



# TOWN OF TRURO

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## Information Regarding Voter Registration Challenges

### 1. How are people notified that their registration is being challenged?

*For the Challenges received 4 days or more before the posted date of the Special Town Meeting, letters were sent to the individuals whose registrations were challenged. The letters were sent to the mailing address submitted to the Town Clerk upon registering to vote. A summons will be delivered by a constable to the physical address indicated in the voter registration. Challenges submitted less than 4 days before the posted date of the Special Town Meeting will be processed as described after the hearings for the challenges received 4 days or more before the posted date of the Special Town Meeting are completed.*

### 2. What is the process from challenge being filed through resolution?

*Challenges submitted were considered at a Board of Registrars meeting to examine into potential complaints of voter registration status. The Board of Registrars determines if there is sufficient grounds to examine into the complaints. If there is sufficient grounds to examine into the complaint, the Town Clerk will send letters to the subjects of the complaints, will schedule a hearing to be held by the Board of Registrars and will send summons reflecting the date, time, and location of the hearing. Please note that due to the quantity of complaints, the Board of Registrars is expected to meet over the course of multiple meetings to hear all complaints. The complainant and the subject of the complaint will be examined under oath and the Board of Registrars will receive any evidence that may be offered. If the voter fails to appear at the hearing and the complainant produced enough evidence to show the registrars that the voter should not be registered, the voter's name shall be removed from the voter rolls. The registrars will make a determination as to whether the voter is properly registered and qualified to vote in the town of Truro, and they will enter a statement of their findings. If they find that the voter is not properly registered and qualified to vote in Truro, they will be removed from the voter rolls. If, at any time, the subject of a complaint registers in an alternative town or contacts the Town Clerk to remove himself or herself from the voter rolls, the individual will be removed from the Truro voter rolls and no further action will be required.*

*Challenges submitted less than 4 days before the posted date of the Special Town Meeting will be processed as described upon completion of the challenges received 14 days or more before the posted date of the Special Town Meeting.*

### 3. When and where will the hearings be held?

*Dates, times, and locations of the hearings are being scheduled and the subjects of the complaints will be notified by summons. The meetings of the Board of Registrars are public meetings and will be posted in accordance with General Law. Hearings are expected to be held in the next couple of weeks. Hearing dates must be between 2 and 14 days of the summons being issued.*

### 4. Who runs the Board of Registrars hearings?

*The Board of Registrars run the hearings. If a chair is elected by the Board of Registrars, the chair will preside over the meeting.*

**5. Is the burden of proof on the complainant or the voter?**

*The burden of proof is on the person filing the complaint. She or he must submit evidence showing the voter to be incorrectly or illegally registered in the town.*

**6. How is the decision made—does removing someone from the voter rolls require a majority vote or unanimous. What if it is a 2-2 vote?**

*A majority vote of the Registrars will result in a determination as to whether the voter is properly registered and qualified to vote in Truro. If there is a 2-2 vote, the voter will remain on the voter rolls.*

**7. Is the person who filed the complaint required to be present?**

*The complainant, or his or her counsel, must be present at the hearing to submit evidence showing the voter to be incorrectly or illegally registered in Truro.*

**8. How can an individual challenge the decision?**

*The losing party may appeal the registrars' decision to superior court in a civil action against the registrars.*

**9. If we are not home, where will I go to retrieve the summons?**

*If the voter is not personally available to receive the summons, the summons will be left at the voter's indicated residence. The summons may also be requested by calling the Town Clerk's office.*

**10. How long do we have to respond to the summons?**

*Responses to the summons must be received by the Town Clerk at least two days prior to the scheduled date of the hearing.*

**11. What is the definition of "residency for voting purposes"?**

*The definition of "residency for voting purposes" is both complicated and complex. A person may have only one residence for voting purposes – the place the person eats and sleeps and that serves as the center of their social and civic life. A person retains their residence for voting purposes until the objective facts concerning that person's domicile demonstrate that they have established a new residence for voting purposes. In other words, each case depends directly on the relevant facts.*

*Evidence of domicile may include, for example:*

- ✓ the amount of time spent in various places,
- ✓ former residences,
- ✓ current and former voter registrations,
- ✓ current and former street listings,
- ✓ future plans,
- ✓ income taxes,
- ✓ bank accounts,
- ✓ telephone listings,
- ✓ places of employment,
- ✓ Homestead or residential exemption documents,
- ✓ library, gym and club memberships,
- ✓ location of important memorabilia and documents,
- ✓ religious, social and political affiliations, such as clubs, board positions, membership in associations, involvement in municipal activities,
- ✓ children's attendance at local schools,
- ✓ location of health care providers,
- ✓ vehicle registration,
- ✓ attendance at town meetings and meetings of boards and committees,
- ✓ business interests,
- ✓ address for telephone, gas, and other bills, and

✓ *charitable interests*

*In short, whether a person's domicile is in one place or another requires subjective intent, and more importantly, objective facts so demonstrating.<sup>1</sup>*

This document does not constitute legal advice and is solely for informational purposes.

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<sup>1</sup> KP Law Memo Re: Residence for Voing Purposes (October 10, 2023).