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Civil Rights Groups and Local Leaders File Suit to Stop Voting Rights Violations in Lawrence Election

Boston, MA -- Seeking to prevent thousands of voters in the City of Lawrence from being disenfranchised in tomorrow's City-wide elections, lawyers for the American Civil Liberties Union of Massachusetts (ACLU) and the Lawyers Committee for Civil Rights Under Law (LCCR) of the Boston Bar Association today are seeking Federal Court intervention to protect voters' rights. **An emergency hearing is scheduled for 3:30 p.m. today.**

J. Anthony Downs and Iraida S. Alvarez, attorneys at Goodwin Procter, LLP, who are serving as cooperating attorneys for the ACLU and the LCCR, will argue before U.S. Federal District Court Judge Nathaniel M. Gorton. Late Friday, they filed a motion to hold the election results open and to allow an additional day of voting in order to afford an opportunity to vote for those who have not received adequate notice.

The suit was filed by attorneys for the ACLU and LCCR on behalf of *¿Oíste?*, an organization representing the interests of Latino voters; Barbara Gonzalez, a candidate for City Council; and Carlos Matos, a former candidate for mayor and a current City Council member.

"The right to vote is the essence of a democratic society, and any restrictions on that right strike at the heart of representative government," said John Reinstein, Legal Director for the ACLU of Massachusetts. "Simply put, the City's actions have disenfranchised large numbers of voters, most of whom appear to be Latino, in violation of the Due Process Clause of the U.S. Constitution and federal law."

The suit was filed after Lawrence city officials placed more than half of the registered voters within the City (reportedly 18,400 voters, out of a total of 27,198) on an "inactive" voter list without notice. As a result, when people tried to vote in the preliminary city elections on September 27, 2005, there was widespread chaos, long lines, and confusion among previously registered voters who were suddenly listed as "inactive." After voters complained to State officials, the Commonwealth's Secretary of State William Galvin

reportedly urged Lawrence city officials to send out voter registration postcards to anyone listed on the new “inactive” voter list. Unfortunately, these postcards were mailed out on Oct. 18 and 19th – although the deadline for voters to return the cards and change their voting status for this election was also Oct. 19.

“Given the lateness of these mailings, it is essentially impossible that the almost 14,900 voters on the ‘inactive’ voter list would be able to respond to the mailing and return their postcards to the city by the October 19 deadline,” said Reinstein. “Nearly half of the previously-registered voters in the City of Lawrence were left with the wrong impression that it was too late to register and that they could not vote.”

On Nov. 1, the City posted a notice in a Lawrence-based bilingual newspaper, *Rumbo*, stating that voters will be asked to produce suitable identification, and those who are unable to do so shall be allowed to vote provisionally, meaning their ballot are subject to challenge under state law. The Notice does not state that a voter on the “inactive” list has a right to vote under state law. Nor is the ACLU aware of any measures taken by city officials to ensure that the voters placed in the “inactive” list who received postcards after the deadline for changing their status are able to participate in the election and exercise their constitutionally protected right to vote.

“The public interest requires the city to hold an election where all voters are given equal opportunity to exercise their constitutionally-protected right to vote,” said Reinstein.

The suit filed today is particularly important because Tuesday’s vote, in addition to being a City Council election, is the first final mayoral election following the implementation of a Settlement Agreement and consent decree reached in February 2002 by the United States Department of Justice and the City of Lawrence in an effort to remedy past voting rights violations.

Copies of the legal papers are posted at: www.aclum.org/pdf/oiste.pdf