

Truro Board of Registrars Minutes
Friday, March 8, 2019 at 9:00am
Truro Town Hall
24 Town Hall Road

Members Present: Cynthia Slade, Susan Joseph, Noelle Scoullar

Others Present: Atty. Lauren Goldberg (representing Board of Registrars), Karen Tosh, Maureen Burgess, Peter Herridge

Cynthia Slade called the meeting to order at 9:00am.

The purpose of the meeting is to review and examine the voter residency complaint filed pursuant to G.L. c51, §48 (David J. Krieger-Dewitt) and potentially set hearing date pursuant to G.L. c.51, §49.

Atty. Goldberg started the meeting by outlining what the Board of Registrars were to do in this meeting.

- Review the submitted verified complaint pursuant to M.G.L. c. 51 §48.
- Determine if the complaint meets the requirements of the statute pursuant to G.L. c 51, §49.
- If the complaint meets the requirements of the statute, the Board of Registrars will then set a date for a hearing.

Atty. Goldberg also explained that if the Board determined that the complaint meets the requirements of the statute, then it would schedule a hearing in accordance with G.L. c.51, §49, and she described the process for holding the hearing, including that the subject and the complainant could be represented by counsel, and that any persons providing testimony would do so under oath.

Atty. Goldberg reviewed the topic of residency for voting purposes, generally summarizing applicable case law, including *Hershkoff v. Board of Registrars of Voters*, *Dane v. Board of Registrars of Voters*, and other matters. She also provided examples of fact patterns that raised issues of residency.

Following these introductory remarks, the Board reviewed the complaint itself and noted that it was supported by documentary evidence, including a transcript of a statement made at Town Meeting by Mr. Krieger-Dewitt indicating that while he owned property in Truro, he did not sleep in Truro. A copy of the complete complaint and supporting documentation is attached to, and made part of, these minutes.

Ms. Joseph brought to the Board's attention information available to and gathered by the Clerk's Office. This information showed the following; Mr. Dewitt did respond to Truro's street listing in 2018. He did not respond to Truro's street listing for 2019. Further, Mr. Dewitt is

listed on the 2019 Harwich street list as a resident. Mr. Dewitt was an active voter from 2009-2016. In 2017, he was inactive. He reactivated in 2018. Motor vehicle excise taxes were paid by Mr. Dewitt from 2014-2017. Motor vehicle taxes were not paid in 2018/2019.

Ms. Joseph made a motion that the complaint, made by two registered voters of the Town, meets the requirements of the statute MGL c. 51 §48.

Ms. Scoullar seconded.

So voted; 3-0-0, motion carries.

The Board then discussed dates to hold the hearing. Atty. Goldberg again briefly reviewed the hearing process, including the repercussions if the subject of the complaint did not appear at the hearing as summonsed. She also stated that she would attend the hearing to represent the Board, and, in that capacity, would explain the process to all in attendance at that hearing. She also briefly discussed other items the Board may want to take into consideration during the hearing, such as;

- How "tied" to the community is the subject of the complaint.
- Is their car registered in Truro?
- Are they active in the community?
- Where are their important papers kept?
- Where do they sleep?
- Where do their family members sleep?

Ms. Scoullar made a motion to authorize Ms. Slade, where the facts alleged in the complaint and the information provided by the Clerk's Office constitute sufficient grounds to summons David Krieger-DeWitt, pursuant to M.G.L. c. 51 §49, to issue a summons to Mr. Krieger-DeWitt to appear at a hearing hereby scheduled for Tuesday, March 26, 2019 at 9:00am at Truro Town Hall, 24 Town Hall Road, and further to authorize Ms. Slade to issue summonses to possible witnesses upon request of either party and to set a deadline for making such request for March 21, 2019.

Ms. Joseph seconded.

So voted; 3-0-0, motion carries.

Ms. Slade made a motion to adjourn the meeting at 10:03am.

Ms. Scoullar seconded.

So voted; 3-0-0, motion carries.

Respectfully submitted,



Noelle L. Scoullar

