



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll

Mayor

February 25, 2016

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

This matter is being submitted for the regular meeting agenda under Mayor's Informational Page.

Salem has a long history of being, literally, a gateway City and welcoming in new immigrants. That's why it was especially disheartening to read recent news accounts in which members of our Latino community expressed concern about their interactions while voting.

As you know, our Latino population is growing at a faster pace than our population as a whole and, for many of our new residents English is not their first language and they are not necessarily familiar with what their rights are when it comes to voting. I believe that we have a responsibility as City leaders to ensure that voting rights are upheld, no matter the voter's ethnic or racial background, their party affiliation or their ability to speak English. If someone has a right to vote, we should be doing all that we can to encourage access and participation. While we've made good progress in establishing that Salem is a City of inclusivity, if we fail to ensure equal access to the ballot box for all citizens, then we fail to meet the most fundamental measure of inclusivity in our democracy.

We have adopted a non-discrimination Ordinance and hold our community up, rightly so, as No Place for Hate. I believe how we treat legal voters, regardless of their ethnicity or language spoken, is a true measure of how well we represent these values through our actions.

As a result of this issue, a Memorandum of Understanding, attached here, has been drafted between City officials and the Latino Leadership Coalition, a community organization that seeks to increase civic engagement and participation among Salem's Latino population. The MOU outlines basic steps we can take together to ensure all who are legally allowed to vote, are able to vote. I understand that the Council already has before it a Council Order to hold a committee meeting on the topic of voter access and would like to encourage you to refer this matter to that committee meeting so that it may be on the agenda for discussion.

The proposed MOU came about as a follow up to a prior meeting held with the Board of Registrars, where members of our Latino community expressed concerns about access and intimidation while voting. The hope was that we would be able to have all relevant local officials sign onto an agreement to make sure these circumstances were addressed going forward. I should note that the steps outlined in the proposed agreement are not revolutionary. In fact, they are pretty basic and should be routine: access to voter information materials in English and Spanish, assistance at polling places and with voter registration efforts, and so forth. I am proud to sign this agreement and affirm my administration's commitment to equal treatment under the law for all our residents. Chief Butler is also a signatory, as Police Officers are assigned to every poll location.

Given our city's strong commitment to diversity and inclusiveness, I believe it is appropriate for us to hold a joint meeting, such as the one already before the Council given the previous Order, with all relevant local officials, myself, Councillors, members of the Board of Registrars, and the Latino Leadership Coalition, to listen and renew our collective commitment to ensuring that all Salem residents are treated fairly while exercising their fundamental right to vote. I am happy to work with Council President Turiel to secure a date for this meeting to take place as soon as possible.

Very truly yours,



Kimberley Driscoll
Mayor
City of Salem

Memorandum of Understanding (MOU)

This MOU is entered into this 23rd day of February, 2016 by and between the City of Salem and the Latino Leadership Coalition, a community organization helping to foster better communication between Latino residents and City officials (collectively, the “parties”).

Whereas, it is the vision of the parties to ensure that all eligible residents within the City of Salem, Massachusetts are able to vote free of any barrier or practice that would impede or dissuade voting during any public election.

Whereas, it is the mission of the parties to promote and safe guard the voting rights of all eligible residents regardless of their race, ethnicity, or limited English proficiency through increased language access to voters, training, and voter education.

Now, therefore, the parties agree to work cooperatively on the following goals:

- 1) Assist residents by increasing their knowledge of voting rights and requirements.

To accomplish this goal,

- a) the City’s Director of Constituent Services & Latino Affairs Coordinator shall solicit “Know Your Rights” informational presentations and materials from the Secretary of State’s office and work with the Latino Leadership Coalition to disseminate this information;
- b) the Board of Registrars, through the City Clerk, commit to making their best effort to work with the City’s Director of Constituent Services & Latino Affairs Coordinator to assist eligible voting residents to register with the City to ensure residents’ names will appear on the voting roll; and
- c) the Board of Registrars, through the City Clerk, commit to making their best effort to work with the Director of Constituent Services & Latino Affairs Coordinator to advise the Latino Leadership Coalition of anticipated mailings of census/voter response letters so that the Coalition can conduct outreach to increase the number of replies among Spanish speaking residents.

- 2) Protect voter rights by ensuring compliance with voting law and practice.

To accomplish this goal, the Mayor, the Board, through the City Clerk, hereby commit to make their best efforts to:

- a) continue to provide precinct captains and poll workers with proper training and written instructions on voting rights, proper administration of voting precincts and how to address special circumstances such as placement on an inactive voter list, provisional and/or challenged ballots so no eligible person fails to vote;
- b) provide a link on the Elections Department web page to the Secretary of State’s on line information regarding voter rights;
- c) ensure sufficient staff from the City Clerk’s office to provide assistance to poll workers to verify whether a voter’s name appears on a voting list at another precinct, and;

d) continue to assist Salem community agencies or organizations who wish to have observers present at voting precincts to observe the administration of the precinct during a general election by providing guidance on where and how to observe.

The Chief of Police shall:

a) work cooperatively with the City Clerk to clarify the role of police officers in the administration of the precinct and to establish procedures for when it is appropriate for City Police Officers to assist poll workers in the enforcement of voting laws, while recognizing that the enforcement of voting rights laws is initially deferred to polling staff inside the polling place by Special Order of the Chief of Police.

b) provide instruction/training to officers working a detail at any voting precinct to ensure that officers have a clear understanding of the election laws and their role; in particular, officers should be trained to understand their role with respect to ensuring the peace at the precinct and enforcing criminal laws, and will provide assistance of the election laws through the polling staff who have primary enforcement responsibility of the voting rights and election laws. This does not preclude election officials from seeking police officer assistance to enforce voting laws; and

3) Improve language access to prospective voters who possess limited English proficiency.

To accomplish this goal, the Mayor, the Board, through the City Clerk, hereby commit to making their best effort to:

a) continue to make available at all precincts bilingual voting related written materials provided by the Massachusetts Secretary of State such as, but not limited to, a Voters' Bill of Rights and Voting booklets;

b) work with the Latino Leadership Coalition in an effort to identify interpreters for prospective limited English proficient voters at polling locations during general elections. This does not preclude or prevent a voter's right to utilize another individual to serve in this same capacity. Sufficient interpreters shall be available to meet anticipated demand of Spanish speaking voters in wards where the need is highest such as 1-2 and 5;

c) work with the Latino Leadership Coalition to recruit and solicit prospective bilingual polling staff who are eligible to apply for poll worker positions under the Clerk's open ended application process. The Director of Constituent Services & Latino Affairs Coordinator shall translate the application material for dissemination.

4) Petition the City Council to convene a meeting following each election to review the efficacy of this Memorandum and where the City Clerk, Board of Registrar, the Latino Leadership Coalition and any other interested parties may make a public report on the progress and activities related to this Memorandum and where the Memorandum may continue be ratified and/or amended as needed.

In the event of a conflict arises between any provisions of this MOU and State Election Laws, State Election Laws shall be followed.

City of Salem
Mayor

Latino Leadership Coalition
President

Police Chief

Alex Mitchell-Munevar, Esq.

Lucy Corchado
President, Point Neighborhood Assoc.
LLC Member

Acknowledged:

City Clerk

On 1/20/16, City Clerk Cheryl LaPointe refused to sign this document.

Board of Registrars

Mickey Northcutt
North Shore CDC

Rosario Minaya
North Shore CDC