

Board of Registrars
July 3, 2008
First Floor Meeting Room, Town Hall

The meeting was called to order at 3:04 p.m. by Town Clerk, Sandra Burgess. Present were Gladys Rodriguez, Harry O. Brooks, and Joyce Crouch, Registrars of Voters, and Sandra J. Burgess, Town Clerk. Also present were Anne Awad and Robie Hubley. The petitioner, Mr. Larry Kelley, was not present.

The Town Clerk advised those present that the purpose of the meeting was for the Board of Registrars to discuss the information they have previously reviewed, including: the Petition by Mr. Kelley; responses by Ms. Awad and Mr. Hubley; applicable statutes; and the booklet "Residence for Voting Purposes"; and to reach a decision, through a vote of the membership, on whether or not they can find sufficient ground for the complaint.

Those present were advised that this meeting was not the time to hear from either the petitioner or the individuals named in the petition; that if the Board of Registrars found sufficient ground for the complaint a subsequent hearing would be held in accordance with Chapter 51, §48, at which all parties would be given the opportunity to speak and the Board of Registrars would make a decision.

Gladys Rodriguez nominated Harry Brooks to serve as Chair of the Board of Registrars. The nomination was seconded. No other nominations being received, the Board of Registrars voted to appoint Harry Brooks as Chair.

Mr. Brooks clarified the matter being considered; that a petition had been filed questioning the voter status of Ms. Awad and Mr. Hubley because they had freely signed a "Declaration of Homestead" for a property recently purchased in South Hadley.

Mr. Brooks proceeded to give the Board of Registrars scenarios depicting eligibility to be a registered voter even though one is not physically living in a community, and how owning a property in another community does not negate one's right to vote in the community in which they believe themselves to be resident.

Ms. Burgess also gave the example of students living in the community who are considered resident in other communities for purposes such as motor vehicle excise, and educational assistance, but are considered resident in Amherst, if they so declare themselves to be, for the purpose of voting.

Ms. Rodriguez asked about the residency requirements upon the signing of a Homestead Declaration. Ms. Burgess read from Chapter 188, §1 which states that ". . . by an owner or owners of a home . . . who occupy or intend to occupy said home as a principal residence". It was noted that Ms. Awad and Mr. Hubley do intend to occupy the South Hadley home at some point in the near future.

Ms. Crouch questioned the signing of the Homestead Declaration and its effect on voter registration status. The Town Clerk advised the Board that there was no known legislation whereby the signing of a Homestead Declaration for a property in another community could be used to determine that an individual could not be registered to vote in the community in which they consider themselves to be resident.

Ms. Crouch also raised the provision in Mr Hubley and Ms Awad's mortgage agreement with Florence Savings Bank that they occupy the recently purchased South Hadley property within 60 days.

Ms. Burgess produced copies of documents which support the claim that Ms. Awad and Mr. Hubley continue to reside in Amherst. Documents included the 2008 Town of Amherst Annual Street Listing Form, copies of property cards for 188 Pine Street and 222 North East Street, and a copy of a Water & Sewer bill for 188 Pine Street.

Ms. Rodriguez clarified that this was a requirement of the bank. Ms. Crouch followed up by asking what would happen if Mr. Hubley and Ms. Awad did not occupy the premises within 60 days. Ms. Burgess suggested that if Ms. Awad and Mr. Hubley were found to be in violation of this requirement that it would be between them and the lending institution.

Mr. Brooks asked the Board of Registrars if they were ready to vote.

Mr. Brooks then called for a vote on the question of whether or not the Board of Registrars found sufficient ground for the petition filed under Ch. 51, §48 of the Massachusetts General Laws.

The Board voted as follows: Crouch, NO; Brooks, NO; Rodriguez, NO. The Town Clerk abstained.

A motion was made and seconded to adjourn the July 3, 2008 meeting of the Board of Registrars. The motion carried and the meeting adjourned at 3:37 p.m.

Respectfully submitted,

Sandra J. Burgess
Town Clerk
Clerk, Board of Registrars