



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth

Rebecca S. Murray
General Counsel

**REPORT ON THE ADMINISTRATIVE COMPLAINTS AGAINST
THE CITY OF BOSTON PREPARED PURSUANT
TO M.G.L. c. 56, § 60 AND 950 C.M.R. 56.03**

Introduction

William Francis Galvin, in his capacity as Secretary of the Commonwealth of Massachusetts (“Secretary”), initiated an investigation of certain matters concerning standards, practices and procedures of election officials in the City of Boston (“City”) that may be contrary to election laws. The investigation was initiated by the Secretary, based on information provided by the City to this Office, as well as from complaints that were received by this Office from Boston voters in connection with the State Election in the City held on November 5, 2024 (“State Election”).

Procedural Summary

The Secretary possesses the authority to investigate complaints and order local election officials to comply with the law in appropriate cases. See G. L. c. 56, § 60; see also 950 C.M.R. 56.02 (defining complaint pursuant to G. L. c. 56, § 60). Any person may complain to the Secretary that a pattern of conduct, or a standard, practice or procedure, of a local official is contrary to election laws. 950 C.M.R. 56.02. The Secretary may initiate a complaint. Id. The Secretary then assigns the complaint to an investigator, who may decide that the complaint is without basis, is outside the Secretary’s jurisdiction, or fails to state a claim upon which relief can be granted. 950 C.M.R. 56.03. Otherwise, the investigator shall investigate the complaint’s allegations, consulting with local officials in writing by informing the local official of the substance of the complaint, requesting a response, and inquiring whether an informal resolution is possible. Id.

Summary of Complaints

In accordance with state law, the Boston Election Commission is responsible for administering elections on behalf of the City. Serious problems occurred in connection with the administration of the State Election in the City. It has been determined that the Boston Election Department failed to supply polling locations with a sufficient number of ballots causing some locations to run out of ballots for a significant period of time. This resulted in voters in the City experiencing needless and unacceptable delays in voting and, in some cases, disfranchisement because the voter was unable to wait. The actions of the Boston Election Department were violative of

Massachusetts General Laws chapter 54, section 45 which requires that one set of ballots, not less than one for each registered voter, be provided for each polling place at which an election for state officers is to be held.

The City has confirmed its failure to supply an adequate number of ballots to polling locations throughout the City. The City has acknowledged that some voters experienced significant delays in voting and some were unable to wait, which resulted in their inability to vote.

Further, the City has acknowledged that it did not have adequate communication systems and procedures in place by and between the Boston Election Department and local precincts for real-time reporting of any issues or problems that may arise throughout the Election Day. This resulted in the election workers in various precincts throughout the City being unable to communicate with the Boston Election Department to report problems including, but not limited to, ballot supply issues.

Summary of Investigative Process

After information was received by this Office, as well as complaints from citizens of Boston, I, Rebecca S. Murray General Counsel to the Secretary, was assigned by Secretary William F. Galvin to investigate the foregoing complaints. As part of my investigation of the complaints, I consulted with the designated representatives of the City, reviewed relevant information and materials provided by the City in response to the request for information from this Office, and reviewed materials and information within the Elections Division of the Secretary's Office regarding the complaints.

Investigation

For each complaint, please find the specific allegation, the results of the investigative process based on information reviewed, the pattern of conduct, or standard of practice, or procedure that was violative of election law(s) and/or regulation(s) and the resulting determination and any recommendations.

1. NUMBER OF BALLOTS DELIVERED TO EACH OF THE CITY'S POLLING LOCATION

Complaint: The Boston Election Department failed to deliver sufficient quantities of ballots to polling locations throughout the City.

Investigation Results: As of the November 5, 2024 State Election, there were 438,498 registered voters in the City residing throughout 22 wards containing 276 precincts. The Secretary printed and delivered to the City over 750,000 ballots. This included 416,200 bilingual English/Spanish official ballots; 26,400 English/Chinese official ballots and 18,700 English/Vietnamese official ballots for use on Election Day. Additionally, the Secretary's Office printed and delivered 254,500 English/Spanish Early/Absentee ballots; 29,700 English/Chinese Early/Absentee ballots and 18,700 English/Vietnamese Early/Absentee ballots. The Boston

Election Department is responsible for distributing ballots to polling locations throughout the City.

Prior to Election Day, the Boston Election Department unilaterally made the decision to distribute ballots equaling 80% of the number of registered voters for each particular voting precinct who had not yet voted either early in person or returned a vote by mail ballot. However, due to a calculation error, the number of ballots actually delivered to each polling location was significantly lower.

The City attributes this miscalculation to be the cause of early and widespread ballot depletion problems. This Office agrees with this determination. However, there are redundancies that the Boston Election Department has previously established in its practices and procedures that, if properly followed, would have mitigated, if not avoided, the ballot problems that occurred on November 5, 2024.

In response to questions presented to the Boston Election Department by the Secretary's Office relating to the City's communications with its polling locations throughout the day, the City stated that they use a team of approximately 14 staff members and volunteers to call each of the precincts at 9:00 a.m., 12:00 p.m., 3:00 p.m. and 6:00 p.m. to ascertain the number of voters who have voted in the precinct. That information is then entered into a spreadsheet, which is usually distributed via an email list to media and other stakeholders, including the Secretary's Office. For the November 5, 2024 State Election, no precinct level data was received by the Secretary's Office, but citywide numbers were distributed via social media, which appear to have totals as of 9:00 am and noon. If the tracking of voter turnout procedures were actually and properly followed, the subsequent events that unfolded would likely not have occurred, or certainly not to the extent that actually occurred on November 5, 2024.

At approximately 11:30 a.m. on the morning of the State Election, the Boston Election Department began receiving calls from several precincts that ballots were running low and would soon be depleted. Additionally, as the Boston Election Department began their noon calls to polling locations, a number of precincts raised concerns about potential ballot shortages. If the Boston Election Department had compared the numbers reported during the first calls at 9:00 a.m. with the number of ballots sent, they should have recognized the impending ballot issue developing.

Instead, having not properly followed the foregoing procedure, events soon cascaded into a more systemic problem throughout the City as election workers were unable to reach the Boston Election Department at City Hall because their calls were not connecting. The City indicated that the Boston Election Department staff did not bring this problem to the Election Commissioner's attention until after 1:00 p.m., according to information provided to the Secretary's Office.

As explained by the Boston Election Department, the telephone lines used by poll workers to contact their offices became overwhelmed to the point where the vast majority of the calls to the four phone lines dedicated for requesting more ballots and reporting voting machine issues were not connecting. The City states that each polling location is provided with a cell phone.

However, the City did not indicate whether or how they were utilized under the instant circumstances.

Indeed, later in the afternoon the Elections Division of the Secretary's Office began receiving calls from City poll workers that they were unable to reach the Boston Election Department as they were running out of ballots.

Representatives of the Secretary's Office also attempted to reach out to the Boston Election Department without success. Upon hearing this, the Secretary immediately dispatched a representative to go to the Boston Election Department to assess the extent of the ballot and communications problems.

A major problem that was evident was the inability of the Boston Election Department to directly communicate, in real time, with each voting precinct in order to determine and prioritize those locations that had run out of ballots or had an immediate need for additional ballots.

The decision was immediately made to deliver all remaining ballots at City Hall to the relevant precincts. Given the gravity of the situation, the Chair of the Election Commission requested additional assistance with deliveries from the Boston Police Department. The Police Superintendent approved the assignment of additional officers, and reassignment of the already scheduled officers, to make the delivery of ballots. Due to the time of day, all deliveries were made with appropriate urgency.

Adequate supplies of ballots were eventually received by all polling locations.

Violation: State law requires that one set of ballots, not less than one for each registered voter, be provided for each polling place at which an election for state officers is to be held. G.L. c. 54 § 45 (2024 ed.). The City failed to comply with this law.

Determination: The results of my investigation substantiate the complaint that the City failed to supply one set of ballots, not less than one for each registered voter, to each polling location throughout the City of Boston for the November 5, 2024 State Election.

To ensure future compliance, I recommend the Secretary issue the following Order:

The Boston Election Department shall deliver to each polling location in the City a number of ballots equal to the number of registered voters for that polling place, prior to the opening of the polls and shall submit an implementation plan, subject to the Secretary's approval.

2. COMMUNICATIONS SYSTEMS BY AND BETWEEN THE BOSTON ELECTION DEPARTMENT AND THE POLLING LOCATIONS

Complaint: The Boston Election Department had inadequate communication systems in place that would allow timely contact with each polling location and the Election Department.

Investigation Results: A major cause exacerbating the ballot shortage issue was in inability of poll workers to connect telephonically with the Boston Election Department. A systemic problem developed throughout the City, as election workers were unable to reach the Boston Election Department at City Hall because their calls were not connecting. The City indicated that the Boston Election Department staff did not bring this problem to the Election Commissioner's attention until after 1:00 p.m., according to information provided to the Secretary's Office.

According to the Boston Election Department, the telephone lines used by poll workers to contact their offices became overwhelmed to the point where the vast majority of the calls to the four phone lines dedicated for requesting more ballots and reporting voting machine issues were not connecting. The City states that each polling location is provided with a cell phone. However, the City did not indicate whether or how they were utilized under the instant circumstances.

In response to investigatory questions concerning communication systems by and between the polls and the Election Department and the public and the Election Department, the City provided the following information:

In short, the phone lines were simply overwhelmed. Based on a review of call logs provided by the Department of Information Technology, along with in-house interpretive guidance, the initial evaluation is as follows. There were approximately 15,778 calls to the Election Department on election day. There were 3,337 calls on the general public line, of which 216 were not connected. Approximately 8,300 calls came in to the poll worker voter inquiry line, of which it appears that 536 were not connected. The machine breakdown and ballot issue telephone lines received approximately 1,690 calls, of which 1,205 were not connected. Finally, the poll worker attendance line had approximately 1,610 calls, of which 59 were not connected.

As previously disclosed, a major problem that was evident was the inability of the Boston Election Department to directly communicate, in real time, with each voting precinct in order to determine and prioritize those locations that had run out of ballots or had an immediate need for additional ballots.

Violation: The inability to communicate in real time with any and all polling locations throughout the City to deal with Election Day related matters is an act, practice or procedure contrary to election laws.

Determination: The results of my investigation substantiate the complaint that the Boston Election Department had inadequate communication systems in place that would allow timely contact with each polling location for the November 5, 2024 State Election.

To ensure future compliance, I recommend the Secretary issue the following Orders:

The Boston Election Department shall provide a plan, subject to the Secretary's approval, to ensure that the City and poll workers can communicate with each other in real time during the election. The plan shall include contingencies for additional communication lines for each election and for public access to communicate with the Boston Election Department. Each warden at a polling location shall have a communication device allowing the warden to be immediately accessible and to timely contact the Boston Election Department in real time.

Further:

The Boston Election Department shall provide a plan, subject to the Secretary's approval, to establish a designated team of City staff to contact every polling location throughout the City on Election Day in order to receive information which includes, but is not limited to, voter turnout, ballot supply status, voting machine issues and any other significant matters affecting the election. For each Election Day, these communications shall take place at 9 a.m., 12 p.m., 3 p.m. and 6 p.m. or at other times throughout the day should events dictate additional contact. This information shall be timely provided by a person designated by the Boston Election Department following each contact, in a form acceptable to the Secretary, and submitted to the Director of Elections for the Secretary's Office immediately following each contact time. If the Boston Election Department is unable to reach any particular polling location at the designated times, the City will immediately dispatch a specified team to go to that particular location. Upon arrival, the specified team will immediately confirm the contact and location status with the Election Department.

3. THE CITY HAS NOT PROPERLY TRAINED ELECTION WORKERS HOW TO PROCEED WHEN BALLOT QUANTITIES RUN LOW

Complaint: Inadequate election worker training left election workers without knowledge on how to proceed when ballot quantities ran low, how to process different ballot styles and what to do when voting machine problems arose.

Investigative Results: I have reviewed the training materials provided and determined that they were insufficient to address this issue.

Violation: The lack of sufficient training is an act, practice or procedure contrary to election laws.

Determination: While this Office recognizes and acknowledges that the City of Boston has many dedicated and committed election workers, I have found that many of the problems are a result of inadequate training materials that do not adequately cover contingencies experienced in this election.

To ensure future compliance, I recommend the Secretary issue the following Order:

The City will develop, in consultation with the Secretary, comprehensive warden and poll worker training programs to ensure that all election laws are understood and followed by every election officer.

OVERSIGHT

To monitor compliance of the Orders contained herein and to ensure that future Boston voters will not be disfranchised, I recommend the additional Orders:

The City shall provide a comprehensive plan, developed in consultation with the Secretary, concerning pre-election preparation, Election Day administration and post-election day issues.

The Secretary shall appoint, after consultation with the City, an individual or individuals (hereinafter “Secretary’s Designee”) to assist the Boston Election Department in their preparation and administration of elections in the City through and including the election cycle held in 2026.

After the 2026 State Election, a review will be conducted regarding the election practices of the City to determine whether this Agreement and Order shall be extended.

CONCLUSION

The foregoing Report is submitted to William Francis Galvin, in his capacity as Secretary of the Commonwealth of Massachusetts, this 24th day of February 2025.

A handwritten signature in black ink that reads "Rebecca Murray". The signature is written in a cursive, flowing style.

Rebecca S. Murray, Esq.
General Counsel to the Secretary of the Commonwealth
Designated Investigator