

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.

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**INDIVIDUAL NAMED PLAINTIFFS'
EMERGENCY MOTION FOR A PRELIMINARY INJUNCTION**

Plaintiffs Edma Ortiz, Wilyeliz Nazario Leon, and Rafael Sanchez ("Plaintiffs"), through their undersigned counsel, respectfully move this Court, pursuant to Mass. R. Civ. P. 65(b), to issue an Order requiring Defendants William Francis Galvin, Diane R. Colella, Nicholas Salerno, and Jeanette Cintron White to permit Plaintiffs to vote in the November 8, 2016 election.

As grounds for this motion, Plaintiffs aver that they will suffer irreparable harm as a result of Defendants' enforcement of the Commonwealth's statutory twenty-day voter registration cutoff. G. L. c. 51 §§ 1F, 26, 34 ("Voter Cutoff Law"). Plaintiffs are citizens of the United States, Massachusetts residents, and over the age of 18. They otherwise satisfy all of the


constitutional and statutory eligibility requirements to vote. MASS. CONST. amend. art. III; MASS. DECL. OF RIGHTS art. IX; G.L. c. 51 § 1. Plaintiffs registered to vote, but did so within 20 days of the November 8, 2016 election. G. L. c.51 §§ 1F. Although the Massachusetts Constitution does not require registration in advance of an election, the Voter Cutoff Law states that an otherwise constitutionally eligible voter cannot vote in local, state, and federal elections unless registered “no later than eight o’clock in the evening on the twentieth day preceding [the] election.” G. L. c.51 §§ 1F & 26.

In support of this Motion, Plaintiffs rely on their Memorandum of Law, submitted herewith, and the accompanying declaration and exhibits thereto. Plaintiffs’ Motion for a Preliminary Injunction is also accompanied by a Proposed Order for this Court’s consideration.

WHEREFORE, Plaintiffs hereby move for a Preliminary Injunction Order in accordance with their request for relief, and respectfully request that oral argument be conducted on their motion. *See* Rule 9A(c)(3) of the Rules of the Superior Court

November 1, 2016

Respectfully submitted,



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Defendants.

**[PROPOSED] ORDER ON INDIVIDUAL NAMED PLAINTIFFS' EMERGENCY
MOTION FOR A PRELIMINARY INJUNCTION**

This matter is before the Court on the Plaintiffs' Emergency Motion for a Preliminary Injunction. To afford Defendants an opportunity to be heard on the matter, this Court held a hearing the morning of _____. After thorough consideration, the Court finds that the Motion should be granted.

Plaintiffs are all citizens of the United States, Massachusetts residents, over the age of 18, and are otherwise eligible to vote. Plaintiffs will likely succeed on the merits because the G. L. c.51 §§ 1F, 26, 34 violates their fundamental right to vote. Given the time sensitive nature of voting, and the fact that each election presents a unique, irreplaceable opportunity to participate in the electoral process, Plaintiffs will be irreparably harmed if they are not given the opportunity to vote. Additionally, the certainty of harm to the Plaintiffs outweighs any risk of harm to the Defendants. Allowing three individuals who are otherwise eligible to cast ballots in the upcoming election to exercise their fundamental right to vote will cause Defendants to suffer little, if any, harm, and will not impede the upcoming election on November 8, 2016. Finally,

injunctive relief is appropriate because it will further the strong public interest in protecting constitutional rights.

In light of these findings, Defendants are hereby enjoined from enforcing the statutory 20-day registration cutoff for voting with respect to Plaintiffs Edma Ortiz, Wiyeliz Nazario Leon and Rafael Sanchez. G.L. c.51 §§ 1F, 26, 34.

Accordingly,

IT IS ORDERED:

Plaintiffs' Emergency Motion for a Preliminary Injunction is GRANTED.

It is SO ORDERED on this ___ day of November, 2016
