

The Commonwealth of Massachusetts

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*To the Honorable House of Representatives of the Commonwealth of Massachusetts in General Court assembled.*

The undersigned, citizen of Lynn, Massachusetts, respectfully represents that at the election held on November 7, 1922, in Wards two and five, in Lynn, comprising the twelfth Essex Representative District, the petitioner was one of the candidates for the office of representative to the General Court from said district.

The count of votes by the election officers cast at said election from said district gave to Charles W. Ames, 3,272, Napoleon Bergeron, 2,372, Charles Symonds, 2,364, John Hayes, 2,293, and to Arthur Barker, who was a candidate for election upon "stickers," 205, the two highest being elected, Charles W. Ames and your petitioner, Napoleon Bergeron. Upon the recount of wards two and five in Lynn by the registrars of voters of the City of Lynn, upon the petition of Charles Symonds the vote was declared to be Charles W. Ames, 3,270, Charles Symonds, 2,370, Napoleon Bergeron, 2,342, John Hayes, 2,318, and for Arthur Barker, 205 votes. The registrars of voters declared Charles W. Ames and Charles Symonds to be the successful candidates.

There was much confusion at the recount. It started at 2 o'clock P.M. and continued until 11.30 o'clock P.M. Many of the clerks assisting the registrars were inexperienced. During the time they were recounting these votes they were also recounting the votes cast for United States Senator in all the wards in the City of Lynn. There were ballots marked upon the sticker for Arthur Barker which were between Charles Symonds' and Arthur Barker's names, intended for Arthur Barker but counted by the registrars for Charles Symonds. In Ward 5, Precinct 7, the registrars on the

recount made a change in favor of Charles Symonds of 21 votes. The agent of your petitioner asked permission to examine the tally sheets for this precinct, but the registrars would not permit her to do so. When the votes were recounted the tally sheets were not replaced in the ballot boxes at once, but were kept in the pockets of the clerks assisting the registrars, from three to six sheets at a time. During the recount of Ward 5, Precinct 2, there was no loss or gain for either your petitioner or Charles Symonds, yet upon the tally sheet your petitioner was declared to have lost 5 and Charles Symonds to have gained 7. Whereupon the agent of your petitioner requested an opportunity to examine this tally sheet. He was told by one of the registrars that "he did not have time to bother with it now." In the recount of ballots of Ward 5, Precinct 5, your petitioner was declared to have lost seven, with no gain for any other candidate. Agent of your petitioner requested the clerk who was recounting these ballots to count them over to verify if possible the loss of the seven votes. The clerk declined to count them over. In Ward 5, Precinct 5, a defective ballot was counted by the registrars in favor of Charles Symonds. The tally sheets were loosely handled, affording an opportunity for fraud or mistake. In making the tabulation the clerk would read aloud from the tally sheets to one of the registrars, who would then place figures upon the tabulation sheet without making any comparison of the tally sheet to the tabulation sheet, which offered an opportunity for figures to be transposed and not entered correctly. At said recount your petitioner duly accepted the wrongfully counted ballots.

It was the opinion of those present at the recount, about 30 people, Republicans and Democrats, that the recount showed no material change and that Napoleon Bergeron was in fact elected.

Wherefore your petitioner prays that such action may be taken as may be necessary so that he may be declared elected as representative to the General Court from the said 12th Essex Representative District and be seated in place of said Charles Symonds.

NAPOLEON BERGERON.