



PRESS RELEASE

Long Beach Voter Lawsuits – Court Issues Decision

December 17, 2025

The Town of Rockport is pleased to report that on December 16, 2025, Judge Fraser of the Essex Superior Court issued a clear, well-reasoned, and factually supported decision in favor of the Board of Registrars in the case of Tucker v. Board of Registrars of the Town of Rockport, Essex Superior Court C.A. 2477CV01085. The lawsuit was filed by 17 persons, claiming residence for voting purposes in the Long Beach and Old County Road neighborhood. These persons were removed from the voting list by the Board of Registrars in August of 2024, following a lengthy hearing process held pursuant to G.L. c.51, §§47B, 48 and 49.

Superior Court Judge John Fraser, consistent with the October 2024 order rejecting the plaintiffs' requests for injunctive relief, concluded that the plaintiffs' claim that they could unilaterally choose their own domicile for voting purposes based solely on their intent and "attachments" to Rockport was simply unsupported by the law. Justice Fraser stated, "the Board correctly interpreted the election laws and applied the appropriate legal standards in its domicile determination for each plaintiff". In fact, the Court states explicitly that, "there is no merit to the plaintiffs' continued insistence that a voter, who has more than one residence, gets to unilaterally decide which residence constitutes the voter's domicile for voting purposes." Throughout the detailed 32-page decision, the Court confirms that the Board of Registrars properly considered the objective and subjective factors needed to determine residency for voting purposes, including that the Board could properly conclude that the fact that "the plaintiffs registered to vote when they were not living in Rockport was sufficient to satisfy the Board's initial burden to challenge their voter registration[s]." The Court further rejected the plaintiffs' claim that the Board erred in concluding that the plaintiffs' licenses, car registrations and bank statements reflected non-Rockport addresses only because mail delivery is difficult, stating, "The transcripts [of the hearings] reflect that the Board fully appreciated the challenges associated with mail delivery, such that [the Board] focused on the plaintiffs' social and other ties to Rockport", and, further, that "It is within the Board's discretion to determine whether a voter's non-Rockport address is simply a mailing address or they [the voter] considered it 'home'." The Court states unequivocally that it was "not persuaded by the plaintiffs' one-sided characterization" of the relevant facts concerning their claims of residency based upon "attachments" to the Town, and that the "plaintiffs ignore the fact that they voluntarily entered into the Leases and agreed to all of the specific terms about which they now complain."

The Town is also pleased to report that the Superior Court found in favor of the Board of Registrars in a similar case, Hanifan v Board of Registrars of Voters of the Town of Rockport, Essex Superior Court, C.A. No. 277CV00176. In that case, two of the plaintiffs, who had claimed residence for voting purposes in the Long Beach and Old County Road neighborhood, were notified that they would not be added to the voter list. The Town Clerk's notification explained the reasons why they would not be added to the list and, importantly, invited the plaintiffs to submit additional information to the Registrars for the Board's consideration. The individuals did not submit such information, and the Court recognized that the plaintiffs failed to "take the opportunity to provide additional information and/or documentation to assist in demonstration that they were residents of Rockport for voting purposes" or "seek a hearing before the Board." In fact, Superior Court Judge Kristen Buxton stated in her decision, "Here, it is somewhat disingenuous for [two of the plaintiffs] to argue that the decision not to register them was not supported by the record evidence, where [they] prevented the Board from even developing a record, by asserting their claims with the court without first presenting their evidence and arguments to the Board." The Court also noted that the Board of Registrars, pursuant to long standing case law, has the ability to consider matters outside of the four corners of the plaintiffs' voter registration affidavits, noting that more than 40 years ago, in a 1978 case, the Supreme Judicial Court stated, "there is nothing in any of the election statutes...to indicate that...the registrar is compelled...to 'rubber stamp' a voter registration application "without further inquiry." [internal citations omitted].

A copy of these decisions are posted on the Board of Registrars webpage at <https://www.rockportma.gov/337/Registrars-of-Voters>.

In closing, the Town is committed to ensuring that the voter list contains only persons properly registered to vote in the Town of Rockport, i.e., persons who reside in the Town for voting purposes. The Town recognizes that the right to vote is sacred and is committed to ensuring that all properly registered voters are able to cast their ballots at elections and vote at town meetings. The Town Clerk encourages any person who has questions about residency for voting purposes to visit the Board of Registrars' webpage at <https://www.rockportma.gov/337/Registrars-of-Voters>. Helpfully, the Tucker case lays out the concepts of residency for voting purposes in detail, and a person questioning whether they can properly register to vote in Rockport can review the summary of the law and the factual circumstances considered by the Court in that decision. If any person feels that they need to change their voter registration they can do so by filling out a form available at the Town Clerk's office or by registering on line at <https://www.sec.state.ma.us/OVR/>.

The Town of Rockport thanks Town Counsel KP LAW for its diligence in facilitating the hearings with the Board of Registrars and defending the Town during both lawsuits. Attorneys Lauren Goldberg, Gregg Corbo, Devan Braun, and Michael D'Ortenzio handled the matters for the Town.

=====