

## **BOARD OF REGISTRARS OF VOTERS OF THE TOWN OF GEORGETOWN**

Recount of November 8, 2022 State Election in the Town of Georgetown for the Office of  
Representative in General Court, Second Essex District  
Perley School Gymnasium – 51 North Street, Georgetown, MA  
– December 5, 2022 8:00 a.m.

Present: Dick Boucher, Paul Rondeau, and Henry Wolf (collectively, the “Board”); also present Town Clerk Kerri McManus; Assistant Town Clerk Marie Felzani; Town Counsel Lauren Goldberg and Devan Braun, KP Law, P.C.; Representative-Elect Leonard Mirra and his Attorney Darrin Gibbons and observers; Candidate Kristin E. Kassner and her attorney Gerry McDonough and observers; Alexander Williams, total tallier; recount workers; and Police Officer Sepi.

Absent: None.

Opening and Procedures: At approximately 7:41 a.m., all necessary parties go to the vault to remove the ballots and transport them to the recount area, including both candidates and their attorneys, the Town Clerk, Attorney Lauren Goldberg, and Police Officer Sepi. The Police Officer transports election materials including EV and AV 20’s, envelopes, vote-by-mail applications, and other election materials at approximately 7:47 a.m. and transports the ballots to the Perley School Gymnasium (the “recount area”) at approximately 7:57 a.m. After being brought to the recount area, the Registrars and attorneys confirm the seal numbers on the ballot boxes.

The recount workers come to the recount area around 8:10 a.m.

At approximately 8:12 a.m., concerned citizen (an observer for Representative-Elect Mirra) crossed the guard rail to speak with the Police Officer about procedural issues. She was asked to remain behind the guardrail until observers were invited into recount area, and issues were resolved.

At approximately 8:35 a.m., the Board calls the meeting to order.

Town Counsel Lauren Goldberg explains the procedures for blocking ballots from all precincts, and that the observers could watch this process. First, ballots would be distributed from the three precincts to the various tables of recount workers for counting into blocks of 10 and then into blocks of 50. No objections to the process are made.

At approximately 8:38 a.m., the Town Clerk swears in all election recount workers.

Blocking Commences: Candidates’ attorneys both observe while the seals are cut and the ballots are removed from each ballot box. The ballots are then distributed to the tables. At approximately 8:40 a.m., the blocking commences for precinct one. At approximately 9:08 a.m., the blocking commences for precinct two. At approximately 9:33 a.m., the blocking commences for precinct three. No objections to the process are made.

At approximately 8:56 a.m., the Town Clerk opens the UOCAVA ballots and cuts the seal (#0661911). She explains to counsel that these ballots were already added to the total and were counted. No objections to the process are made.

Candidates and their attorneys observe the process for blocking of ballots, with the tally sheets for each block, at the consolidated table. Counsel for Representative-Elect Mirra requests a second attorney to assist in the observations around the room. Town Counsel Lauren Goldberg asks Counsel for Candidate Kassner if they would also like to have a second attorney or other representative present, or otherwise would object to the process. Attorney McDonough does not object to the process, and initially waived the presence of an extra attorney but later requested that an extra representative be included. Both sides were permitted an extra representative.

Once the blocking was finalized, Town Counsel Lauren Goldberg explains the procedure for the next stage of counting. She explains that observers would be permitted to stand at each table but should give personal space to the recount workers. The observers could not ask questions of the recount workers, but could raise their hands and object if there was an issue and the attorneys would come over to assist. The readers and recorders were to go slowly, with a pause between reading and recording as this would be the opportunity for the observers to “protest” or “object.” If an objection was made, everyone would stop counting, the attorneys would come over and decide whether to challenge the ballot before the registrars, and a protested ballot slip would be given to be filled out in place of the ballot. The legal standard being applied was whether the reader could ascertain with reasonable certainty the will of the voter (not what the machine would have done), and the vote would be recorded as such, unless there was an objection. The process for further protesting ballots before the registrars was also explained.

The runner would bring the tally sheets and block of envelopes up to the total tallier, who was inputting the total tallies and would keep track of all votes for the precincts and blocks in a master spreadsheet. Town Counsel affords an opportunity for questions from the recount workers, the candidates and their attorneys, observers, and the general public.

At this time, the checked-in observers are permitted to enter the recount area and take their positions next to the recount workers.

Counting of Ballots: At approximately 10:38 a.m., the recounting of the ballots begins.

***Objection #1: Precinct 1, Block 28: ballot was called as a blank at the table.***

Counsel for Mirra: Counsel protested the ballot because there was a small mark inside the bubble next to Leonard Mirra’s name. He argues that because the mark was inside the bubble, the voter intended to vote for Mirra and it should be counted for him.

Counsel for Kassner: Contends that the mark is referred to as a “hesitation mark” where the voter puts their pen down briefly and then changes their mind. There was no intent to vote for Kassner and the ballot should be called as a blank.

The Registrars deliberate and agree that it is a hesitation mark which should not be counted as a vote for either candidate. One registrar also noted that the ovals on the

remainder of the ballot were fully filled in, indicating that the voter knew how to and consistently voted in that way, such that the hesitation mark was not intended to be a vote. Moved to count the ballot as a blank; seconded. Vote: 3-0-0. The ballot is further protested by Counsel for Mirra.

***Objection #2: Precinct 2, Block 4: ballot was called as a vote for Candidate Kassner.***

Counsel for Mirra: Argues that both ovals for both candidates were filled in, meaning it should be treated as an “overvote” and therefore called as a blank.

Counsel for Kassner: Points out that the clear intent was that the ballot be recorded as a vote for Kassner where both ovals were filled in, but then the voter crossed out the oval next to Mirra and wrote “No” next to Mirra and “Yes” next to Kassner, demonstrating that the intent of the voter is clear and that it was not an overvote; it was a vote for Kassner.

Counsel for Mirra: Rebuts by stating that the voter should have spoiled the ballot if they made a mistake, and they did not.

Counsel for Kassner: Replies that most voters do not know of the spoiled ballot procedures and the question is the intent of the voter.

Town Counsel clarifies that the standard being utilized is who the voter intended to cast a ballot for, if it can be reasonably ascertained, which is the paper ballot standard; not what the machine would have read or done on this particular ballot.

The Registrars deliberate and agree that it is a clear vote for Kassner because the voter changed their mind. All registrars agreed and there was no further discussion. Moved to count the ballot as a vote for Kassner; seconded. Vote: 3-0-0. The ballots are further protested by Counsel for Mirra.

The recounting of ballots concludes at 12:18 p.m.

Other election materials: After the ballots are recounted, Town Counsel explains the next steps in the process, including the opportunity to examine ballots rejected as defective and various other election materials.

1. Spoiled Ballots: Precinct 1 had 14 spoiled ballots (12 regular, 2 EV). One of the ballots from Precinct 1 did not have the word “spoiled” written across it. Counsel for Mirra objected and identified this to be segregated because it was filled out as a vote for Leonard Mirra. Precinct 2 had 10 spoiled ballots (7 regular, 3 EVs). Precinct 3 had 13 spoiled ballots. One of the ballots from Precinct 3 did not have the word “spoiled” written across it. Counsel for Kassner similarly objected and identified this to be segregated because it was filled out as a vote for Kristin E. Kassner. It was segregated with the other ballot from Precinct 1.

2. Ballots Rejected as Defective: As to ballots rejected as defective, it was explained that the Town Clerk would explain the reasons as to why certain ballots were rejected as defective, and the Board would vote to uphold or reverse the Clerk Office's decisions on those ballots. The Town Clerk explained the various categories of ballots that were rejected, including: 1) return to sender/unable to forward (the ballots that were sent back to the Clerk's office from the post office); 2) no signature (and one with initials that the Secretary's Office confirmed could not be processed as a valid signature); 3) rejected for no inner envelope; and 4) postmarked after the election or otherwise received too late.

The Board moved to confirm the actions taken by the Town Clerk with respect to all ballots rejected as defective, for a total of 29 ballots, for the reasons stated by the Town Clerk; seconded. Vote: 3-0-0. The parties agree that each category of rejected ballots, and other materials to be confirmed, could be signed with a statement of the reasons for rejection by the Board afterwards and by category, instead of on each particular ballot or material, for efficiency purposes. No objections to the process are made.

3. Provisional Ballots: The Town Clerk first explained the provisional ballots that were not counted, along with the reason for rejection, which included: voters were registered in Saugus, Lawrence, and Revere instead of Georgetown; voters were not registered anywhere in the Commonwealth; and a voter who turned 18 but was not pre-registered.

The Board moved to confirm the actions taken by the Town Clerk with respect to all provisional ballots rejected or not counted for the reasons stated by the Town Clerk; seconded. Vote: 3-0-0.

The Town Clerk next explained the provisional ballots that were accepted after being verified, along with the reason the ballot was accepted, which included: the voters were verified by the Registry of Motor Vehicle ("RMV") to be registered in Georgetown, but where the registration information was delayed in making its way to Georgetown; one voter who had never moved and was confirmed to still reside in Town; an inactive voter who was removed for failure to respond to the street list, but demonstrated that she had not moved and still resided there; and one voter who was new to town and the election workers could not find her on the list due to a thick accent, but who was confirmed to be on the registered voter list.

The Board moved to confirm the actions taken by the Town Clerk with respect to all provisional ballots accepted for the reasons stated by the Town Clerk; seconded. Vote: 3-0-0.

Counsel for Kassner commends the Clerk's Office for making every effort to help people vote and confirm their registration.

Town Counsel asks the candidates if they would like to see any other election materials. Counsel for Mirra requests to see the post-tabulation mail-in envelopes and the corresponding application postcards to compare the signatures thereon.

4. Post-tabulation mail-ins: Counsel for the candidates observe the envelopes and applications for any mail-in ballots that came in after the election but were postmarked on or before the election date. The Town Clerk lays out each envelope and the post cards are located to compare the signatures. No objections are made.
5. UOCAVA affidavits and applications: The Town Clerk lays out each application and affidavit for UOCAVA voters. Signatures are compared. No objections are made.

The total tally sheet is updated and the process is explained to the registrars. The results are then read into the record by the Board. The Board certifies the results as follows:

# TOWN OF GEORGETOWN - TOWN CLERK

DECEMBER 5, 2022 - RECOUNT: REPRESENTATIVE IN GENERAL COURT

ELECTION

	Precinct 1	Precinct 2	Precinct 3	Total
LEONARD MIRRA	873	743	765	2,381
KRISTIN E. KASSNER	532	530	509	1,571
WRITE INS	-	3	1	4
BLANKS	32	21	35	88
TOTAL	1,437	1,297	1,310	4,044

RECOUNT

	Precinct 1	Precinct 2	Precinct 3	Total
LEONARD MIRRA	873	743	765	2,381
KRISTIN E. KASSNER	533	530	509	1,572
WRITE INS	-	-	1	1
BLANKS	31	23	35	89
TOTAL	1,437	1,296	1,310	4,043

CHANGE

	Precinct 1	Precinct 2	Precinct 3	Total
LEONARD MIRRA	-	-	-	-
KRISTIN E. KASSNER	1	-	-	1
WRITE INS	-	(3)	-	(3)
BLANKS	(1)	2	-	1
TOTAL	-	(1)	-	(1)

*James Wolf*  
*David R. ...*  
*Richard L. ...*

REGISTRARS - TOWN OF  
GEORGETOWN

The Board moved to adjourn the meeting; seconded; all in favor. The ballot boxes are resealed and transported to the vault (Precinct 1: Seal #0661912 and #0661920; Precinct 2: Seal #0661919 and #0661918; Precinct 3: Seal #0661913 and #0661914). The protested ballots and ballots rejected as defective are sealed separately in the same manner, signed by the Police Captain (Seal #0661917), along with the remaining election materials (Seal #0661915 and #0661916). The materials are then transported back to the vault.