

A List of Inactive Voters in Lawrence, Massachusetts

¿OÍSTE? v. City of Lawrence
(Nathaniel M. Gorton, D. Mass. 1:05-cv-12218)

On the Friday before a local election, two voters and a political organization filed a federal complaint seeking relief from a recent notification to a large number of potential voters that they had been placed on an inactive list. On Monday afternoon, the judge recessed proceedings for twenty-three minutes for the parties to agree on a statement to voters in both English and Spanish to be broadcast and printed in the media. Several months later, after three filings stating that the parties were working to resolve matters without litigation, the judge dismissed the case without prejudice.

Subject: Nullifying registrations. *Topics:* Registration procedures; case assignment.

At 5:01 p.m. on the Friday before the November 8, 2005, election in Lawrence, Massachusetts, two voters and a political organization filed a federal complaint in the District of Massachusetts seeking relief from a recent notification to a large number of potential voters that they had been placed on an inactive list.¹ With their complaint, the plaintiffs filed a motion for a temporary restraining order.² The case was docketed on Monday morning.³

Because of the unavailability of Judge William G. Young, who signed a 1999 consent decree concerning the rights of Latino voters in Lawrence,⁴ Judge Nathaniel M. Gorton presided over a hearing at 4:20 p.m. on the day before the election.⁵ At 5:10, Judge Gorton recessed proceedings for twenty-three minutes for the parties to agree on a statement to voters in both English and Spanish to be broadcast and printed in the media.⁶

On July 12, 2006, after three filings stating that the parties were working to resolve matters without litigation,⁷ Judge Young dismissed the action without prejudice.⁸

1. Complaint, *¿OÍSTE? v. City of Lawrence*, No. 1:05-cv-12218 (D. Mass. Nov. 7, 2005), D.E. 1; Transcript at 19, *id.* (Nov. 7, 2005, filed Dec. 14, 2005), D.E. 11.

2. Temporary-Restraining-Order Motion, *id.* (Nov. 7, 2005), D.E. 5.

3. Docket Sheet, *id.* (Nov. 7, 2005) [hereinafter *¿OÍSTE? Docket Sheet*]; Transcript, *supra* note 1, at 4–5 (noting that the judge received the matter at 8:49 a.m.).

4. See Docket Sheet, *United States v. City of Lawrence*, No. 1:98-cv-12256 (D. Mass. Nov. 5, 1998).

5. Transcript, *supra* note 1.

6. *Id.* at 38–42; *¿OÍSTE? Docket Sheet*, *supra* note 3.

7. Stipulation, *¿OÍSTE?*, No. 1:05-cv-12218 (D. Mass. June 5, 2006), D.E. 17; Stipulation, *id.* (Apr. 14, 2006), D.E. 16; Stipulation, *id.* (Mar. 23, 2006), D.E. 15.

8. Order, *id.* (July 12, 2006), D.E. 19.