



The Honorable William F. Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston MA 02108

May 6, 2020

Dear Secretary Galvin:

We write to bring to your attention the possibility that Meghan Kilcoyne, an individual who has recently declared her candidacy for the Twelfth Worcester District in the House of Representatives, may not meet the constitutional residency qualifications for election to that office in November 2020.

To that end, we request that in your capacity as the chief election officer of the Commonwealth, you investigate this matter expeditiously and provide your conclusions publicly at the earliest opportunity. All citizens of the Twelfth Worcester are entitled to be confident when they go to the polls that every candidate seeking to represent them in the General Court is legally qualified to do so.

As you are aware, Article CI of the Articles of Amendment to the Massachusetts Constitution establishes a simple minimum threshold for members of the House: “Every representative, for one year at least immediately preceding his election, shall have been an inhabitant of the district for which he is chosen” The Twelfth Worcester District is comprised of the towns of Berlin, Boylston, Clinton, Lancaster, Northborough (Precincts 2 and 4) and Sterling (Precinct 2). Chapter 153 of the Acts of 2011.

There is no dispute that Ms. Kilcoyne has close family ties to certain communities that comprise the Twelfth Worcester; her website (<https://megkilcoyne.com/>) notes that she was born and raised in Sterling and that “three generations of her family hail from Clinton, MA.” Yet the Constitution requires that representatives have been *inhabitants* of their district for at least one year “immediately preceding” their election, which this year occurs on November 3, 2020. To meet this constitutional requirement, all candidates must have been inhabitants of the district since at least November 3, 2019.

While Ms. Kilcoyne’s website indicates that she “currently lives in Northborough with her sister,” the state’s voter registration rolls—which are public records—indicate that as late as December 2019, she was still registered to vote at 81 Hampshire Street in *Cambridge*. Indeed, those same registration records indicate that she did not register to vote at 7 Jay Avenue in *Northborough* until January 2, 2020.

The fact that Ms. Kilcoyne was registered to vote in Cambridge through December 2019 – particularly for an individual whom state records indicate has voted in nearly every primary and general election for over a decade, and who undeniably takes her civic obligation to do so seriously — raises significant concerns that she was not domiciled in Northborough until well

after November 3, 2019, and is thus constitutionally prohibited from contesting the Twelfth Worcester House seat in the 2020 general election.

The constitutional residency requirement is not a burdensome one. Hundreds of House candidates comply with it without difficulty every year, and presuming Ms. Kilcoyne remains a resident of Northborough, we would encourage her and every other qualified and interested resident of the Twelfth Worcester to run for the seat in 2022. But fundamental fairness entitles all candidates to a level playing field, particularly with respect to provisions deemed so important that they have been enshrined in the Massachusetts Constitution. And there is no question that the constitutional residency requirement for the House is both intentional and means what it says, given that—in sharp contrast—no equivalent constitutional residency requirement exists for the Senate.

We also wish to emphasize one crucial point: This is not a partisan issue. Even if Ms. Kilcoyne were precluded by the Constitution from appearing on the ballot in November 2020, both major parties already have declared candidates in the Twelfth Worcester, guaranteeing a contested general election. The issue is simply one of ensuring that the election rules are enforced uniformly and without favor, regardless of candidate or party.

To ensure the electoral integrity of the slate of candidates for the Twelfth Worcester, we therefore urge you to request that Ms. Kilcoyne furnish your office with evidence sufficient to both explain and overcome the public record documentation indicating that she was a resident of Cambridge on (and for a certain period after) November 3, 2019. At minimum, the citizens of the Twelfth Worcester are entitled to avoid a situation where Ms. Kilcoyne is elected but potentially forced to vacate the seat due to constitutional infirmity—thus leaving those same citizens unrepresented in the House for a potentially indefinite period of time

Finally, we recognize that state law provides that formal challenges to ballot eligibility may be brought to the State Ballot Law Commission (SBLC) pursuant to G.L. c. 55B. However, we are hopeful that by bringing this matter to your attention well in advance of the early June statutory deadline for such formal challenges, the question of Ms. Kilcoyne’s residency qualification matter can be resolved conclusively without the need for any interested party to incur the time or expense of engaging in the formal SBLC process.

We look forward to your response to this request at your earliest opportunity.

Sincerely,

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