of the case falls within the  
14 authority of several decisions, and then it goes  
15 on to quote those decisions.

16 And even in Connolly, Section 97, which  
17 is the situation they're dealing with in that  
18 one, directs courts not to reject a ballot for an  
19 immaterial addition, omission, or irregularity.

20 Does that not manifest the intent to not  
21 require absolute strict compliance?

22 MR. SULLIVAN: Well, and I appreciate the  
23 question. I think if you read Connolly, I think  
24 Connolly, I think has done a phenomenal job in

1 terms of distinguishing those instances in which  
2 those types of mistakes really don't rise to the  
3 materiality of which it'd be concerned about  
4 conjecture, where they examine a number of  
5 different classifications of ballots that were  
6 rejected for a range of different reasons.

7 And they kept on saying about conjecture  
8 in Connolly, if conjecture exceeds the vote, the  
9 margin of victory, then you must order a new  
10 election. And at the end of Connolly, after they  
11 determine that the conjecture did not exceed the  
12 margin of victory is -- I think the margin of  
13 victory was five. My memory is that Connolly  
14 there might've been greater fell in conjecture,  
15 meaning the conjecture didn't exceed it.

16 At the end of Connolly they talked about  
17 -- about raising this issue, about election  
18 officials statutory lack of discretion that the  
19 level of the original finding is to minimize this  
20 possibility in the future. It's kind of putting  
21 us all on notice that you have to pay attention  
22 to the mandatory responsibilities that the  
23 legislature puts in place in terms of the  
24 integrity of the election. I don't know what

1 would to be more important than comparing the  
2 signatures?

3 REPRESENTATIVE DAY: And that's what the  
4 challenge is, right? That you maintain the  
5 signatures didn't match?

6 MR. SULLIVAN: Yes -- yes. And I think  
7 there's --

8 REPRESENTATIVE DAY: And the clerk --  
9 sorry to interrupt, Counsel, the -- the clerk or  
10 the registrar said they did match to their  
11 belief; there's a difference there, right?

12 MR. SULLIVAN: I'm not sure they said  
13 that clearly, to be honest with, Mr. Chairman.  
14 They certainly opened them, and they counted  
15 them, and they commingled them. I think there  
16 were many instances would they would say that  
17 they didn't even examine them.

18 REPRESENTATIVE DAY: The clerk would say  
19 they didn't examine the absent -- the signatures  
20 when they came in?

21 MR. SULLIVAN: Yes.

22 REPRESENTATIVE DAY: That they opened  
23 them up, and didn't -- and didn't look at the  
24 signatures?

1 MR. SULLIVAN: Yes.

2 REPRESENTATIVE DAY: And then commingled?  
3 That's the contention?

4 MR. SULLIVAN: Well, I, I think you'll  
5 see that in several of the declarations that  
6 were provided to the -- to the Committee, that  
7 there were a number of people that said that the  
8 signatures that -- they spoke with the --  
9 actually, I think Mr. Shepherd himself spoke with  
10 several of the clerks. I think he has a  
11 declaration where the clerk said, "No, we didn't  
12 we -- didn't match the signatures. We didn't go  
13 through any of them and match signatures."

14 REPRESENTATIVE RYAN: Was there anyone in  
15 person when these ballots were opened, was there  
16 any objections raised when the ballots were open  
17 at the time?

18 MR. SULLIVAN: I do know in Pepperell,  
19 there was. They were 21, I believe, mail-in  
20 ballots in Pepperell, I think 11 of them were  
21 objected prior to opening. The clerk still  
22 opened those -- those envelopes and then  
23 commingled the ballots. So yes, there was  
24 somebody in Pepperell. In the other communities,

1 I don't know.

2 REPRESENTATIVE JONES: Those would have  
3 been probably the post-election mail-in ballots  
4 they would've opened. An objection was raised,  
5 but they were commingled. So assuming an  
6 objection was raised at the time, they were  
7 effectively ignored.

8 MR. SULLIVAN: So I think what's  
9 available to the Committee are a couple of  
10 things. Certainly, we can't find particular  
11 ballots in these instances to dispute about  
12 whether or not the signatures match because  
13 they've all been removed from the envelope.

14 But what's available to the Committee  
15 certainly are the envelopes. The towns have all  
16 those envelopes and the signature of the voter  
17 requesting the -- the mail-in ballot or the  
18 signature of the voter based on voting  
19 registration cards, which could be examined.

20 A number of them have been examined and  
21 reading the declarations that the numbers that  
22 had been examined, far exceed the margin of  
23 victory, examined and a claim did not match.  
24 When we get back to the principal point here is

1           that clerks themselves admit through a  
2           declaration by Mr. Shepherd that they didn't do  
3           that mandatory step.

4                        REPRESENTATIVE JONES: Excuse me, if I  
5           may? I think both the case this morning and  
6           this one is very important because I feel like  
7           part of this is that the legislature has in some  
8           instances set up clerks for failure because we  
9           have dramatically increased the workload. We've  
10          dramatically increased -- let's say the  
11          signatures in the back.

12                       Most of these cases, I'm pretty sure,  
13          were all when it was absentee ballots, which, you  
14          know, were obviously an important part of the  
15          electrical process. But compared to the amount  
16          of mail-in voting and signatures today are almost  
17          de minimus, comparatively speaking. In some  
18          instances, you know, half the vote is mail-in and  
19          maybe even more in certain communities. And  
20          we've asked clerks who may be understaffed,  
21          underpaid and in some instances perhaps unafraid  
22          to take all this on.

23                       And as I said this morning, you know,  
24          this year it will be maybe a nice quiet town

1 election without anybody from the outside world  
2 involved, and next year it will be presidential  
3 primary, town election, town meeting, state  
4 primary, presidential election and -- and be  
5 inundated. So I think one of the things that  
6 certainly we as a Committee need to take away  
7 from this, and hopefully become part of our  
8 report or reports, is the legislature needs to  
9 look at this either in terms of giving greater  
10 clarity.

11 One of the other concerns I have is that  
12 regardless of how you all can say, well, okay,  
13 this should or shouldn't be the standard for  
14 checking signatures, it needs to be an even  
15 standard. So, there isn't, clerk in Community A  
16 has, let's say, a very strict standard, a clerk  
17 in Community B has a lesser standard, and a clerk  
18 in Community C has -- we don't check at all other  
19 than maybe to make sure they haven't already  
20 voted either in-person, over the counter, or  
21 whatever the case may be. That creates the  
22 likelihood for an unequal application of law,  
23 which I think is -- which means violating of the  
24 election process.

1           So -- and -- and I'm particularly  
2           concerned that in some instances where you raised  
3           an objection, effectively the -- the -- okay, it  
4           was commingled, and then ignored, and this  
5           morning, I heard an objection has to be raised at  
6           the time of -- so the objection was timely  
7           raised, but it was ignored. And now there's  
8           really no way to tie that, you know, the ballot  
9           to the envelope other than sort of conjecture  
10          that, okay, they should've been checking. I  
11          think that's a problem.

12           I'm also taken aback that, by looking at  
13          it there's almost 114 additional votes between  
14          the recount from the -- the general election on  
15          November 8 numbers and the recount, and I realize  
16          one of the theories out there is at least 50 of  
17          these are these test ballots. So if I understand  
18          that the test ballots, and I think it's the Town  
19          of Dunstable, were -- the Town of Dunstable  
20          recount, they did the blocking, which I guess is  
21          the counting of the ballots into blocks of 50.

22           I think initially the number was -- hey,  
23          we have 50 more ballots and people were  
24          concerned, but the recount proceeded. The totals



1           were tallied up, the results were recorded, and  
2           there was really no explanation at the time, and  
3           then a theory was posited after the recount was  
4           over that well, this must be the test ballots  
5           because the numbers changed in relation to the  
6           test ballot markings.

7                         What concerns me, and again, this may  
8           not -- again, this may a position where something  
9           needs to be done through a regulatory or  
10          ministerial process, not that it affects the  
11          outcome of the election, but that the fact that  
12          that happened is a great concern to me. That  
13          means we have certified election results in the  
14          Commonwealth of Massachusetts and 50 ballots that  
15          weren't cast by people. They weren't cast by  
16          voters, they were cast by, you know, a machine or  
17          a -- a part of the process we were just testing  
18          the equipment.

19                        And it's amazing to me that they were  
20          included in the recount and they weren't  
21          identified either in the blocking or the  
22          recounting and that -- that to me is amazing and  
23          something I hope that at a minimum, the Secretary  
24          of State Office says, we need to provide better

1 guidance on how those ballots are marked because  
2 to me, the counting them out and then the  
3 blocking of them, and then in the recounting that  
4 nothings jumped out and say, hey, what's this  
5 mark over here? When I would think it would be a  
6 big bright clearly delineated situation.

7 I mean, I know the arguments you made  
8 that if we open that box up again, hopefully  
9 those would be readily obvious to everybody. It  
10 could be identified and potentially backed out.  
11 But that's a concern to me from a process  
12 standpoint outside of the impact in this election  
13 is that -- and to think that, you know, these  
14 numbers changed that much.

15 And this was highlighted only because we  
16 had a recount which raised some -- you know, 158  
17 other districts across the Commonwealth where  
18 numbers -- and we need to work collectively to  
19 take the issues that I think are highlighted here  
20 and hopefully translate that into, in some cases,  
21 training and resources and support for our clerks  
22 who are asked to do a heck of a lot. It may be a  
23 quiet year now, but 2024 is probably going to be  
24 a crazy year.

1           REPRESENTATIVE DAY: So, just following  
2 up on that. There was both of -- both parties  
3 briefed the Dunstable, I guess what they call the  
4 Dunstable 50, where the Secretary's office said  
5 one through 50 on the test ballots were  
6 inadvertently included, you can back those out.  
7 And if what Ms. Scarsdale is saying, is if you  
8 back those out, her margin increases; do you  
9 disagree with that?

10           MR. SULLIVAN: No. We don't just  
11 disagree with that at all, if in fact those are  
12 the test ballots. And I think we -- I think I've  
13 already said that during my testimony today, and  
14 I -- I know that Mr. Shepherd has referenced it  
15 in his declaration it would go from 7 to 17, if  
16 in fact those were test ballots. So, again,  
17 we're not going to dispute that.

18           Can I just make three additional quick  
19 points, Mr. Chairman?

20           REPRESENTATIVE DAY: Sure.

21           MR. SULLIVAN: First, if we can keep the  
22 record open until Tuesday, close of business in  
23 the event, we want to supplement the record we  
24 respectfully ask for -- for that. If something

1 comes up during Mr. Newman's presentation, it's  
2 important for me to provide some type of clarity  
3 or reply, you know, response and I'd like to have  
4 the opportunity to come back to the Committee.  
5 And if I could just ask if Mr. Shepherd has  
6 anything that he wants to say that I've missed or  
7 correct anything I've said for the purpose of the  
8 record.

9 REPRESENTATIVE DAY: Sure, I have no  
10 issue for the rebuttal.

11 REPRESENTATIVE JONES: No objection.

12 MR. SHEPHERD: Just, you know, real --  
13 real briefly, I'd like to thank the Committee,  
14 you know, Chair Day, Minority Leader Jones, and  
15 Representative Ryan. Truly in the light -- in  
16 light of the national news cycle, I don't want  
17 anyone to believe that this was a stolen  
18 election. I do not believe there were any  
19 conspiracies nor nefarious intent.

20 I simply believe that there was human  
21 error under the smallest of margins that had  
22 materially affected the outcome of this race.  
23 And I think everybody involved, the clerks and  
24 the registrars, I think they did their absolute

1 best given their resources and their constraints.  
2 It simply comes down, I think for the Committee,  
3 what magnitude of -- of human error is one  
4 willing to accept. So thank you for your time.

5 REPRESENTATIVE DAY: Any suggestion of  
6 what that is, the magnitude, what that threshold  
7 is?

8 MR. SULLIVAN: I would suggest the  
9 threshold should be about conjecture. As  
10 Connolly points out --

11 REPRESENTATIVE DAY: Well, in fairness, I  
12 can raise conjecture about a host of ballots.

13 REPRESENTATIVE JONES: You know Chairman  
14 Day; he raises his conjectures all the time.

15 REPRESENTATIVE DAY: All the time.  
16 That's what I do.

17 Is there a -- is there a bright line  
18 you've got here?

19 MR. SHEPHERD: I don't know if there is a  
20 clear line.

21 REPRESENTATIVE DAY: Thank you.

22 MR. SULLIVAN: I wish there was, it would  
23 be easy for everybody.

24 REPRESENTATIVE JONES: I don't know that

1 we haven't changed that line with some of the  
2 election changes and the election law changes  
3 that we've made. And we need to account for that  
4 on the back end of those election laws.

5 REPRESENTATIVE DAY: Thank you. I'd like  
6 to welcome Ms. Scarsdale and Counsel. Again, if  
7 you could introduce yourselves for the record,  
8 and then the floor is yours.

9 MS. SCARSDALE: Chairman Day,  
10 Representative Ryan, and Leader Jones, it is an  
11 honor to appear before this Special Committee.  
12 My name is Margaret Scarsdale, and I am the  
13 Representatives Elect from the 1st Middlesex  
14 District. I am joined today by members of my  
15 family, campaign team, constituents from my  
16 district, and supporters from across the  
17 Commonwealth. I want to thank this Committee for  
18 expeditiously scheduling this hearing. And the  
19 Speaker for his leadership and urgency in forming  
20 this Committee.

21 As you are aware, the 1st Middlesex  
22 District was reconfigured during the decennial  
23 redistricting process, but five of the six  
24 communities in this district, have been without

1 representation in the House since February of  
2 2022, when Representative Harrington resigned to  
3 take a seat in the state judiciary. This makes  
4 your work here today and the rapid seating of a  
5 representative in this district even more  
6 critical.

7 I launched my campaign for this seat  
8 over a year-and-a-half ago. And thanks to the  
9 hard work of so many dedicated campaign  
10 supporters, I was certified twice by Governor's  
11 Council, as the victor in this race. Once after  
12 the final tabulation of all ballots legally cast  
13 in the November 8th election and once again after  
14 the recount.

15 As someone who has a deep belief in the  
16 power of public service, it truly was the honor  
17 of a lifetime to have received my certificate of  
18 election to the Massachusetts House of  
19 Representatives, signed by Governor Baker. I  
20 stand ready today to represent all of the  
21 constituents of the 1st Middlesex District and to  
22 collaborate with my colleagues in the House under  
23 the leadership of Speaker Mariano to deliver real  
24 results for the residents of our Commonwealth.

1           This afternoon, my attorney, Dennis  
2 Newman, will be presenting our response to the  
3 Shepherd team's filing. I want it to be clear,  
4 by waiting to file this lawsuit until 6:09 p.m.  
5 on Friday, December 23rd, when the courts were  
6 closed for the long weekend for the Christmas  
7 holidays, and to date, have not served any of the  
8 defendants in the case, Mr. Shepherd ensured that  
9 this case could not be heard by a judge.

10           And yet in an interview with the Boston  
11 Globe, published Wednesday, my opponent has also  
12 refused to say whether he would drop this lawsuit  
13 upon the completion of the work of this  
14 Committee, which will strike a blow to the  
15 exclusive jurisdiction of the House to seat its  
16 own members, and to the work of this Committee.

17           I am certain that when this Committee  
18 reviews the results of this election, you will  
19 find what my team and I have known since the  
20 recount ended over a month ago. That this  
21 election was administered through transparency  
22 and integrity by our town clerks, election  
23 workers and registrars. Our team is ready and  
24 willing to support the Committee in whatever way



1 we can to ensure a swift resolution to this  
2 election process.

3 Chairman Day, Chairman Ryan, and Leader  
4 Jones, each of you hold respective leadership  
5 roles across this esteemed body, and I look  
6 forward to serving with you. I come before you  
7 today both thankful and hopeful. I am thankful  
8 to Speaker Mariano for rapidly convening this  
9 Committee and to you all for your effort to gain  
10 closure to this election. I am thankful to all  
11 of those who made the trip in to the State House  
12 this afternoon to support me today.

13 And I am hopeful. I am hopeful today  
14 that this Committee will complete their work  
15 expeditiously so my district can once again have  
16 a voice. And I'm hopeful and confident that the  
17 will of the voters will be respected, and our  
18 democratic principles will be upheld. I thank  
19 this Committee, for your time and your hard work,  
20 and if the Chair so approves, I would like to  
21 turn this over to my attorney, Dennis Newman.

22 REPRESENTATIVE DAY: Thank you.

23 MR. NEWMAN: Thank you. Thank you, Mr.  
24 Chairman. Chairman Day, Representative Ryan

1 Leader Jones. I come before you to represent  
2 Representative-Elect Margaret Scarsdale. And I  
3 first want to go -- I want to say that when Mr.  
4 -- Attorney Sullivan was saying that if he had to  
5 hire an expert election lawyer, I -- I was hoping  
6 he would say me, however, I concur that I would  
7 -- I would also hire Secretary Gavin, if he was  
8 available.

9 First thing I'd like to talk about is  
10 the so-called Dunstable 50. I was actually at  
11 the Dunstable recount, and it's one precinct and  
12 a -- a new -- newer clerk, I think she had been  
13 there about two months. We actually counted all  
14 of the ballots before. And -- and originally on  
15 election day, it was 1,727 ballots were counted  
16 on election day.

17 At the recount, and we didn't know until  
18 the end because they didn't count the ballots  
19 beforehand, it was 1,777. Both counsel actually  
20 objected to that. That was a big, big red flag.  
21 We probably spent about 45 minutes to an hour and  
22 a half looking at in-list, out-list, couldn't  
23 figure it out. It all seems to be a mystery.

24 I was very afraid that, you know, that

1 the clerk might need an AED at one point, but, we  
2 actually left there, that was on Wednesday,  
3 December 7th, I believe. On Monday, December 12,  
4 Michelle Tassinari, the counsel for Secretary  
5 Galvin called me, as she did the other counsel  
6 and the other attorney, or the other candidate,  
7 Mr. Shepherd, and said that they solved the  
8 mystery because it -- it was a mystery, where did  
9 these 50 ballots come? We looked at the sheets,  
10 whether or not one block had been counted twice.  
11 We couldn't -- couldn't figure it out.

12 The registrar of voters chair, I  
13 believe, or one of the members were raising all  
14 kinds of questions. And I think the -- the --  
15 the clerk probably had some sleepless nights, but  
16 she called the Secretary's office and said, I  
17 believe what happened is that the test ballots --  
18 a test deck is before every election in every  
19 community, a test deck is done just to make sure  
20 that machine is calibrated correctly. 1 to 50  
21 ballots. They're marked 1 to 50, and they run  
22 through the machine and the results were Ms.  
23 Scarsdale was 8, Mr. Shepherd was 18, the third  
24 candidate was 12, and then I believe the other -

1 the write-ins were zero and blanks were 12, 50  
2 ballots.

3 That's the exact, and -- and when  
4 Michelle sent -- Michelle Tassinari sent that  
5 e-mail, which I included in my filing, saying  
6 that they believe this is what happened, and  
7 also, the tab from the test was exactly that. 8  
8 -- 8, 18, 12, and zero, 12. So that's -- that's  
9 solves the mystery. And that makes our margin  
10 17. And I think that Mr. Shepherd, I think would  
11 concede that.

12 Also, the Secretary, throughout the  
13 opportunity said that to solve this mystery, we  
14 could -- we could convene the Board of Registrars  
15 in a public session and have both candidates  
16 there, and go in and look at the ballots, see if  
17 they were marked 1 to 50. And in fact, if was  
18 that and if we had done that, we could have  
19 solved that theory, or proven or disproven that  
20 theory.

21 I assented to that arrangement, Mr.  
22 Shepherd's team did not, so that was not done.  
23 So I believe that the margin is 17 here. And in  
24 their presentation prior, they talked about a

1 difference of 114 difference, raises a concern.  
2 In fact, 50 of that is there. Also, if you'll  
3 notice on the -- the complaint of Mr. Shepherd on  
4 the last page, it gives the results and the  
5 difference.

6 Townsend, there is an additional 36,  
7 which would be 86 of that 114. I believe what  
8 happened there because of Pepperell and Townsend  
9 were on the same day, I was not in Townsend, I  
10 was in Pepperell. The Townsend attorney said to  
11 me, what happened at the end, I think as people  
12 who do elections -- the blank ballots that have  
13 not been used. There was a stack of them,  
14 totally blank, nobody voted on any of those  
15 elections. Our counsel said we shouldn't count  
16 those, the Board of Registrar said, well they're  
17 here, we're going to count them, blanks -- 35  
18 blanks.

19 If you can see from that, there was zero  
20 -- Scarsdale, no change in hers, Shepherd, no  
21 change in his, Lundeen, no change in hers, all  
22 others there is one, and then 35 blanks. So that  
23 explains 85 of that 114. So I -- I believe that  
24 -- that does that.

1           The other thing I would like to point  
2 out is that the absentee ballot process as it has  
3 evolved over time. At one time, you needed a  
4 notary public to sign the -- that you needed a  
5 notary public and a signature, that's changed  
6 with legislative action. I want to point out  
7 that absentee ballot applications, and if you're  
8 at all familiar with them, are signed on the  
9 pains and penalties of perjury.

10           So a voter submits this to the clerk,  
11 they send a ballot to this address, comes back  
12 with this signature. If it's not signed at all,  
13 they don't count it. If it comes in early,  
14 they'll call them and say they didn't sign it.  
15 If they have time, they'll send out a new ballot,  
16 but they're very good about trying to make sure  
17 that people have the right to vote.

18           So what Mr. Shepherd 's team is doing by  
19 challenging these ballots, they're saying these  
20 people committed perjury. And if there's a  
21 challenged ballot, the -- the procedure in a  
22 challenged ballot -- so if you go on election  
23 day, or you have to challenge the ballots when  
24 they come in, then you have to challenge and

1           there's a process. And there's penalties for  
2           challenging frivolously so that that's not done  
3           to -- to try to tamper the vote down.

4                        This -- this procedure is after the  
5           challenge, then the Board of Registrars can  
6           convene a hearing and summons -- Legislative  
7           would -- statutory they can summons in witnesses  
8           to say, did you vote? So what there is that  
9           they want to throw out approximately 10,000  
10          ballots. And there's clear case law, and I said  
11          it in my -- my memorandum to the Committee that  
12          inconsequential -- or errors by the clerks do not  
13          affect them with the ballots.

14                      I think Chairman Day pointed out the --  
15          the remedy that Mr. Shepherd in his complaint  
16          that he filed again on -- on Christmas Eve eve,  
17          while the courts were closed, wants to throw the  
18          election out. He hasn't asked to look at the  
19          ballots, look at the challenge ballots to declare  
20          him the winner. They want to throw the election  
21          out and have new election on this seat, as a  
22          Representative-Elect Scarsdale pointed out, has  
23          been vacant since last February. I think it's  
24          not in the public interest to call for a new

1 election. Also the expense and -- and time, the  
2 towns having an election, a recount, and then  
3 another special election. And who knows, maybe  
4 another recount is -- is not in the public  
5 interest. And I -- I would urge this Committee  
6 to declare Ms. Scarsdale the duly-elected  
7 representative and have her sworn-in as quickly  
8 as possible.

9 REPRESENTATIVE DAY: Thank you, Ms.  
10 Scarsdale, Counsel as well. Questions? I guess  
11 I'll start with the same questions I posited to  
12 Counsel in all of this matter.

13 What is your view of the impact of the  
14 certificate that's been issued --

15 MR. NEWMAN: I think --

16 REPRESENTATIVE DAY: -- by the --

17 MR. NEWMAN: I think this transferred all  
18 the jurisdictions to you. Up until that  
19 certificate was issued, the courts did have that  
20 jurisdiction under Chapter 56. Chapter 56,  
21 Section 59, it had broad equitable powers.  
22 Again, this -- this election was on November 8,  
23 the recount could not be ordered because it was a  
24 district-wide recount.



1           If it was a precinct-by-precinct  
2 recount, it could've been ordered right away. It  
3 could not be ordered until the -- because  
4 district-wide recounts, the vote has to be less  
5 than a half percent in order to be ordered. The  
6 Secretary of State orders it, you have to file  
7 the petitions with the local clerk, get them  
8 certified, and then bring them into the Secretary  
9 of State, you have ten days to get the  
10 signatures, 15 days to get it to the -- to the  
11 Secretary of State's office. He reviews them,  
12 has to wait until the vote is certified. If it's  
13 over a one half of 1 percent, it's not ordered.  
14 If it is, he orders all the cities and towns to  
15 have a district-wide recount.

16           The recount was held from December 5th  
17 to December 10th. On December 10th there were no  
18 new -- new facts known after December 10th until  
19 December 23rd. If the suit was filed the  
20 following Monday, was a Saturday, the following  
21 Monday, Tuesday, Wednesday, even Wednesday, a  
22 court could have it -- would have had  
23 jurisdiction under Chapter 56, Section 59, to  
24 look at the ballots, to look at the issue they

1 have and make a determination; that was not done.

2 It was filed again at 6:09 on Friday,  
3 the -- December 23rd. The courts were closed;  
4 they weren't open. We were not -- we were not --  
5 we're not a party in that suit, which is  
6 appropriate because you're suing the cities and  
7 towns and the Secretary of State who called the  
8 district-wide recount, but we didn't find out  
9 about it until Margaret's, you know, campaign  
10 manager saw it, and then filed an appearance the  
11 next day.

12 None of the parties, none of the  
13 defendants, as of last night, when I checked with  
14 the -- with the -- with the -- on the court  
15 docket, haven't been served yet. They haven't  
16 been served. None of the towns have been served.  
17 The Secretary of State has not been served. In  
18 my filing I put the -- the court thing is that,  
19 technically they don't have to be served until  
20 March 23rd. So services, it's not -- it's not --  
21 but it's unusual in a case where they're looking  
22 for quick action not to serve.

23 Also, give a courtesy -- give us a  
24 courtesy service on that. I filed a -- an

1 appearance that's been noted on the record. I  
2 filed a motion to intervene. A judge was not  
3 appointed until January 4th, and they stated that  
4 the -- I had not strictly complied with the Rule  
5 9-A. On all the other cases that I've done, I  
6 cut and pasted that and always get in right away.

7 So -- so but I have filed another -- and  
8 I did file a motion to dismiss that they ruled  
9 when the judge is appointed on March 5th, no  
10 action taken, pending, getting in. So I filed  
11 last Sunday an emergency motion to intervene as a  
12 party -- third-party defendant, and under Rule  
13 9-A D-I, and that has not even been docketed yet.  
14 That was Sunday -- Sunday night. I filed it. I  
15 can't file electronically because I'm not a party  
16 yet. But I filed it on Sunday.

17 And as of last night, it is -- it has  
18 not been docketed. The clerk had e-mailed me and  
19 said, look, we're going to say that you'd have to  
20 have a 9-A package. So instead of that, I did an  
21 emergency motion. And she said, once that -- if  
22 you are admitted, assuming you will be, then you  
23 can file your motion to dismiss.

24 I checked with some of the other parties

1 and asked if -- because they are parties and they  
2 filed motions to dismiss in the -- in the Mirra  
3 case, whether or not they would file a motion to  
4 dismiss. And they said we haven't been served  
5 yet, we can't.

6 REPRESENTATIVE DAY: Counsel, I -- as  
7 much as I'm sure everyone enjoys the 9-A  
8 intricacies, that is the bane of many attorney's  
9 existence.

10 MR. NEWMAN: I am good at the cut and  
11 paste.

12 REPRESENTATIVE DAY: I -- I think that  
13 the question is, what in your view, we asked  
14 Counsel of Mr. Shepherd the same question, does  
15 the impact of a certificate and the convening of  
16 this Special Commission have, if any, on a court  
17 case dealing with the --

18 MR. NEWMAN: I think a motion to dismiss  
19 on the jurisdictional grounds would be made --  
20 granted quickly.

21 REPRESENTATIVE DAY: Do you contend or  
22 believe there was any fraud in this case?

23 MR. NEWMAN: We do not. And Mr.  
24 Shepherd, in his testimony did not, and in fact,

1 I posted -- not posted, in my submission, he had  
2 a Facebook posting that said exactly the same  
3 thing that he said today. So, no.

4 REPRESENTATIVE DAY: And what -- what is  
5 your client and your view on the interconnection,  
6 if any, between the Swift and the Connolly Case?

7 MR. NEWMAN: I think the Swift Case  
8 rules. I think it's definitive, I believe. And  
9 to quote, fraud or -- absent the evidence of  
10 fraud or tampering, the failure on the part of  
11 election officials to perform the precise duty  
12 imposed on them with respect to the absentee  
13 ballot envelopes does not invalidate the votes or  
14 afford any ground for nullifying the count.

15 I'd also like to point out is, that they  
16 say they didn't compare notes, but in fact, they  
17 were there when they did. In their -- in their  
18 -- in their declarations, they say we were there  
19 and they didn't match. All hearsay, and again, I  
20 know this is not a court of law, but all hearsay,  
21 and if they didn't -- if the clerks were there,  
22 they looked at them, they did, they -- because  
23 they said that they have looked at them and they  
24 didn't think they matched. I don't know if

1           they're hand -- handwriting experts or not, but I  
2           just hope that the next time I've signed a credit  
3           sheet at a restaurant, they don't check my  
4           license or signatures.

5                        REPRESENTATIVE DAY: Counsel, Ms.  
6           Scarsdale, thanks for much for coming in.  
7           Attorney Sullivan?

8                        MR. SULLIVAN: I just have --

9                        REPRESENTATIVE DAY: Hold on one second,  
10          just come up to the microphone so we get a clear  
11          record of it.

12                       MR. SULLIVAN: The issue raised by Mr.  
13          Newman claiming that we're alleging perjury,  
14          there's nothing in any of our pleadings to  
15          suggest that anybody is alleging perjury. The  
16          documented that Mr. Newman showed you is the  
17          document in which somebody submits claiming them  
18          to be who they are, requesting an absentee  
19          ballot. Our position is the envelope, when it  
20          came back, the signature on the envelope did not  
21          match that.

22                        We're not suggesting that that  
23          submission at the outset requesting an absolutely  
24          ballot was perjurious by anybody. Then the issue

1 with regards to the timing of the filing of the  
2 complaint, which has been mentioned several  
3 times, that was not controlled by Mr. Shepherd  
4 and was not done strategically. I wish we had  
5 much more time between the time that the  
6 recounted had completed, and the time in which  
7 this body was going to be meeting for the  
8 purposes of seating the new members.

9 I think as Minority Leader Jones  
10 mentioned earlier today, it was a tighter window  
11 of time in this election cycle than normally  
12 exists in terms of recounts. Just because of the  
13 way the calendar fell, we had limited amount of  
14 time and Mr. Shepherd, to his credit, wanted to  
15 try to get as much information as he possibly  
16 could before -- before he filed the complaint.  
17 Those are the only two points.

18 REPRESENTATIVE DAY: So as we did with  
19 this morning, we'll leave the record open to  
20 close of business on Tuesday for any further  
21 submissions that the parties wish to offer for  
22 the Special Committee. And that will then close  
23 the period for the additional records.

24 All right. So that will conclude this

1           afternoon's hearing. We appreciate, again, as we  
2           did with this morning's hearing, the civility  
3           that we've heard from the parties involved in  
4           this issue. And we will strive to arrive at a  
5           very expeditious decision here.

6                       MR. NEWMAN: Again, thanks. Thank you to  
7           the Committee.

8                       MS. SCARSDALE: Thank you.

9                       (Whereupon, the proceeding is concluded at 2:28 p.m.)  
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COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF PLYMOUTH, ss.

I, Julianne Ryan, a Professional Court Reporter  
and Notary Public in and for the Commonwealth of  
Massachusetts, do hereby certify that the foregoing Special  
Committee Hearing Transcript was taken by me on January 13, 2023;  
That the said testimony was taken audiographically  
and then transcribed under my direction. To the best of  
my knowledge, the within transcript is a complete,  
true and accurate record of said hearing.

I am not connected by blood or marriage  
with any of the said parties, nor interested directly or  
indirectly in the matter in controversy.

In witness whereof, I have hereunto set my hand  
and Notary Seal this 17th day of January, 2023.



*Julianne Ryan*  
COURT REPORTER  
MY COMMISSION EXPIRES:  
OCTOBER 12, 2023

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO EXAMINE  
THE RETURNS OF VOTES OF  
CERTAIN REPRESENTATIVE DISTRICTS

**ANDREW SHEPHERD'S SUPPLEMENTAL MEMORANDUM**

*Executive Summary*

Andrew Shepherd requests that the Special Committee hold either (1) that Mr. Shepherd was the rightful winner of the Election; or (2) alternatively, that the House cannot seat either Mr. Shepherd or Ms. Scarsdale because the accuracy of the Election/Recount results has been placed in substantial doubt. As discussed below, the Special Committee has the jurisdiction and power to enter the relief Mr. Shepherd seeks. In addition, the Massachusetts Supreme Judicial Court held in *Connolly* that town election officials are required to perform their duty under Mass. Gen. Laws ch. 54, § 94. The record unquestionably shows that town election officials did not perform their mandatory duty because signatures on mail-in envelopes did not match the signatures on the corresponding voter registration cards and/or vote-by-mail applications. As a consequence, this Committee should enter the relief Mr. Shepherd seeks.

**INTRODUCTION**

On Friday, January 13, 2023, at 2:00 PM, the Special Committee (“Committee”) created by the Massachusetts House of Representatives (“House”) held a hearing (“Hearing”) on the election for the First Middlesex District State Representative seat (“Election”). At the conclusion of the Hearing, the Committee determined that the record would remain open until close of business Tuesday, January 17, 2023, and ordered that the parties submit any supplemental materials prior to the closure of the record. Pursuant to the Committee’s order, Andrew Shepherd hereby submits this supplemental memorandum to address key issues raised during the Hearing.

**I. THE COMMITTEE AND HOUSE HAVE THE JURISDICTION AND POWER TO ENTER THE RELIEF MR. SHEPHERD SEEKS**

At this juncture, the Committee has the jurisdiction and power to evaluate the merits and accuracy of the Election and determine that either Mr. Shepherd is the rightful winner of the Election, or that the First Middlesex District State Representative seat is vacant. The Massachusetts Constitution provides that the “[H]ouse . . . shall be the judge of the returns, elections, and qualifications of its own member[.]” Mass. Const., Part II, ch. 1, § 3, art. 10.

Without waiving his rights to seek judicial relief pursuant to the broad equitable power of the courts under Mass. Gen. Laws ch. 56, § 59, or other Massachusetts law that confers jurisdiction to the courts on an election matter, Mr. Shepherd acknowledges that the Committee—and by extension, the House—has broad equitable power, akin to the courts’ power provided under Section 59, to conduct a *de novo* review of the challenged ballots; amend the results of the Election/Recount; declare a winner of the Election; or determine that the seat is vacant. Mass. Const., Part II, ch. 1, § 3, art. 10; Mass. Gen. Laws ch. 56, § 59; Final Report of the Special Committee of the House to Examine the Returns of Votes for Representative in the Several Representative Districts of the Commonwealth Relative to the Third Barnstable District, March 18, 2003, House No. 3720, at 13.

The House has determined in the past that a Special Committee does not have the power to order a new election. *See* Final Report of the Special Committee of the House to Examine the Returns of Votes for Representative in the Several Representative Districts of the Commonwealth Relative to the Third Barnstable District, March 18, 2003, House No. 3720, at 13–14. This, however, does not preclude the Committee from being the judge on the Election, its returns, and whether to seat a candidate. Mass. Const., Part II, ch. 1, § 3, art. 10. Importantly, as stated by counsel for Mr. Shepherd during the Hearing, Mr. Shepherd is not asking for the Committee to

order a new election, but rather for the Committee to either (1) conduct a *de novo* review of the challenged ballots and declare that Mr. Shepherd was the rightful winner of the Election; or (2) alternatively, hold that the House cannot seat either Mr. Shepherd or Ms. Scarsdale because the accuracy of the Election/Recount results has been placed in substantial doubt. As a consequence, and by independent operation of law, where no one is elected or seated, the House thereafter would be required to order a new election. Final Report of the Special Committee of the House to Examine the Returns of Votes for Representative in the Several Representative Districts of the Commonwealth Relative to the Third Barnstable District, March 18, 2003, House No. 3720, at 13 (“a new election can be ordered by the House only if there is either a vacancy, or a failure to elect a representative.”).

**II. THE TOWN CLERKS’ DUTIES UNDER MASS. GEN. LAWS CH. 54, § 94, ARE MANDATORY AS BROADLY HELD IN *CONNOLLY*, AND CANNOT BE TREATED AS DISCRETIONARY AS NARROWLY PERMITTED IN *SWIFT***

The *Connolly* decision controls over *Swift*. Massachusetts election officials are required to compare the signature on a mail-in envelope with the signature on the corresponding voter registration card and/or vote-by-mail application, and if an election official cannot determine if the signatures match, the mail-in envelope (and thus the ballot contained within it) must be rejected. Mass. Gen. Laws ch. 54, § 94 (“Section 94”). This duty is mandatory, not discretionary. *Connolly v. Sec’y of Commonwealth*, 404 Mass. 556, 569–70 (1989) (holding that ballots that do not comply with the procedural protections of Section 94 must be “Rejected as Defective” by election officials and were “facially invalid” on recount). The SJC has made this clear:

We emphasize that election officials at the level of the original ballot count have no discretion as to the statutory requirements for a valid [mail-in] ballot. Section 94 [] requires election officials at this level to enforce the procedural protections of [Mass. Gen. Laws ch.] 54 against fraud in [mail-in] ballots.

*Id.* There is no wiggle room. There is no leeway. There is no discretion. The mandatory actions required under Section 94 serve to protect the integrity of an election and “minimize[] the potential for conjectural votes.” *Connolly*, 404 Mass. at 570.

The *Swift* decision—decided nearly 60 years earlier than *Connolly*—does not apply and cannot undermine the reasoning and holding in the *Connolly* decision. In 1932, the SJC decided an election dispute involving the failure of the mechanisms within the ballot box to operate as they were designed to operate. *Swift v. Registrars of Voters of Quincy*, 281 Mass. 271 (1932). In an opinion confined “strictly to the facts of the case at bar,” the SJC examined the mandatory nature of “shall” in election statutes and determined that “where every human step was . . . taken as directed by the statute” and the only fault was “by a machine,” the Court would not thwart the will of the voter by rejecting a ballot on that ground. *Id.* at 281–82. At no point did the SJC in *Swift* discuss Section 94 and in no sense may that decision be read to suggest that the statutory requirements for a valid mail-in ballot and the procedural protections against fraud in mail-in voting set forth in Section 94 could be waived. *Swift*, 281 Mass. at 281 (finding only an “implied exception where as here the uncanceled ballots were due to no act of man but to the failure of a mechanism prepared with all the care prescribed by law”).

The SJC in *Connolly* made clear that none of the examples or the lines of reasoning in the *Swift* decision carry any weight with regard to Section 94. The very nature of Section 94 is to mandate that town election officials adhere to their critical role as gatekeepers for mail-in voting. *See generally Connolly*. Where, as in here, numerous signatures on mail-in envelopes did not match the signatures on the corresponding voter registration cards and/or vote-by-mail applications, town election officials abdicated their mandatory statutory duty under Section 94 by failing to reject facially invalid mail-in envelopes (and by extension, the ballots within). *See, e.g.,*

January 11, 2023 Declaration of Andrew Shepherd ¶ 12–15. Accordingly, the failure of the First Middlesex District town election workers to perform their mandatory duty under Section 94 casts substantial doubt on the accuracy of the Election results.<sup>1</sup>

**III. EVIDENCE IN THE RECORD SHOWS THAT THE SIGNATURES ON MAIL-IN ENVELOPES DID NOT MATCH VOTER REGISTRATION CARDS AND/OR VOTE-BY-MAIL APPLICATION**

Town Clerks authorized Mr. Shepherd and his team to take photographs. *See* Exhibit A (January 17, 2023 Declaration of Andrew Shepherd) ¶ 5. Those authorized (and redacted) photographs are attached hereto as Exhibit B. As the photographs illustrate, those mail-in ballots unquestionably should have been rejected pursuant to Section 94. Nor was the error non-prejudicial. The margin of error in this case—including, but not limited to, the 20 votes that were counted but should have been rejected, Ex. B—is greater than the margin of victory, irrespective of whether the Committee determines the margin of victory to be seven (7) or 17.

Dated: January 17, 2023

Respectfully submitted by,

*/s/ Michael J. Sullivan*

Michael J. Sullivan

J. Christopher Amrhein, Jr.

*Ashcroft Law Firm*

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Boston, Massachusetts 02109

T: 617-573-9400

E: [msullivan@ashcroftlawfirm.com](mailto:msullivan@ashcroftlawfirm.com)

E: [camrhein@ashcroftlawfirm.com](mailto:camrhein@ashcroftlawfirm.com)

**Attorneys for Andrew Shepherd**

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<sup>1</sup> Given that mail-in voting is now widespread in Massachusetts as a result of the Covid-19 Pandemic, the Committee and the House have the opportunity, in conjunction with the Office of the Secretary of the Commonwealth, to insist upon adherence to mandatory statutory duties—duties put in place by this Legislature—and “emphasize” the defenses against the “potential for conjectural votes” and “protect[] . . . against fraud” in mail-in voting. *Connolly*, 404 Mass. at 569–70. As the saying goes, “never let a good crisis go to waste.”

# Exhibit A

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SPECIAL COMMITTEE TO EXAMINE  
THE RETURNS OF VOTES OF  
CERTAIN REPRESENTATIVE DISTRICTS

**DECLARATION OF ANDREW SHEPHERD**

I, Andrew Shepherd, declare, upon personal knowledge and under penalty of perjury, pursuant to Mass. Gen. Laws ch. 268, § 1A, that the following is true and accurate:

1. I reside in Townsend, MA.
2. I am a candidate in the First Middlesex District State Representative election (“Election”).
3. On December 5, 2022, the Townsend Recount took place.
4. The Lunenberg Recount occurred on December 10, 2022.
5. The Townsend Town Clerk and Lunenberg Town Clerk, upon request, each permitted me to inspect and take pictures of mail-in envelopes and the accompanying voter registration card and/or vote-by-mail application.

Executed on: January 17, 2023

Location: Townsend, MA

  
\_\_\_\_\_  
Andrew Shepherd



# Exhibit B

# I WANT TO VOTE!

## Official Vote by Mail Application

JUL 25 2022



**Voter Information:**

CHRISTOPHER

Party: No Party



O-A

1 Mail ballot to me at (if different):

**2 Elections:**

- All 2022 Elections\*
- Sept. 8<sup>th</sup> State Primary Only ✓
- Nov. 8<sup>th</sup> State Election Only ✓

**3 \* Primary Ballot**

- Democratic
- Republican

**4 Phone Number (optional):**

**5 Signed:**

I swear (or affirm) under penalty of perjury that I am a qualified voter at the above listed legal voting residence.

Date:

**ILLEGAL VOTING PUNISHABLE UNDER STATE AND FEDERAL LAWS**

Secretary of the Commonwealth • Elections Division • One Ashburton Place, Room 1705, Boston, MA 02108

574

### Commonwealth of Massachusetts

## EARLY BALLOT ENVELOPE

Under the penalties of perjury, I swear (or affirm) that I am a registered voter in Massachusetts at the address below, that I will not cast a ballot in any other city or town or voting location, and that the information below is true.

**VOTER SIGN HERE**

1. My signature: *Christopher Lunenburg*

2. My name: *Christopher Lunenburg*

3. My address (where registered): *1000 ...*

**ASSISTING PERSON**

1. Name and sign below for the penalties of perjury, I swear (or affirm) that the voter/needed assistance in marking this ballot and signing above because of physical disability, inability to read, or inability to read English. The voter swore (or affirmed) the voter affidavit and I then signed the voter's name above.

**REMEMBER: Sign voter's name at #4**

4. Reason for assistance

5. Assisting person's signature

6. Assisting person's printed name

**PENALTY FOR ILLEGAL VOTING:**

The penalty for voting or attempting to vote in violation of section 26 of chapter 56 of the Massachusetts General Laws is a fine of not more than ten thousand dollars, imprisonment for not more than five years, or both.

CHRISTOPHER

LUNENBURG MA 01462-1005

O/A

DEC 31 2022



# I WANT TO VOTE!

## Official Vote by Mail Application

### Voter Information:

JAMES EDWARD

Party: No Party\*

[Redacted] O-A

1 Mail ballot to me at (if different):

### 2 Elections:

All 2022 Elections\*

Sept. 6<sup>th</sup> State Primary Only

Nov. 8<sup>th</sup> State Election Only

### 3 \* Primary Ballot

Democratic

Republican

### 4 Phone Number (optional):

AUG 10 2022

### 5 Signed:

I swear (or affirm) under penalty of perjury that I am a qualified voter at the above listed legal voting residence.

**ILLEGAL VOTING PUNISHABLE UNDER STATE AND FEDERAL LAWS**

Secretary of the Commonwealth • Elections Division • One Ashburton Place, Room 1705, Boston, MA 02108



# I WANT TO VOTE!

## Official Vote by Mail Application

### Voter Information:

LISA ANNE

Party: No Party\*

[Redacted] O-A

1 Mail ballot to me at (if different):

### 2 Elections:

All 2022 Elections\*

Sept. 6<sup>th</sup> State Primary Or

Nov. 8<sup>th</sup> State Election Or

### 3 \* Primary Ballot

Democratic

Republican

### 4 Phone Number (optional):

AUG

### 5 Signed:

I swear (or affirm) under penalty of perjury that I am a qualified voter at the above listed legal voting residence.

**ILLEGAL VOTING PUNISHABLE UNDER STATE AND FEDERAL LAWS**

Secretary of the Commonwealth • Elections Division • One Ashburton Place, Room 1705, Boston, MA 02108

### VOTER SIGN HERE

[Signature]

[Signature]

Lisa A

[Signature]

[Signature]

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[Signature]

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LISA A

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LUNENBURG MA 01462-1589

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For Election Official Use Only

Ward / Precinct:

Ballot enclosed (for Primary only)

Democratic

Republican

For Election Official Use Only

Ward / Precinct:

Ballot enclosed (for Primary only)

Democratic

Republican



# I WANT TO VOTE!

## Official Vote by Mail Application

### Voter Information:

██████████ SETH M. ██████████

Party: No Party\*

██  
██  
██

O-A

1 Mail ballot to me at (if different):

\_\_\_\_\_  
\_\_\_\_\_

### 2 Elections:

All 2022 Elections\*

Sept. 6<sup>th</sup> State Primary Only\* *E*

Nov. 8<sup>th</sup> State Election Only ✓

### 3 \* Primary Ballot

Democratic

Republican

AUG 10 2022

### 4 Phone Number (optional):

\_\_\_\_\_

### 5 Signed:

Date: *AUG 6, 2022*

I swear (or affirm) under penalty of perjury that I am a qualified voter at the above listed legal voting residence.

**ILLEGAL VOTING PUNISHABLE UNDER STATE AND FEDERAL LAWS**

Secretary of the Commonwealth • Elections Division • One Ashburton Place, Room 1705, Boston, MA 02108

of voting location, this and the instructions

### VOTER SIGN HERE

1. *Seth K...*  
Voter's signature

2. *Seth*  
Voter's printed name

3. *Lynnburg, MA 01462*  
Home address (where registered)

### ASSISTING PERSON

Complete and sign below

Under the penalties of perjury, I swear (or affirm) that the voter needed assistance in marking the ballot and signing above because of physical disability, inability to read, or inability to read English. The voter swore (or affirmed) the voter affidavit and I then signed the voter's name above.

REMINDER: Sign voter's name at #1

4. \_\_\_\_\_  
Assistant's printed name

5. \_\_\_\_\_  
Assistant's printed name

6. \_\_\_\_\_  
Assistant's printed name

### PENALTY FOR ILLEGAL VOTING

The penalty for anyone attempting to vote in violation of section 20 of chapter 56 of the Massachusetts General Laws is a fine of not more than ten thousand dollars, imprisonment for not

Commonwealth of Massachusetts

EARLY BALLOT ENVELOPE

Under the penalties of perjury, I swear (or affirm) that I am a registered voter in Massachusetts at the address below, that I will not cast a ballot in any other city or voting location, and that the information below is true.

VOTER SIGN HERE

- 1. Voter's signature: Robert Townsend
- 2. Voter's printed name: Robert Townsend
- 3. Home address (where registered): Townsend, MA 014

ASSISTING PERSON

Complete and sign below

Under the penalties of perjury, I swear (or affirm) that the voter needed assistance marking the ballot and signing above because of physical disability, inability to read English, or inability to read English. The voter swore (or affirmed) the voter affidavit and signed the voter's name above.

REMEMBER: Sign voter's name at #1

4. Reason for assistance

5. Assisting person's signature

6. Assisting person's printed name

PENALTY FOR ILLEGAL VOTING:

The penalty for voting or attempting to vote in violation of section 26 of chapter 36A of the Massachusetts General Laws is a fine of not more than ten thousand dollars, imprisonment for not more than five years, or both.

ROBERT P  
TOWNSEND MA 01469



071



I WANT TO VOTE!  
Official Vote by Mail Application

Voter Information:

ROBERT P

Mail ballot to me at (if different):



0-1

Phone Number (optional):

Please mail me a ballot for the November 8, 2022



Signed:

*Robert P. Townsend*

I swear (or affirm) under penalty of perjury that I am a qualified voter at the above listed legal voting re

Date: 11/8/22

ILLEGAL VOTING PUNISHABLE UNDER STATE AND FEDERAL LAW

Secretary of the Commonwealth • Elections Division • One Ashburton Place, Room 1705, Boston, MA 02114

Commonwealth of Massachusetts

EARLY BALLOT ENVELOPE

Under the penalties of perjury, I swear (or affirm) that I am a registered voter in Massachusetts at the address below, that I will not cast a ballot in any other city or town or voting location, and that the information below is true.

VOTER SIGN HERE

*[Handwritten signature: Ryan H. Lutenburg MA]*  
Voter's Signature  
2. Enter printed name  
3. Enter printed name

ASSISTING PERSON

Complete and sign below

Under the penalties of perjury, I swear (or affirm) that the voter needed assistance in marking the ballot and signing above because of physical disability, inability to read, or inability to read English. The voter swore (or affirmed) the voter affidavit and I then signed the voter's name above.

REMEMBER: Sign voter's name at #1

Reason for assistance

Assisting person's signature

Assisting person's printed name

LIABILITY FOR ILLEGAL VOTING:

Any person who knowingly causes another person to vote in violation of section 26 of chapter 56 of the Massachusetts General Laws is a fine not more than ten thousand dollars, imprisonment for not more than five years, or both.

RYAN H.

LUTENBURG MA 01462



I WANT TO VOTE!  
Official Vote by Mail Application

Voter information:

RYAN H. LUTENBURG  
Party: Republican

2 Elections:

- All 2022 Elections
- Sept. 8<sup>th</sup> State Primary Only
- Nov. 8<sup>th</sup> State Election Only

3 Primary Ballot

- Democratic
- Republican

1 Mail ballot to me at (if different):

O-A

4 Phone Number (optional):

AUG 22 2022

5 Signed:

*[Handwritten signature]*

Date:

I swear (or affirm) under penalty of perjury that I am a qualified voter at the above listed legal voting residence

ILLEGAL VOTING PUNISHABLE UNDER STATE AND FEDERAL LAWS

Secretary of the Commonwealth • Elections Division • One Ashburton Place, Room 1705, Boston, MA 02108

Commonwealth of Massachusetts  
**EARLY BALLOT ENVELOPE**

Under the penalties of perjury, I swear (or affirm) that I am a registered voter in Massachusetts at the address below, that I will not cast a ballot in any other city or town or voting location, and that the information below is true

**VOTER SIGN HERE**

- 1. [Signature]  
*Voter's signature*
- 2. Ana  
*Voter's printed name*
- 3. [Redacted] Wrentham, MA  
*Home address (where registered)*



**I WANT TO VOTE!**  
Official Vote by Mail Application

**Voter Information:**

[Redacted], ANA  
 Party: No Party\*  
 [Redacted]  
 [Redacted] 0-A

**1** Mail ballot to me at (if different):  
 \_\_\_\_\_  
 \_\_\_\_\_

**2 Elections:**

- All 2022 Elections\*
- Sept. 6<sup>th</sup> State Primary Only\*<sup>E</sup>
- Nov. 8<sup>th</sup> State Election Only

**3 \* Primary Ballot**

- Democratic
- Republican

**4 Phone Number (optional):**

[Redacted]

AUG 18 2022

**5** **Signed:** [Signature]

Date: 8/10/20

I swear (or affirm) under penalty of perjury that I am a qualified voter at the above listed legal voting residence.

**ILLEGAL VOTING PUNISHABLE UNDER STATE AND FEDERAL LAWS**

Secretary of the Commonwealth • Elections Division • One Ashburton Place, Room 1705, Boston, MA 02108



# I WANT TO VOTE!

## Official Vote by Mail Application

**Voter Information:**  
 [REDACTED], JOSEPH F  
 Party: No Party\*

**2 Elections:**  
 All 2022 Elections\*  
 Sept. 6<sup>th</sup> State Primary Only\*  
 Nov. 8<sup>th</sup> State Election Only ✓

**3 \* Primary Ballot**  
 Democratic  
 Republican

**1** Mail ballot to me at (if different):  
 [REDACTED] 0-A

**4** Phone Number (optional):  
 AUG 0 8 2022

**5** → **Signed:** [Signature] Date: 8/4/22  
 I swear (or affirm) under penalty of perjury that I am a qualified voter at the above listed legal voting residence.  
**ILLEGAL VOTING PUNISHABLE UNDER STATE AND FEDERAL LAWS**  
 Secretary of the Commonwealth • Elections Division • One Ashburton Place, Room 1705, Boston, MA 02108

**VOTER SIGN HERE**

1. [Signature]  
 Voter's signature

2. Joseph F [REDACTED]  
 Voter's printed name

3. [REDACTED] Lunenburg 01462  
 Home address (where registered)

**ASSISTING PERSON**  
 Complete and sign below

Under the penalties of perjury, I swear (or affirm) that the voter needed assistance in marking the ballot and signing above because of physical disability, inability to read, or inability to read English. The voter swore (or affirmed) the voter affidavit and I then signed the voter's name above.

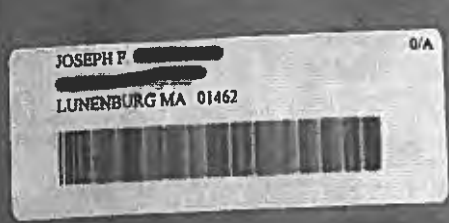
**REMINDER: Sign voter's name at #1**

4. \_\_\_\_\_  
 Reason for assistance

5. \_\_\_\_\_  
 Assisting person's signature

6. \_\_\_\_\_  
 Assisting person's printed name

**PENALTY FOR ILLEGAL VOTING:**  
 The penalty for voting or attempting to vote in violation of section 26 of chapter 56 of the Massachusetts General Laws is a fine of not more than ten thousand dollars, imprisonment for not more than five years, or both.



OCT 27 2022

For Election Official Use Only

Ward / Precinct: \_\_\_\_\_

Ballot number (for return only): \_\_\_\_\_



SV-4

# Commonwealth of Massachusetts EARLY BALLOT ENVELOPE

Under the penalties of perjury, I swear (or affirm) that I am a registered voter in Massachusetts at the address below, that I will not cast a ballot in any other city or town or voting location, and that the information below is true.

## VOTER SIGN HERE

1. Voter's signature  
*Lauren P. Townsend*
2. Voter's printed name  
*West Townsend MA 01474*

Home address (where registered)

## ASSISTING PERSON

Complete and sign below

Under the penalties of perjury, I swear (or affirm) that the voter needed assistance in marking this ballot and signing above because of physical disability, inability to read, or inability to read English. The voter swore (or affirmed) the voter affidavit and I then signed the voter's name above.

REMINDER: Sign voter's name at #1

4. Reason for assistance
5. Assisting person's signature
6. Assisting person's printed name

## PENALTY FOR ILLEGAL VOTING:

The penalty for voting or attempting to vote in violation of section 26 of chapter 54 of the Massachusetts General Laws is a fine of not more than ten thousand dollars, imprisonment for not more than five years, or both.



For Election Official Use Only

Ward / Precinct



# I WANT TO VOTE!

Official Vote by Mail Application

**Voter Information:**  
LAUREN P. [REDACTED] 0-1  
[REDACTED]

Mali ballot to me at (if different):  
[REDACTED]

Phone Number (optional):  
[REDACTED]

Please mail me a ballot for the November 8, 2022 election.

Signed: *Lauren P. Townsend* Date: *9/29/22*  
 I swear (or affirm) under penalty of perjury that I am a qualified voter at the above listed legal voting residence.

ILLEGAL VOTING PUNISHABLE UNDER STATE AND FEDERAL LAWS

Secretary of the Commonwealth • Elections Division • One Ashburton Place, Room 1705, Boston, MA 02108

590

Commonwealth of Massachusetts

# EARLY BALLOT ENVELOPE

Under the penalties of perjury, I swear (or affirm) that I am a registered voter in Massachusetts at the address below, that I will not cast a ballot in any other city or town or voting location, and that the information below is true

## VOTER SIGN HERE

*Dylan Hunter*  
Voter Signature

*Dylan Hunter*  
Assisting Person Signature

### ASSISTING PERSON

Complete and sign below

Under the penalties of perjury, I swear (or affirm) that the voter needed assistance in marking the ballot and signing above because of physical disability, inability to read, or inability to read English. The voter swears (or affirms) the voter affidavit and I then signed the voter's name above.

REMEMBER: Sign voter's name at #1

Reason for assistance

Assisting person's signature

Assisting person's printed name

### PENALTY FOR ILLEGAL VOTING:

The penalty for voting or attempting to vote in violation of section 24B of chapter 55-570A, Massachusetts General Laws is a fine of any more than ten thousand dollars, imprisonment for more than five years, or both.



071-311-0000

0-A

LUNENBURG MA 01462

607 7 1 2022

For Return Address Use Only



# I WANT TO VOTE!

## Official Vote by Mail Application

### Voter Information:

DYLAN HUNTER

Party: No Party



0-A

1 Mail ballot to me at (if different):

### 2 Elections:

All 2022 Elections\*

Sept. 6<sup>th</sup> State Primary Only *E*

Nov. 8<sup>th</sup> State Election Only *✓*

### 3 \* Primary Ballot

Democratic

Republican

AUG 2 2 2022

### 4 Phone Number (optional):

### 5 Signed:

I swear (or affirm)

under penalty of perjury that I am a qualified voter at the above listed legal voting residence.

*Dylan Hunter*  
Signature  
Date: 8/19/22

### ILLEGAL VOTING PUNISHABLE UNDER STATE AND FEDERAL LAWS

Secretary of the Commonwealth • Elections Division • One Ashburton Place, Room 1705, Boston, MA 02108

Commonwealth of Massachusetts  
**EARLY BALLOT ENVELOPE**

Under the penalties of perjury, I swear (or affirm) that I am a registered voter in Massachusetts at the address below, that I will not cast a ballot in any other city or town or voting location, and that the information below is true.

**VOTER SIGN HERE**

- 1. Anthony R. Leardi  
Voter's signature
- 2. Anthony [REDACTED]  
Voter's printed name
- 3. [REDACTED] St Lumenburg MA 01462  
Home address (where registered)



**I WANT TO VOTE!**

Official Vote by Mail Application

**Voter Information:**

[REDACTED], ANTHONY R

Party: Republican



0-A

1 Mail ballot to me at (if different):

2 Elections:

- All 2022 Elections\*
- Sept. 6<sup>th</sup> State Primary Only\* E
- Nov. 8<sup>th</sup> State Election Only

3 \* Primary Ballot

- Democratic
- Republican

AUG 29 2022

4 Phone Number (optional):

N/A

5 Signed: Anthony R. Leardi

Date: 8/26/22

I swear (or affirm) under penalty of perjury that I am a qualified voter at the above listed legal voting residence.

**ILLEGAL VOTING PUNISHABLE UNDER STATE AND FEDERAL LAWS**

Secretary of the Commonwealth • Elections Division • One Ashburton Place, Room 1705, Boston, MA 02108

For Election Official Use Only

Ward / Precinct: \_\_\_\_\_

Ballot enclosed (for Primary only):

- Democratic
- Republican
- \_\_\_\_\_

Commonwealth of Massachusetts

EARLY BALLOT ENVELOPE

Under the penalties of perjury, I swear (or affirm) that I am a registered voter in Massachusetts at the address below, that I will not cast a ballot in any other city or town or voting location, and that the information below is true.

VOTER SIGN HERE

- 1. Voter's signature: Richard
- 2. Voter's printed name: LUNENBURG, MA 01462
- Home address (where registered)

ASSISTING PERSON

Complete and sign below:

Under the penalties of perjury, I swear (or affirm) that the voter needed assistance in marking the ballot and signing above because of physical disability, inability to read, or inability to read English. The voter swore (or affirmed) the voter affidavit and I then signed the voter's name above.

REMEMBER: Sign voter's name at #1

Reason for assistance

Assisting person's signature

Assisting person's printed name

PENALTY FOR ILLEGAL VOTING:

The penalty for voting or attempting to vote in violation of section 36 of chapter 30B of the Massachusetts General Laws is a fine of not more than ten thousand dollars, imprisonment for more than five years, or both.

O/A

RICHARD W. LUNENBURG MA 01462



I WANT TO VOTE!

Official Vote by Mail Application

Voter Information:

RICHARD W.

Party: No Party

2 Elections:

- All 2022 Elections\*
- Sept. 8<sup>th</sup> State Primary Only\* E
- Nov. 8<sup>th</sup> State Election Only ✓

3 \* Primary Ballot

- Democratic
- Republican

AUG 05 2022

1 Mail ballot to me at (if different):

4 Phone Number (optional):

5 Signed:

[Handwritten Signature]

Date:

7/30/22

I swear (or affirm) under penalty of perjury that I am a qualified voter at the above listed legal voting residence.

ILLEGAL VOTING PUNISHABLE UNDER STATE AND FEDERAL LAWS

Secretary of the Commonwealth • Elections Division • One Ashburton Place, Room 1705, Boston, MA 02108

# Commonwealth of Massachusetts EARLY BALLOT ENVELOPE

Under the penalties of perjury, I swear (or affirm) that I am a registered voter in Massachusetts at the address below, that I will not cast a ballot in any other city or town or voting location, and that the information below is true.

## VOTER SIGN HERE

1. Voter's signature  
*[Signature]*
2. Voter's printed name  
Townsend MA 01469
3. Home address (where registered)

## ASSISTING PERSON

Complete and sign below.

Under the penalties of perjury, I swear (or affirm) that the voter needed assistance in marking this ballot and signing above because of physical disability, inability to read, or inability to read English. The voter swore (or affirmed) the voter affidavit and I then signed the voter's name above.

REMEMBER: Sign voter's name at #1

4. Reason for assistance
5. Assisting person's signature
6. Assisting person's printed name

## PENALTY FOR ILLEGAL VOTING:

The penalty for voting or attempting to vote in violation of section 26 of chapter 56 of the Massachusetts General Laws is a fine of not more than ten thousand dollars, imprisonment for not more than five years, or both.



For Election (Official) Use Only

Ward / Precinct: \_\_\_\_\_

Ballot enclosed (for Primary only):

Democratic  Republican



# I WANT TO VOTE!

## Official Vote by Mail Application

Rec'd Townsend Town Clerk  
23 SEP '22 #11-35

Voter Information:  
BRIAN W

Mail ballot to me at (if different):

Phone Number (optional):

0-1

Please mail me a ballot for the November 8, 2022 election.

Signature: *[Signature]*

Date: 9/20/22

I swear (or affirm) under penalty of perjury that I am a qualified voter at the above listed legal voting residence

ILLEGAL VOTING PUNISHABLE UNDER STATE AND FEDERAL LAWS

Secretary of the Commonwealth • Elections Division • One Ashburton Place, Room 1705, Boston, MA 02108



# I WANT TO VOTE!

## Official Vote by Mail Application

**Voter Information:**  
 [Redacted] PIL  
 Party: Democratic  
 [Redacted]

**1** Mail ballot to me at (if different):  
 \_\_\_\_\_  
 \_\_\_\_\_

**2** Elections:  
 All 2022 Elections\*  
 Sept. 6th State Primary Only\*  
 Nov. 8th State Election Only

**3** \* Primary Ballot  
 Democratic  
 Republican

**4** Phone Number (optional):  
 \_\_\_\_\_

AUG 03 2022

**5** → **Signed:** [Signature] Date: 7/30/22

I swear (or affirm) under penalty of perjury that I am a qualified voter at the above listed legal voting residence.  
**ILLEGAL VOTING PUNISHABLE UNDER STATE AND FEDERAL LAWS**  
 Secretary of the Commonwealth • Elections Division • One Ashburton Place, Room 1705, Boston, MA 02108

**VOTER SIGN HERE**

1. [Signature]  
 Voter's signature

2. PIL  
 Voter's printed name

3. LUNENBURG, MA 01462  
 Home address (where registered)

**ASSISTING PERSON**  
 Complete and sign below

Under the penalties of perjury, I swear (or affirm) that the voter needed assistance in marking the ballot and signing above because of physical disability, inability to read, or inability to read English. The voter swore (or affirmed) the voter affidavit and I then signed the voter's name above.

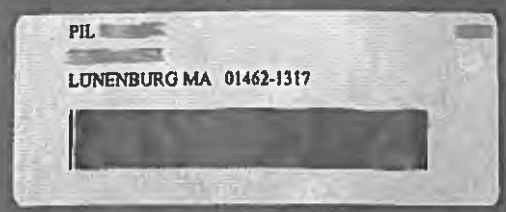
**REMINDER: Sign voter's name at #1**

4. \_\_\_\_\_  
 Reason for assistance

5. \_\_\_\_\_  
 Assisting person's signature

6. \_\_\_\_\_  
 Assisting person's printed name

**PENALTY FOR ILLEGAL VOTING:**  
 The penalty for voting or attempting to vote in violation of section 26 of chapter 56 of the Massachusetts General Laws is a fine of not more than ten thousand dollars, imprisonment for not more than five years, or both.



OCT 2 0 2022

Commonwealth of Massachusetts

EARLY BALLOT ENVELOPE

Under the penalties of perjury, I swear (or affirm) that I am a registered voter in Massachusetts at the address below, that I will not cast a ballot in any other city or town or voting location, and that the information below is true.

VOTER SIGN HERE

Voter's signature

STEVE

Voter's printed name

LUNENBURG, MA 01462

Home address (where registered)

ASSISTING PERSON

Complete and sign below

Under the penalties of perjury, I swear (or affirm) that the voter needed assistance in marking the ballot and signing above because of physical disability, inability to read, or inability to read English. The voter swore (or affirmed) the voter affidavit and I then signed the voter's name above.

REMEMBER: Sign voter's name at #1

Reason for assistance

Assisting person's signature

Assisting person's printed name

PENALTY FOR ILLEGAL VOTING

The penalty for voting or attempting to vote in violation of section 26 of chapter 56 of the Massachusetts General Laws is a fine of not more than ten thousand dollars, imprisonment for no more than five years, or both.



I WANT TO VOTE!

Official Vote by Mail Application #L 2 5 2022

Voter Information:

STEVE R

Party: No Party

2 Elections:

All 2022 Elections\*

Sept. 6<sup>th</sup> State Primary Only\*

Nov. 8<sup>th</sup> State Election Only\*

3 \* Primary Ballot

Democratic

Republican

1 Mail ballot to me at (if different):

4 Phone Number (optional):

5 Signed: Steve R Dub

Date: 2-20-22

I swear (or affirm) under penalty of perjury that I am a qualified voter at the above listed legal voting residence

ILLEGAL VOTING PUNISHABLE UNDER STATE AND FEDERAL LAWS

Secretary of the Commonwealth • Elections Division • One Ashburton Place • Room 1705 Boston, MA 02108

6V-7

Commonwealth of Massachusetts

# EARLY BALLOT ENVELOPE

Under the penalties of perjury, I swear (or affirm) that I am a registered voter in Massachusetts at the address below, that I will not cast a ballot in any other city or town or voting location, and that the information below is true.

## VOTER SIGN HERE

1. Voter's signature: [Handwritten Signature]
2. Voter's printed name: Hannah
3. Home address (where registered): West Townsend, MA 01474

### ASSISTING PERSON

Complete and sign below

Under the penalties of perjury, I swear (or affirm) that the voter needed assistance in marking the ballot and signing above because of physical disability, inability to read, or inability to read English. The voter swore (or affirmed) the voter affidavit and I then signed the voter's name above.

REMEMBER: Sign voter's name at #1

4. Reason for assistance: \_\_\_\_\_
5. Assisting person's signature: \_\_\_\_\_
6. Assisting person's printed name: \_\_\_\_\_

RECEIVED  
OCT 29 2022  
TOWN OF TOWNSEND  
TOWN CLERK

### PENALTY FOR ILLEGAL VOTING:

The penalty for voting or attempting to vote in violation of section 26 of chapter 56 of the Massachusetts General Laws is a fine of not more than ten thousand dollars, imprisonment for not more than five years, or both.



# I WANT TO VOTE!

Official Vote by Mail Application

Voter Information:  
HANNAH

Mail ballot to me at (if different):

Phone Number (optional):

0-1

Please mail me a ballot for the November 8, 2022 election.

Signed: Hannah White Date: 9/25/22  
I swear (or affirm) under penalty of perjury that I am a qualified voter at the above listed legal voting residence.

ILLEGAL VOTING PUNISHABLE UNDER STATE AND FEDERAL LAWS

Secretary of the Commonwealth • Elections Division • One Ashburton Place, Room 1705, Boston, MA 02108



57-3

Commonwealth of Massachusetts

# EARLY BALLOT ENVELOPE

Under the penalties of perjury, I swear (or affirm) that I am a registered voter in Massachusetts at the address below, that I will not cast a ballot in any other city or town or voting location, and that the information below is true.

## VOTER SIGN HERE

*Joseph P. Lunenburg*  
Signature  
1. *Joseph P. Lunenburg, MA 01462*

## ASSISTING PERSON

Complete and sign below

Under the penalties of perjury, I swear (or affirm) that the voter needed assistance in marking the ballot and signing above because of physical disability, inability to read, or inability to read English. The voter swore (or affirmed) the voter affidavit and I then signed the voter's name above.

**REMEMBER: Sign voter's name at #1**

- Reason for assistance
- Assisting person's signature
- Assisting person's printed name

## PENALTY FOR ILLEGAL VOTING:

The penalty for voting or attempting to vote in violation of section 26B of chapter 56 of the Massachusetts General Laws is a fine of not more than ten thousand dollars, imprisonment for not more than five years, or both.

NOV 02 2022



For Returning Official Use Only



# I WANT TO VOTE!

## Official Vote by Mail Application

### Voter Information:

JOSEPH P  
Republican



0-A

### 1 Mail ballot to me at (if different):

### 2 Elections:

- All 2022 Elections\*
- Sept. 8<sup>th</sup> State Primary Only\*
- Nov. 8<sup>th</sup> State Election Only

### 3 Primary Ballot

- Democratic
- Republican

AUG 29 2022

### 4 Phone Number (optional):

5 Signed: *Joseph P. Lunenburg*

Date: 8-25-22

I swear (or affirm) under penalty of perjury that I am a qualified voter at the above listed legal voting residence.

**ILLEGAL VOTING PUNISHABLE UNDER STATE AND FEDERAL LAWS**

Secretary of the Commonwealth • Elections Division • One Ashburton Place, Room 1705, Boston, MA 02108

# Commonwealth of Massachusetts EARLY BALLOT ENVELOPE

Under the penalties of perjury, I swear (or affirm) that I am a registered voter in Massachusetts at the address below, that I will not cast a ballot in any other city or in any other voting location, and that the information below is true.

## VOTER SIGN HERE

1. *Scott*  
Voter's signature
2. *Scott*  
Voter's printed name
3. \_\_\_\_\_  
Home address (where registered)

## ASSISTING PERSON

Complete and sign below

Under the penalties of perjury, I swear (or affirm) that the voter needed assistance in marking the ballot and signing above because of physical disability, inability to read or inability to read English. The voter swore (or affirmed) the voter affidavit and I have signed the voter's name above.

REMEMBER: Sign voter's name at #1

Reason for assistance

Assisting person's signature

Assisting person's printed name

RECEIVED  
OCT 28 2012  
TOWN OF TOWNSEND  
TOWN CLERK

## CRIMINAL LIABILITY FOR ILLEGAL VOTING:

penalty for voting or attempting to vote in violation of section 26 of chapter 56 of the Massachusetts General Laws is a fine of not more than ten thousand dollars, imprisonment for not more than five years, or both.



# I WANT TO VOTE! Official Vote by Mail Application

Voter Information:

SCOTT D  
Party: No Party



1 Mail ballot to me at (if different):

2 Elections:

- All 2022 Elections\*
- Sept. 8<sup>th</sup> State Primary Only\*
- Nov. 8<sup>th</sup> State Election Only

3 \* Primary Ballot

- Democratic
- Republican

4 Phone Number (optional):

5 Signed: *Scott D*

I swear (or affirm) under penalty of perjury that I am a qualified voter at the above listed legal voting residence.

ILLEGAL VOTING PUNISHABLE UNDER STATE AND FEDERAL LAWS

Secretary of the Commonwealth • Elections Division • One Ashburton Place, Room 1705, Boston, MA 02108

Date: 8-29-2012

Commonwealth of Massachusetts

EARLY BALLOT ENVELOPE

Under the penalties of perjury, I swear (or affirm) that I am a registered voter in Massachusetts at the address below, that I will not cast a ballot in any other city or town or voting location, and that the information below is true.

VOTER SIGN HERE

1. Voter's signature: James H Lunenburg
2. Voter's printed name: James
3. Home address (where registered): [redacted]

ASSISTING PERSON

Complete and sign below

Under the penalties of perjury, I swear (or affirm) that the voter needed assistance in marking the ballot and signing above because of physical disability, inability to read, or inability to read English. The voter swore (or affirmed) the voter affidavit and I then signed the voter's name above.

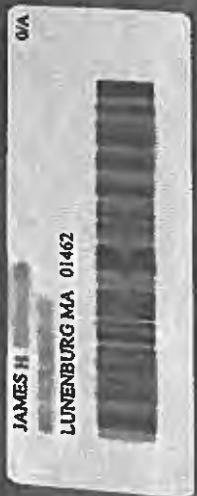
REMEMBER: Sign voter's name at #1

- A. Reason for assistance
B. Assisting person's signature
C. Disabling person's printed name

PENALTY FOR ILLEGAL VOTING:

The penalty for voting or attempting to vote in violation of section 26 of chapter 56 of the Massachusetts General Laws is a fine of not more than ten thousand dollars, imprisonment for not more than five years, or both.

AUG 27 2022



I WANT TO VOTE!

Official Vote by Mail Application

Voter Information:

Party: No Party\*

2 Elections:

- All 2022 Elections\*
Sept. 8th State Primary Only
Nov. 8th State Election Only

3 Primary Ballot

- Democratic
Republican

4 Phone Number (optional):

AUG 27 2022

1 Mail ballot to me at (if different):

5 Signed:

[Handwritten signature]

Date:

I swear (or affirm) under penalty of perjury that I am a qualified voter at the above listed legal voting residence.

ILLEGAL VOTING PUNISHABLE UNDER STATE AND FEDERAL LAWS

Secretary of the Commonwealth - Elections Division • One Ashburton Place, Room 1705, Boston, MA 02108

Commonwealth of Massachusetts

EARLY BALLOT ENVELOPE

Under the penalties of perjury, I swear (or affirm) that I am a registered voter in Massachusetts at the address below, that I will not cast a ballot in any other city or town or voting location, and that the information below is true.

VOTER SIGN HERE

1. Voter's signature: [Signature]
2. Voter's name: [Name]
3. Home address (include apartment): [Address]

ASSISTING PERSON

Complete and sign below

Under the penalties of perjury, I swear (or affirm) that the voter needed assistance in marking the ballot and signing above because of physical disability, inability to read, or inability to read English. The voter swore (or affirmed) the voter affidavit and I then signed the voter's name above.

REMEMBER: Sign voter's name at #1

4. Reason for assistance

5. Assisting person's signature

6. Assisting person's printed name

PENALTY FOR ILLEGAL VOTING:

The penalty for voting or attempting to vote in violation of section 26 of chapter 56 of the Massachusetts General Laws is a fine of not more than ten thousand dollars, imprisonment for not more than five years, or both.



OCT 1 9 2022



I WANT TO VOTE!

Official Vote by Mail Application

Voter Information:

14N
Party: No Party
0-A

2 Elections:

- All 2022 Elections
Sept. 6th State Primary Only
Nov. 6th State Election Only

3 Primary Ballot

- Democratic
Republican

JUL 25 2022

4 Phone Number (optional):

5 Signed: [Signature]

Date: 7/20/22

I swear (or affirm) under penalty of perjury that I am a qualified voter at the above listed legal voting residence.

ILLEGAL VOTING PUNISHABLE UNDER STATE AND FEDERAL LAWS

Secretary of the Commonwealth • Elections Division • One Ashburton Place, Room 1705, Boston, MA 02108



Appendix H

**The Commonwealth of Massachusetts**

---

In the Year Two Thousand and Twenty-Three

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RESOLUTIONS RELATIVE TO DECLARING THAT MARGERT SCARSDALE WAS  
DULY ELECTED REPRESENTATIVE TO THE GENERAL COURT.

*Resolved*, That Margaret Scarsdale of Pepperell was duly elected the Representative to the General Court from the First Middlesex District in the election held on November 8, 2022 and that she is entitled to and is hereby given that seat allocated for the First Middlesex District.