

August 9, 2016

William Francis Galvin
Secretary of the Commonwealth
Elections Division
McCormack Building
One Ashburton Place, Room 1705
Boston, MA 02108

RE: Requesting Oversight of the Lawrence State Primary (September 8th, 2016) Election

Dear Secretary Galvin:

I am seeking the assistance and support of the Commonwealth's Election Division with Lawrence's upcoming September 8, 2016 primary election. The recent hiring of Ruben Perez as Bilingual Coordinator by the City of Lawrence is concerning due to the nature of the hiring process and the relationship between the new hire and a legislator facing a primary election in Lawrence. We believe that state oversight is necessary for a fully democratic and transparent election.

More detailed information is below with links to corresponding information.

Lawrence Election Department's Bilingual Coordinator is Financial Supporter & Chairman of Marcos Devers' State Representative Campaign

On May 17, 2016 Mayor Dan Rivera hired Ruben Perez as the Election Department's Bilingual Coordinator. For the past decade Mr. Perez has been a stalwart supporter of State Representative Marcos Devers. Since at least February 29, 2008 he has been the official Chairman of the Committee to Elect Marcos Devers¹. He has shown his commitment to Mr. Devers by taking part in Devers' Mayoral and various State Representative campaigns. He has only contributed financially to one candidate in the last 8 years and that has been to Mr. Devers political campaign².

It is of great concern that Mayor Rivera, a public supporter of Mr. Devers, decided at the start of a very competitive campaign to post Mr. Perez to a position that has been vacant since November 21, 2014. Mayor Rivera fired the previous Bilingual Coordinator because he feared that he would "undermine the finality of election

¹ Committee to Elect Marcos Devers Form CPF 101: STATEMENT OF ORGANIZATION CANDIDATE'S COMMITTEE. Dated February 29, 2008

²Massachusetts Office of Campaign & Political Finance, Search Contributions and Expenditures of Ruben Perez. Available at:
<http://www.ocpf.us/Reports/SearchItems?PageSize=50&CurrentIndex=1&SortField=&SortDirection=ASC&&SearchType=A&ContributorName=perez.%20ruben&FilerCpfd=0>

results.”³ His appointment of Mr. Devers’ Chairman has undermined the entire election process for the Democratic Primaries for the State Representative seats of the 14th Essex District and 16th Essex District. It also compromises the results of the Essex County Sherriff election.

Short Hiring Process Following 17 Month Vacancy

Mr. Perez was also hired through a suspicious process. The job was posted on April 27, 2016 and a candidate was announced two weeks later, even though only 2 people had applied. While it was known in the community that Mr. Perez was Campaign Manager to Marcos Devers the City of Lawrence never acknowledged or informed the public that Mr. Perez was not only a financial contributor to the Devers’ Campaign but he is also the Chairman of the Committee to Elect Marcos Devers.

Position of Devers’ Campaign Chairman & Election’s Bilingual Coordinator Violates Massachusetts General Law

Mr. Perez’s previous and present involvement in the Dever’s campaign, the suspicious way he was hired, and the City of Lawrence’s lack of transparency creates a large risk of bias that has a very strong potential in compromising our elections. Mass. Gen. Laws Chapter 268A, §23(b)(1) prohibits public employees from accepting “*employment involving compensation of substantial value, the responsibilities of which are inherently incompatible with the responsibilities of his public office.*” Since Mr. Perez was appointed to Bilingual Coordinator of the Election Department he has been serving in two positions that run contrary to each other. On one hand he is officially in charge of electing Marcos Devers to the 16th Essex State Representative District and on the other hand he is responsible for holding a fair and non-partisan election.

Mass. Gen. Laws Chapter 268A, §23(b)(3) explicitly prohibits public employees from acting “*in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person.*”

It is the current sentiment of many voters in the City of Lawrence that the Lawrence Administration has compromised the 2016 election. The hiring of Mr. Perez, an individual who is extremely partisan to Mr. Devers and other political candidates, leads them to conclude that he was placed in this position so that he can improperly influence the elections.

United States Department of Justice Agreement Not Being Followed

³ Keith Edding, Rivera Fires Elections Coordinator, Eagle Tribune. Nov. 23, 2016. Available at: http://www.eagletribune.com/news/rivera-fires-elections-coordinator/article_2b61d08b-8915-581b-ab72-874bc5c0a6fa.html

According to agreements between the City of Lawrence and the United States Department of Justice Department, Lawrence is supposed to hire a *“bilingual program coordinator who will operate the (Spanish-language Election Information) Program with input from representatives of the Hispanic community.”* The bilingual coordinator is also supposed to regularly meet with representatives of the Hispanic community and city officials as part of an outreach and publicity program *“that will provide election-related information to Spanish-speaking voters through the local Spanish-language media and community groups.”*⁴

In the past several months there has been no discussion of a Spanish Language Election Information Program, no meetings between representatives of the Hispanic community and the city to discuss election issues, and no concerted effort to promote the coming election through the local Spanish-language media and community groups. It is concerning that the responsibilities of the Bilingual Coordinator reached in the agreement between the United States Department of Justice and the City of Lawrence are not even listed in the current job description for the Bilingual Coordinator.

To Ensure Elections Are Not Compromised State Intervention Is Needed

In light of the tremendous risk being posed we are advocating that a review of the election process in Lawrence is conducted, that the Secretary of State sends representatives to oversee the Lawrence Election Process, and that potential ethical improprieties are investigated.

Thank you greatly for your attention on this matter. Looking forward to hearing from you at your earliest convenience.

Respectfully,

Porfirio Matias, Chairman
Committee to Elect Juana Matias

CC: David Wilson, Massachusetts State Ethics Commission

⁴ Lawrence, Massachusetts to Settle Allegations of Voter Discrimination, Under Justice Department Agreement, (1999), <https://www.justice.gov/archive/opa/pr/1999/September/403cr.htm> (last visited August 9, 2016).