

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
DEPARTMENT OF THE TRIAL COURT

CHELSEA COLLABORATIVE, MASSVOTE,
EDMA ORTIZ, WILYELIZ NAZARIO LEON,
And RAFAEL SANCHEZ,

*individually and on behalf of all others similarly
situated,*

Plaintiffs,

v.

WILLIAM FRANCIS GALVIN, in his Official
Capacity as Secretary of the Commonwealth of
Massachusetts, DIANE R. COLELLA, in her
Official Capacity as Election Commissioner for the
City of Revere, JEANNETTE CINTRON
WHITE, in her Official Capacity as City Clerk
of the City of Chelsea, and NICHOLAS P.
SALERNO, in his Official Capacity as the Chairman
of the Somerville Election Commission,

Defendants.

16-cv-33546



CLASS ACTION COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Plaintiffs bring this class action lawsuit on behalf of themselves and on behalf of other eligible voters who cannot vote due to the Commonwealth of Massachusetts’s twenty-day registration cutoff statute, G. L. c.51 §§ 1F, 26, 34 (“Voter Cutoff Law”).

2. Plaintiffs are organizations that educate voters, conduct get-out-the-vote (“GOTV”) activities and assist people in registering to vote, and individual eligible voters who want to vote in the upcoming election. Yet the individual Plaintiffs are barred by the Voter Cutoff Law from voting in this historic election because they did not register before 8 p.m. on October 19, 2016.

3. The putative class members are individual eligible voters—who in every election number in the thousands—who cannot vote because they did not register before the statutory cutoff. This needless and arbitrary disenfranchisement violates the right to vote guaranteed by article IX of the Massachusetts Declaration of Rights and by amended article III of the Massachusetts Constitution.

4. The right to vote is uniquely important. It is important in its own right because it enables citizens to express their views about who should govern. Voting is also “the preservative of all rights,” since it empowers citizens to hold elected officials accountable for upholding the Commonwealth’s laws and Constitution. *See Mass. Pub. Interest Research Grp. v. Sec’y*, 375 Mass. 85, 94 (1978) (internal quotation marks omitted). Moreover, voting on ballot questions allows voters to decide directly the laws under which they should be governed.

5. A statute “impinging” on the fundamental right to vote can be upheld only when it “promotes a compelling State interest which could not be achieved in any less restrictive manner.” *Cepulonis v. Sec’y of Commonwealth*, 389 Mass. 930, 935 (1983) (internal quotation marks omitted).

6. The Voter Cutoff Law does not meet this test, or any other plausible test of its constitutionality. Every election, this cutoff denies constitutionally qualified voters their right to vote. Each election, the consequences for these voters are dire. In 2014, it meant missing the opportunity to vote for a new Governor who would not only lead the executive branch but also appoint five new justices to the Supreme Judicial Court. In the upcoming election, it would mean being unable to vote for president and on several important ballot questions, including charter schools, marijuana legalization, and the expansion of gambling in the Commonwealth.

7. The burden of the Voter Cutoff Law is clear—it is permanent and total disenfranchisement from an election—but the need for it is not. Although the Commonwealth has an interest in the timely and secure processing of voter registration forms, a twenty-day cutoff is neither a reasonable nor the least restrictive way to serve that interest. In 2016, voter registration forms in Massachusetts can be, and in fact are, processed rapidly. State law reflects this reality: eligible voters can participate in early voting as soon as five days after registering to vote, G.L. c. 54 § 25B, and certain voters are exempt from the statutory cutoff and thus permitted to vote even if they register on the day before the election, G.L. c. 51 § 50; G. L. c. 50 § 1.

8. Furthermore, outside of the Commonwealth, the District of Columbia and 14 states, including Vermont, Maine and New Hampshire, have enacted laws that allow eligible voters to both register and vote on Election Day.

9. In light of its current capabilities and the experiences of other states, the Commonwealth’s arbitrary Voter Cutoff Law is wholly incompatible with the fundamental right to vote guaranteed by Article IX. Plaintiffs therefore seek declaratory and injunctive relief prohibiting Defendants from continuing this unlawful practice.

PARTIES

10. Plaintiff **Chelsea Collaborative** is a non-profit, non-partisan community organization focused on social and economic justice in the City of Chelsea. As part of its mission, the Chelsea Collaborative seeks to enhance voter education and participation in city, state and federal elections. Because of the registration cut-off, the Chelsea Collaborative is forced to divert valuable and scarce resources to its voter registration efforts at the expense of its voter mobilization efforts and civic education initiatives. *See* Ex. A (Decl. of Gladys Vega (“Vega Decl.”)).

11. Plaintiff **MassVOTE** is a non-profit, non-partisan membership organization that works to register, educate and mobilize Massachusetts voters, with a focus on historically underrepresented communities. Because of the registration cut-off, MassVOTE is forced to divert valuable and scarce resources to its voter registration efforts at the expense of its voter mobilization efforts and civic education initiatives. *See* Ex. B (Decl. of Cheryl Crawford (“Crawford Decl.”)).

12. Plaintiff **Edma Ortiz** is a registered Massachusetts voter residing in the City of Chelsea who wants to vote in the upcoming general election on November 8, 2016, but will be unable to do so because she missed the twenty-day registration cutoff. She seeks to represent a class of eligible Massachusetts voters who are disenfranchised as a result of the Voter Cutoff Law. *See* Ex. C (Decl. of Edma Ortiz (“Ortiz Decl.”)).

13. Plaintiff **Wilyeliz Nazario Leon** is a registered Massachusetts voter residing in the City of Revere who wants to vote in the upcoming general election on November 8, 2016, but will be unable to do so because she missed the twenty-day registration cutoff. She seeks to represent a class of eligible Massachusetts voters who are disenfranchised as a result of the Voter Cutoff Law. *See* Ex. D (Decl. of Wilyeliz Nazario Leon (“Leon Decl.”)).

14. Plaintiff **Rafael Sanchez** is a registered Massachusetts voter residing in the City of Somerville who wants to vote in the upcoming general election on November 8, 2016, but will be unable to do so because he missed the twenty-day registration cutoff. He seeks to represent a class of eligible Massachusetts voters who are disenfranchised as a result of the Voter Cutoff Law. *See* Ex. E (Decl. of Rafael Sanchez (“Sanchez Decl.”)).

15. Defendant **William Francis Galvin** is the Secretary of the Commonwealth of Massachusetts, and is being sued in his official capacity. The Secretary is generally responsible

for overseeing elections in Massachusetts, including the maintenance of a computerized central registry of voters and the online voter registration system. G.L. c. 51 § 41C.

16. Defendant **Jeannette Cintron White** is the City Clerk for the City of Chelsea, and is being sued in her official capacity. The City Clerk is responsible for overseeing elections in the City of Chelsea, Massachusetts, including the preparation of voter poll books and the administration of polls in Chelsea.

17. Defendant **Diane R. Colella** is an Election Commissioner in the Election Department of the City of Revere, and is being sued in her official capacity. The Election Department is responsible for overseeing elections in the City of Revere, including the preparation of voter poll books and the administration of polls in Revere.

18. Defendant **Nicolas P. Salerno** is the Chairman of the Somerville Election Commission, and is being sued in his official capacity. The Somerville Election Commission conducts elections, oversees the collection of census data, and maintains a collection of public records, including voter and resident lists, campaign finance records, and election results.

JURISDICTION AND VENUE

19. This Court has jurisdiction under G. L. c. 212, § 4, and c. 231A, § 1. This Court has jurisdiction over the parties pursuant to G.L. c. 223A, § 3.

20. Venue properly lies in the Court pursuant to G.L. c. 223, § 1 because Plaintiffs Chelsea Collaborative and MassVOTE's usual places of business are in Suffolk County, Massachusetts, and because Plaintiffs Edma Ortiz and Wilyeliz Nazario Leon live in the Cities of Chelsea and Revere, respectively, in Suffolk County.

FACTUAL ALLEGATIONS

The Massachusetts Constitution Protects the Fundamental Right to Vote

21. “No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live.” *Wesberry v. Sanders*, 376 U.S. 1, 17-18 (1964). Voting guarantees the exercise of all other rights and integrates voters into our society.

22. Because it is vital to our democratic system, the Massachusetts Constitution guarantees the right to vote to all citizens, 18 years or older, who are Massachusetts residents. MASS. CONST. amend. art. III; *see also* MASS. DECL. OF RIGHTS art. IX; G.L. c. 51 § 1. There are only three constitutional exceptions, none of which involve a registration cutoff.¹

23. Unlike some other states, the Massachusetts Constitution does not require voters to be registered for any set length of time prior to Election Day. *Compare* MASS. CONST. amend. art. III *with* N.Y. CONST. art. II, § 5 (ten-day registration deadline); OR. CONST art. II, § 2 (20-day registration deadline); VA. CONST. art. II, § 2 (30-day registration deadline).

24. Instead, the Supreme Judicial Court has found that “[n]o system would be just that did not extend the time of registration up to a time as near that of actually depositing the votes as would be consistent with the necessary preparation for conducting the election in an orderly manner, and with a reasonable scrutiny of the correctness of the list.” *Kinneen v. Wells*, 144 Mass. 497, 501 (1887).

25. The Supreme Judicial Court has vigorously protected the fundamental right to vote, ruling that a statute “impinging” on the fundamental right to vote can be upheld only when it

¹ Although the Massachusetts Constitution provides that the voter must have been a resident for six months, *Dunn v. Blumstein* held that such lengthy durational residency requirements were unconstitutional. 405 U.S. 330, 360 (1972). Accordingly, G. L. c. 51 § 1 removes the durational residency requirement and provides that voters must simply be “a resident in the city or town where he claims the right to vote at the time he registers.”

“promotes a compelling State interest which could not be achieved in any less restrictive manner.” *Cepulonis*, 389 Mass. at 935. Voting disputes should be resolved, “where at all possible, in favor of the voter.” *Id.* at 933.

The Voter Cutoff Law
Impinges on the Fundamental Right to Vote and Impacts
Thousands of Voters Every Election

26. The Massachusetts Constitution and Declaration of Rights do not restrict voting to people who have registered to vote by a certain date. Instead, the Commonwealth is compelled to extend the time for registration as close to the actual election as possible. *Kinneen*, 144 Mass. at 501.

27. The Massachusetts legislature, however, has enacted an arbitrary registration cutoff for voting in local, state and federal elections. Under this cutoff, an otherwise constitutionally eligible voter cannot vote unless they have registered “no later than eight o’clock in the evening on the twentieth day preceding [the] election.” G. L. c.51 §§ 1F & 26; *see also* G.L. c. 51 § 34.

28. The Commonwealth is aware that “the long cut-off period between the deadline and election day is a major obstacle to voter registration.” *See* Ex. G (Decl. of Rahsaan Hall (“Hall Decl.”)) ¶ 3 (Ex. 2. Mem. to Gov. Weld dated Jan. 13, 1994 noting that “Many voters fail to become interested in voting until the final weeks before an election and then learn that the deadline has passed.”).

29. In practice, the Voter Cutoff Law has in fact routinely disenfranchised otherwise eligible voters.

30. For example, 2,308 voters within the City of Boston were unable to participate in the 2012 Presidential Election because they registered less than twenty days before Election Day.

Another 4,403 Boston voters were unable to participate in the 2016 Presidential Primary for the same reason. Hall Decl. ¶ 5.

31. In addition, studies indicate that the Voter Cutoff Law deters thousands of eligible voters from registering during the final twenty days before an election. Ex. F (Report of Prof. Burden at 9-12).

32. Otherwise constitutionally eligible voters are disenfranchised by the Voter Cutoff Law for many different reasons:

- a. Voters are disenfranchised by the Voter Cutoff Law because they are unaware of the need to register in advance.
- b. Voters are disenfranchised by the Voter Cutoff Law because they change residences within Massachusetts and are unaware of the need to update their registration.
- c. Voters are disenfranchised by the Voter Cutoff Law because they lack readily available means to complete the registration process, such as Internet access or the ability to take time away from work, child care, or elder care.
- d. Voters are disenfranchised by the Voter Cutoff Law because their timely-submitted forms are not processed properly due to administrative error.
- e. Voters are disenfranchised by the Voter Cutoff Law because they do not make the decision to vote until after the cutoff has passed.

See Ex. F (Report of Prof. Burden at 6, 10-14). In the final days before an election, campaign activity peaks, media coverage intensifies, and get-out-the-vote mobilization amplifies. *See id.* at 6-10. The registration cutoff prevents precisely the increased voter turnout that such activities are designed to encourage.

33. Each of these mechanisms of disenfranchisement has a disparate impact on people with lower incomes and lower educational attainment, who may have comparably less information about the cutoff and about the election, and who may have comparably fewer means to comply with registration requirements. *See* Ex. F (Report of Prof. Burden at 16-17).

34. Lower-income people tend to move more frequently, may have minimal Internet access, and may face greater pressures in their daily lives—including working multiple jobs, securing child-care or elder-care, securing housing and food, and managing interactions with numerous governmental entities—that make it substantially more difficult to meet an abstract, arbitrary registration cutoff which requires significant advance planning. *See* Ex. F (Report of Prof. Burden at 12-13).

35. Similarly, lower-income voters with lower educational attainment are less likely to know about the Commonwealth’s registration cutoff, and are more likely to require in-person help to complete the registration process.

36. Every voter who is denied the right to vote in even one election cycle suffers a severe and irreparable harm.

37. In just one election, a disenfranchised voter loses the ability to help determine who will hold the highest federal or state offices, who will have the power to appoint Supreme Judicial Court Justices, or who will hold the municipal positions with a direct impact on her daily life. She misses out on the opportunity to weigh in on ballot initiatives that will fundamentally alter the laws of the Commonwealth.

**The Burdens of the Voter Cutoff Law
in the 2016 Election Cycle**

38. All of these burdens have been present in the 2016 election cycle.

39. Candidates and campaigns believe that the final 20 days before an election are a critical time. It is for this reason that they devote so many resources to the final three weeks to try and persuade the electorate. Ex. F (Report of Prof. Burden at 6-11).

40. Because of the Voter Cutoff Law, however, eligible voters cannot similarly participate in the 20 days before the election. The unnecessary and arbitrary burden of the twenty-day cutoff is immediate and impactful in the 2016 election cycle.

41. For example, the third and final presidential debate between Donald Trump and Hillary Clinton took place on October 19, 2016 at 9 p.m. EST—one hour after the Commonwealth’s twenty-day registration cutoff slammed shut.

42. Accordingly, the Voter Cutoff Law disenfranchises constitutionally eligible, but unregistered, voters who listened to the candidates’ closing arguments and then decided for the first time to participate in the political process.

43. With respect to state-wide issues, the major regional newspapers withheld most of their ballot proposal endorsements until after October 19, 2016. For example, the *Boston Globe* did not publish its endorsements on Questions 1, 2, and 4 until October 21, 30, and 27, 2016, respectively. Likewise, the *Worcester Telegram & Gazette* published its endorsement on Questions 1, 2 and 4 on October 29, 30 and 31, 2016, respectively. Prior to this media coverage, eligible voters may not have known that they could vote on issues such as the Gaming Commission issuance of slot licenses, increased funding for charter schools or the regulation of marijuana. Hall Decl. ¶ 6.

44. The 2016 election extends beyond the federal elections and state-wide ballot initiatives to critical local ordinances such as the City of Chelsea’s referendum on the Community

Preservation Act (“CPA”), G.L. c. 44B.2. Here too, education efforts increase in the final three weeks of the election. Hall Decl. ¶ 4 (attaching flier for November 3, 2016 forum on Chelsea’s Community Preservation Act referendum held at the Chelsea Collaborative). Voters who become inspired and engaged by these events will be denied their right to decide on the future of their communities based on the unreasonably and arbitrary Voter Cutoff Law.

The Voter Cutoff Law
Is Not the Least Restrictive Way to Promote a Compelling State Interest.

45. The Voter Cutoff Law is not justified because it is not the least restrictive way to promote the Commonwealth’s interest in processing its voter registration forms in a timely, secure manner.

46. By 1887, the Supreme Judicial Court already understood that determining a voter’s eligibility is “simple, and susceptible of rapid investigation.” *Kinneen*, 144 Mass. at 502. Nearly one hundred and thirty years later, this is now even more accurate.

47. The only justification in the legislative history for the twenty-day registration cutoff is that the Commonwealth’s town clerks “object[ed] to any further shortening of the deadline.” Hall Decl. ¶ 3 (citing Mem. to Gov. Weld dated Jan. 13, 1994).

48. The lengthy advance deadline in the Voter Cutoff Law, bereft of any real justification, is unnecessary to conduct elections in an orderly or secure manner.

49. The Commonwealth already is able to securely process voter registration forms rapidly. The Commonwealth operates the Central Registry of Voters, “[a] statewide computer system connecting each city and town, the Registry of Motor Vehicles, and the office of the Secretary of the Commonwealth.” 950 MASS. CODE REGS. 58.01-03 (2016); *see also* G.L. c. 51 § 47C

² See *Information for Voters: 2016 Ballot Questions*, SEC’Y OF COMMONWEALTH (2016) http://www.sec.state.ma.us/ele/elepdf/IFV_2016.pdf.

(corresponding statutory law). The Central Registry of Voters includes all the information required to verify voter eligibility, including names and residential addresses. *See id.* In addition to this integrated, computerized system, the Commonwealth in 2014 enacted and put into practice a system of online voter registration, which allows for rapid processing of registrations. G.L. c. 51 § 33A. Such a significant technological advance expands the Commonwealth's capacity for processing registrations and compels the conclusion that the cutoff comes needlessly early.

50. Criminal penalties provide further protection for a secure election process. Fraudulent registration is a crime punishable by imprisonment up to five years and/or a fine of up to ten thousand dollars, G. L. c. 56 § 8, and applicants must swear to their eligibility to vote under penalty of perjury.

51. Finally, existing procedures underscore the arbitrary nature of the twenty-day registration cut off. An eligible voter can register five days before early voting begins, G.L. c. 54 § 25B, and several exempted groups can register the *day* before the election itself. G.L. c. 51 § 50, c. 50 § 1.

52. Fourteen states and the District of Columbia have enacted laws to allow eligible voters to both register and vote on Election Day, further illustrating that a twenty-day deadline is entirely unnecessary.³

53. Consequently, the Voter Cutoff Law is not the least restrictive manner to promote a compelling government interest.

ALLEGATIONS OF PLAINTIFF EDMA ORTIZ

54. Plaintiff Edma Ortiz will be disenfranchised in the November 2016 elections because of the Voter Cutoff Law.

³ California, Colorado, Connecticut, District of Columbia, Hawaii, Idaho, Illinois, Iowa, Maine, Minnesota, Montana, New Hampshire, Vermont, Wisconsin, Wyoming. In addition, Utah has created a pilot program to test election day registration through 2016 and North Dakota has abolished voter registration altogether.

55. Edma Ortiz was born in Puerto Rico in 1967 and moved to Chelsea, Massachusetts in 2009. Ortiz Decl. ¶¶ 3-4. Ms. Ortiz meets the qualifications necessary to vote under the Massachusetts Constitution. *Id.* ¶¶ 3-5, 16-19.

56. Edma Ortiz is a member of the Chelsea Collaborative. *Id.* ¶ 6.

57. Edma Ortiz's work schedule requires her to work at night and sleep during the day. *Id.* ¶ 7. Accordingly, Ms. Ortiz faced considerable difficulty in attempting to register during business hours. *Id.* Additionally, Ms. Ortiz does not have a computer, and therefore could not register to vote electronically without difficulty. *Id.* ¶ 8.

58. Although Edma Ortiz intended to register to vote, her registration was delayed because she unexpectedly flew to Puerto Rico when her mother suddenly died. *Id.* ¶¶ 9-10.

59. When Ms. Ortiz attempted to register on October 20, 2016, the Chelsea Collaborative informed her that she had missed the registration cutoff to vote in the November 8, 2016 election. *Id.* ¶ 12.

60. Ms. Ortiz was disheartened by the Voter Cutoff Law. She wants to be able to exercise her rights as an American citizen, and feels strongly about the issues at stake in the November 8, 2016 election. *Id.* ¶¶ 12, 14.

61. Ms. Ortiz registered to vote on October 29, 2016. *Id.* ¶ 15.

ALLEGATIONS OF PLAINTIFF WILYELIZ NAZARIO LEON

62. Plaintiff Wilyeliz Nazario Leon will be disenfranchised in the November 2016 elections because of the Voter Cutoff Law.

63. Wilyeliz Nazario Leon was born in Puerto Rico and moved to Revere, Massachusetts in August 2016. *See* Leon Decl. ¶¶ 3-6. She is 21 years old and meets the qualifications necessary to vote under the Massachusetts Constitution. *Id.* ¶¶ 3-6, 11-15.

64. Ms. Leon registered to vote in Puerto Rico in May 2016 and was completely unaware of a voter registration cutoff in Massachusetts. *Id.* ¶¶ 5-8.

65. Ms. Leon was eager to have the opportunity to vote in her first presidential election and was disappointed that she will be unable to do so. *Id.* ¶¶ 7-9. Ms. Leon will not be able to weigh in on issues that are of interest to her, including immigration and education. *Id.*

66. Although Ms. Leon missed the twenty-day cutoff, Ms. Leon is now currently registered to vote in Massachusetts. *Id.* ¶ 10.

ALLEGATIONS OF PLAINTIFF RAFAEL SANCHEZ

67. Plaintiff Rafael Sanchez will be disenfranchised in the November 2016 elections because of the Voter Cutoff Law.

68. Rafael Sanchez was born in Puerto Rico in 1944. *See* Sanchez Decl. ¶ 3. Mr. Sanchez moved to Massachusetts in 1964 and has resided in Somerville since 2005. *Id.* ¶ 4-5. Mr. Sanchez meets the qualifications necessary to vote under the Massachusetts Constitution. *Id.* ¶¶ 3-5, 9-12.

69. Mr. Sanchez was not aware of a voter registration cutoff in Massachusetts. *Id.* ¶ 7. He only learned about the Voter Cutoff Law when picking his grandson up at daycare the day after the twenty-day cutoff had expired. *Id.* ¶¶ 6-7. Although Mr. Sanchez missed the twenty-day cutoff, he still filled out a voter registration form that, to the best of his knowledge, was mailed to Somerville City Hall. *Id.* ¶ 6.

70. Mr. Sanchez feels strongly about the issues at stake in the November 8, 2016 election, including the treatment of Latinos and recently arrived immigrants. *Id.* ¶ 8. He wants to vote because he believes this election is extremely important. *Id.*

ALLEGATIONS OF MASSVOTE

71. Because of the Voter Cutoff Law, MassVOTE diverts time and effort away from other activities in order to coordinate separately its voter registration and get-out-the-vote efforts. Its voter registration efforts, in turn, are made more difficult because they must be conducted more than 20 days before the election, when eligible voters are less engaged and when more time and expense are therefore required to conduct successful registration efforts. *See Crawford Decl.* ¶¶ 17-20.

72. Between 2014 and 2016, MassVOTE granted over \$350,000 to support civic engagement efforts. *Id.* ¶ 14.

73. Approximately 50% of the money MassVOTE grants to major grantees is for voter registration. *Id.* ¶ 15. Of the \$258,980 MassVOTE granted to major grantees, approximately \$140,000 is spent on voter registration. *Id.*

74. Approximately 75% of the money MassVOTE grants to smaller grantees is for voter registration. *Id.* ¶ 16. Of the \$85,890 MassVOTE granted to smaller grantees, approximately \$64,417 is spent on voter registration. *Id.*

75. All of the money MassVOTE grants to service based organization grantees is for voter registration. *Id.* ¶ 16. This amounts to \$40,000. *Id.*

76. MassVOTE would reallocate the resources currently used to fund grantee voter registration efforts to grantee education and turnout drives, if grantees did not need resources to promote registration in advance of the twenty-day cutoff. *Id.* ¶ 17.

77. Without the Voter Cutoff Law, MassVOTE's staff would be able to dedicate their time and resources to advancing its broader organizational mission through increased voter engagement, education, and turnout. *Id.* ¶ 22.

78. For instance, the 25% of the executive director's time currently spent on voter registration activities could be dedicated to fundraising for MassVOTE as a non-profit entity. The additional funds raised could be used to fund additional grants used to increase voter turnout initiatives. *Id.* ¶ 23.

ALLEGATIONS OF CHELSEA COLLABORATIVE

79. The Chelsea Collaborative is the only Chelsea-based group focused on voter education and get-out-the-vote efforts. As part of its work, the Chelsea Collaborative engages with voters to educate them on current issues and the logistics of voting. Vega Decl. ¶¶ 1-5.

80. The Chelsea Collaborative dedicates a significant amount of its resources to educating members and Chelsea residents about the issues that impact them directly, including the preservation of green spaces, quality public schools, youth employment, public safety, and affordable housing. *Id.* ¶ 7.

81. Because of the Voter Cutoff Law, the Chelsea Collaborative diverts time and scarce financial resources away from these voter education efforts. In the days leading up to the twenty-day cutoff, Chelsea Collaborative dedicates time to conducting voter registration drives and registering unregistered voters. This time could be used instead for voter education efforts and other organizing activities if the Voter Cutoff Law did not exist. *Id.* ¶ 8.

82. Chelsea Collaborative spends approximately 25% of funds from its Chelsea Voter Initiative budget for staff time conducting voter registration efforts. *Id.* ¶¶ 12-13. In addition, Chelsea Collaborative spends approximately \$15,000 per year out of the general budget for youth and volunteer door knocker stipends as well as staff salary for year-round voter registration efforts. *Id.* ¶ 15. Without the Voter Cutoff Law, the Chelsea Collaborative could reallocate these resources to educate more voters on pressing community issues. *Id.* ¶ 14-16.

83. For several years, Chelsea Collaborative staff has had to stop voter outreach and education efforts on the day of the voter registration cutoff in order to rush registration applications to the Chelsea Town Clerk's office. *Id.* ¶ 18.

CLASS ACTION ALLEGATIONS

84. The individual named Plaintiffs bring this action for themselves and as a class action on behalf of others similarly situated pursuant to Rule 23 of the Massachusetts Rules of Civil Procedure, on behalf of a class defined as:

All Massachusetts residents who, after registering to vote, are or will be prohibited from voting in at least one election due to the Commonwealth's rule barring otherwise eligible voters from voting unless they registered to vote by 8 p.m. on the 20th day before the election in which they seek to cast a ballot. *See* G.L. ch. 51 §§ 1F, 26, 34.

85. The members of the proposed class are so numerous that joinder of all members is impracticable. The Voter Cutoff Law prevents thousands of citizens from exercising their fundamental right to vote every election cycle.

86. The common issue central to the validity of the claims in this class action is whether the Voter Cutoff Law is the least restrictive way in which the Commonwealth can promote its interest in the timely and secure processing of voter registration.

87. The legal violations alleged by the individual named Plaintiffs and the resultant harms are typical of those raised by each member of the proposed Class.

88. The individual named Plaintiffs will fairly and adequately protect the interests of the potential Class. There is no conflict between the interests of the individual named Plaintiffs and the proposed Class.

89. Plaintiffs' counsel are competent and experienced in class action and voting rights litigation. Plaintiffs' counsel have committed sufficient resources to litigate this case fully through trial and any appeals.

CLAIM FOR RELIEF

Count I

90. Plaintiffs incorporate by reference in this paragraph all of the allegations set forth in Paragraphs 1-89 above, as if fully set forth herein.

91. Defendant Galvin, who is responsible for overseeing elections in the Commonwealth, Defendant White, who is responsible for elections in the City of Chelsea, Defendant Colella, who is responsible for elections in the City of Revere, and Defendant Salerno, who is responsible for elections in the City of Somerville have denied the right to vote to the above-named individual Plaintiffs and have injured the organizational Plaintiffs through enforcement of the Voter Cutoff Law.

92. The twenty-day registration cutoff does not promote any compelling interest which could not be achieved in a less restrictive manner.

93. Massachusetts's Voter Cutoff Law violates the fundamental right to vote as guaranteed by the Massachusetts Constitution and its Declaration of Rights, disenfranchising thousands of eligible Massachusetts voters in every election cycle.

94. There is an actual controversy between Plaintiffs and Defendants regarding Massachusetts' Voter Cutoff Law.

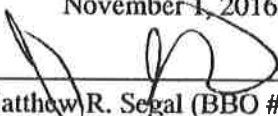
95. Pursuant to G.L. c. 231A, Plaintiffs are entitled to a declaration that Massachusetts's twenty-day Voter Cutoff Law violates the Massachusetts Constitution and its Declaration of Rights.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that the Court:

1. Certify this matter as a class action, appoint individual named Plaintiffs as class representatives, and appoint undersigned counsel as class counsel.
2. Issue a declaratory judgment pursuant to G. L. c. 231A that Massachusetts's Voter Cutoff law violates the Declaration of Rights of the Massachusetts Constitution.
3. Enter a permanent injunction enjoining Defendants from enforcing the 20-day registration cutoff provisions of the Voter Cutoff Law, G. L. c. 51 §§ 1F, 26, 34.
4. Award Plaintiffs fees and costs as appropriate;
5. Grant such other and further declaratory and equitable relief as the Court deems just and proper.

Dated: Boston, Massachusetts
November 1, 2016


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