



**Town of Amherst  
Board of Registrars Meeting  
Friday, May 7, 2021 at 10:00 a.m.  
Virtual Meeting Minutes**

*Complete video is available online:*

<https://www.youtube.com/watch?v=63K4T9HAvb0&list=PLcnmFtV6BPFNGyP2aFqgbw4Q-zEx83ttm>

**1. Call to Order and declaration of a quorum**

Members Participating Remotely: Jacqueline Gardner, Jaime Wagner, Demetria Shabazz, Susan Audette, Town Clerk, and Lauren Goldberg, Esquire from KP Law.

Members Absent: None

After confirming all participants could hear and be heard, Town Clerk, Susan Audette declared the presence of a quorum, called the meeting to order and announced audio and video recording.

Note: Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, this meeting of the Board of Registrars was conducted via remote participation.

**2. Election of a chair for this meeting only**

Election of a Chair for this meeting only was discussed with Town Clerk Susan Audette stating that she would be happy to Chair unless someone else wanted to. Demetria Shabazz nominated herself. The duties of the Chair were discussed.

**MOTION:** Jaime Wagner moved, seconded by Jacqueline Gardner, to elect Susan Audette as chair for this meeting only.

Demetria Shabazz objected to Susan Audette being chair since she was an Ex Officio member of the Board. Attorney Lauren Goldberg responded to that objection saying that the election was just for that day and that at Monday's meeting the group would need to take up the issue.

**VOTED:** [3-1], Jaime Wagner, Jacqueline Gardner, and Susan Audette voted YES; Demetria Shabazz voted NO. This was a roll call vote.

Demetria Shabazz raised the issue of whether the Board should discuss correspondence from Attorney John Bonifaz, which was received less than forty-eight hours prior to the meeting. Although the letter relates to the Open Meeting Law issues that arose during the April 21, 2021 meeting, which is scheduled for discussion at the next meeting, the issues raised in the letter relate to the matter pending before the Board and could not have been anticipated more than forty-eight hours prior to the meeting.

**MOTION:** Demetria Shabazz moved, seconded by Jacqueline Gardner, to have Attorney John Bonifaz's letter be addressed and discussed on.

**VOTED:** unanimously to allow Attorney John Bonifaz to speak during public comment regarding his letter to the Board of Registrars on May 6, 2021. This was a roll call vote.

### **3. Public Comment**

Attorney John Bonifaz stated that he has 25 years of experience in Constitutional Law. He believes that the Open Meeting Law issue should be ruled on first. If the petitioners are correct and that the Open Meeting Law was violated, then the Board would need to first review the signatures before the appeal is addressed. He believes that the Board cannot proceed with the appeal until the Board addresses the Open Meeting Law complaint and review the uncertified signatures. He further stated that there is direct and serious conflict having the Town Attorney advise the Board on this matter and urged the Board to retain different counsel.

Jeffrey Lee stated that the petition does not have the power to stop the library, and that it needs to be put on a ballot so the voters can decide. He would like to Board of Registrars to review the signatures. He said the petition was signed by well over 5% of Amherst's registered voters and the citizens are right to wonder why so many signatures were rejected and why the tedious task of certification was assigned to an inexperienced assistant clerk who for some reason felt compelled to complete it without help in less than 24 hours when the town charter allows 10 days. He urged the Board to review the rejected signatures, including the more than 85 for which signer affidavits have been submitted and do what is best for Amherst.

Josna Rege of 96 Farview St. was disturbed that the petition was certified so quickly and that several residents had their signatures rejected. Said the petition drive was conducted so painstakingly during the pandemic and so many valid signatures were rejected. Said signers were shocked, because they were longtime residents and registered voters and they went to the additional trouble to fill out affidavits and go and get them notarized. Very disturbed that 1 in 5 had their names thrown out.

Maria Kopicki - The law provides a full 10 days to accomplish the task of petition certification, and yet a single individual reviewed 1,000 signatures in less than 24 hours. Have gathered abundant evidence that well over 100 registered voters had their signatures rejected in error. Have provided over 80 affidavits from signatories confirming that they signed. Can demonstrate that the signatures are theirs, and the addresses are accurate and match voting rolls. Failure to correct these mistakes disenfranchises not only the signatories wrongly rejected; denies the entire voting population of Amherst their right to vote on this issue.

Denise Barberet has been an Amherst resident since 1987. She stated that she believes her signature was rejected due to her activism in Town. She was on Town Meeting and stated that her signature was submitted on dozens of petitions and nomination papers throughout the years.

Rita Burke has been an Amherst resident since 1970 and also a 10 year member of Town Meeting. Her signature was not certified. She learned of this only because she was one of several petitioners who requested information. She expressed her concern how one person without any assistance had the power to disqualify signatures.

Martha Spiegelman (Caller 7934) has been a registered voter in Amherst for 35 years. She believes that the Office of the Clerk should explain why signatures were rejected.

Carol Gray (CJ G.) expressed concern as to why more than 200 signatures were excluded. She stated that 62 were excluded due to signatures and that the signature should have been compared to the voter registration cards. She claims this is voter suppression and that although she doesn't believe it was

intentional, that was the effect. Address violations, missing an apartment number – Spoke to the Secretary of State’s Office and asked if missing an apartment was grounds for disqualification. They said no, usually that's not the case if the signature matches what's on the voter registration forms and the address is clear. It doesn't matter that they're missing the apartment number, and yet more than 24 were rejected for missing apartment numbers. In terms of the number of affidavits submitted, 45 were for address issues. She asked the Board to address violations, for example, if an address is missing an apartment number. She requests the Town redo the certification as a remedy to the Open Meeting Violation.

Daniel Denton-Thompson stated that he has lived in Amherst at the same address with his mom for 14 years and signed the petition with his original signature and doesn’t understand why it was rejected. Mom was a surprised too because she signed the same petition, and her signature wasn't rejected. Mom was a freedom rider. She fought for voting rights.

Marla Jamate (Tomas Ja) stated that several elderly individuals signed the petition and had signatures rejected. She believes that the faint writing was rejected in error. Does not want to negate the voices of the elders in our community who legitimately wanted to sign this petition and express an opinion.

Adrienne Terrizzi is not involved in this voter veto petition; confirmed that her perspective is not a matter for whether she supports or doesn’t support the library as she is part of the Women’s League of Voters, which is a local independent body. For her, it’s all about voter’s rights. Said the Board this morning should engage in and review the process, as well as examine the original petition signatures. The signed affidavits this morning are a work of democracy at its best.

Hilda Greenbaum has lived in Town for 60 years. She wants the person who certified the signatures to be held responsible. She requested to know how many people attended the meeting; 29 people attended the meeting.

David Lithgow stated that he has changed his mind back and forth so many times and that he supports the Town Council democracy. Was going to urge that the Board of Registrar's just follow the law and not revisit the certification process on the assumption that the certification process was conducted properly, but has listened to all of the people who zoomed in to speak to their affidavits and to testify to the fact that they voted for the petition. They signed the petition. He absolutely 100% believes they have the right to that opinion and that it should be honored. He found their testimony quite persuasive. He has changed his mind and urges the Board to revisit it.

#### **4. Discussion of appeal and objection to the failure to certify signatures for the voter veto petitions submitted on April 20, 2021.**

After taking public comment, Attorney Lauren Goldberg explained the law concerning the certification of signatures and that any person not satisfied with the decision to not certify their signature had a remedy of challenging the decision in court. Attorney Lauren Goldberg further explained that the Board did not have the authority to re-open the matter after a decision not to certify the petition had been made.

Demetria Shabazz raised the question of whether Attorney Lauren Goldberg had a conflict of interest in representing the Board of Registrars as an independent body due to her representation of the Town Clerk, Town Manager and Town Council. Attorney Lauren Goldberg responded that there is no conflict of interest because her law firm, KP Law, represents the Town of Amherst and the Board of Registrars is part of the Town of Amherst.

There was discussion of the process used to certify the signatures and the delegation of the authority to the Town Clerk's office during the April 21, 2021 meeting, which is the subject of the of the May 4, 2021 Open Meeting Law complaint.

There was discussion concerning whether discussion on the matter should be postponed until after the May 4, 2021 Open Meeting Law complaint is discussed at the next meeting. Demetria Shabazz stated her position that the matter should be postponed because the resolution of the Open Meeting Law complaint could result in revocation of the Town Clerk's authority to certify the signatures.

Attorney Lauren Goldberg responded with an explanation that, even if there was a violation of the Open Meeting Law, the delegation of authority to the Town Clerk to certify signatures occurred prior to April 21, 2021 and, therefore, the result would not change.

There was discussion by the Board members concerning the process for signature certification, the clarity of the agenda for the April 21, 2021 meeting and whether the matter should be postponed until after discussion of the Open Meeting Law complaint.

Demetria Shabazz asked Susan Audette if the Board was able to ask for independent legal guidance in this matter. Susan Audette said she would have to look into that.

**MOTION:** Demetria Shabazz moved, to adjourn the meeting and postpone the discussion of the appeal until after the Open Meeting Law Complaint is addressed. Motion failed.

**MOTION:** Demetria Shabazz moved to discuss the conflict of KP Law, and Lauren Goldberg, Esquire removing herself from this situation. Motion failed.

**MOTION:** Demetria Shabazz moved to adjourn the meeting and postpone all discussions until Monday. Motion failed.

#### **5. Any other topics that may come before the board within 48 hours of the meeting**

None.

**MOTION:** Demetria Shabazz moved that the Board proceed on Monday with the discussion of the open meeting law. Motion failed.

Susan Audette agreed that the motion on the table was for everybody to postpone this meeting today to a later date and time specific.

**MOTION:** Susan Audette moved, seconded by Jaime Wagner to continue the discussion of appeal and objection to the failure to certify signatures for the voter veto petitions submitted on April 20, 2021 to a new public meeting on May 13, 2021 at 10:00 am via zoom.

**VOTED:** [4-0] unanimously to continue the discussion of the appeal and objection to the failure to certify signatures for the voter veto petitions submitted on April 20, 2021 to May 13, 2021 at 10:00 am via zoom.

#### **6. Adjourn**

**MOTION:** Jacqueline Gardner moved, seconded by Jaime Wagner to adjourn.

**VOTED:** [4-0] unanimously to adjourn at 12:00 p.m. on May 7, 2021.

Respectfully submitted,

**Susan Audette**  
**Town Clerk**

