

Jeffrey Allen Donahue  
56 Tremont Street  
Malden, MA 02148

August 12, 2025

Re: Formal Objection to Nomination of Dawn Macklin — Ward 4 School Committee

Malden City Clerk;

I hereby submit a formal objection to the nomination of Dawn Macklin for the Malden School Committee, Ward 4, in the upcoming municipal election, pursuant to the residency requirements outlined in Malden's candidate guidelines and Massachusetts law.

### **Legal Basis for Objection**

#### **1. Jurisdictional Requirements**

Per the "Information for Candidates for Municipal Office in Malden" guide, candidates for a ward-specific school committee seat must:

- A. Reside in Malden, and
- B. Specifically in the ward they are seeking to represent.

#### **2. Recent Residency Change**

According to publicly available reporting, Ms. Macklin had previously moved from Ward 4 to an address in Ward 2. She contacted the City Clerk to suspend her Ward 2 campaign and subsequently obtained a new apartment in Ward 4 prior to pulling nomination papers for that ward.

It is also my understanding that Ms. Macklin did not pull nomination papers herself and instead sent her husband, Wallace Macklin, to obtain nomination papers on her behalf. If Ms. Macklin did not provide written authorization, this goes against the proper procedures of obtaining nomination pages.

#### **3. Additional Evidence Questioning Residency**

##### **A. Declaration of Homestead on Non-Ward 4 Property**

Ms. Macklin has an active Declaration of Homestead, recorded at the Barnstable County Registry of Deeds, on a property located outside of Malden, MA. Under Massachusetts General Laws c. 188, §1, a Declaration of Homestead is a sworn legal instrument that applies to an owner's principal residence.

##### **B. Mortgage Refinancing Records**

This same property appears as her legal residence in a recently recorded mortgage refinancing document dated November 2024. Such filings are signed under penalty of perjury and further supports that the property outside of Malden, MA. is her true domicile.

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The continued maintenance of a Homestead on one property while claiming candidacy based on residency at a different address within Ward 4 is a clear conflict under Massachusetts residency principles for election eligibility.

### **Grounds for Objection**

#### **1. Failure to Establish Ward 4 Domicile as of Nomination**

The recent move, coupled with a sworn homestead declaration on another property, raises serious doubt that Ms. Macklin meets the legal requirement to be a bona fide resident of Ward 4 at the time of nomination.

#### **2. Conflict Between Homestead Law and Candidate Affidavit**

A candidate cannot simultaneously claim, under penalty of perjury, that one property is their principal residence for homestead protection while declaring a different address for election purposes.

#### **3. Nomination Integrity**

The residency rule exists to ensure genuine community representation. Filing from an address inconsistent with official sworn property filings undermines the integrity of the election process.

#### **4. Precedent Supports Disqualification**

Under *Lay v. City of Lowell*, residency determination must rest on the totality of evidence - and here, evidence points against Ms. Macklin's Ward 4 residency claim.

### **Requested Actions**

I respectfully request that the City Clerk's Office:

- A. Investigate Ms. Macklin's true legal residence, including her Declaration of Homestead and mortgage refinancing records.
- B. Verify whether she was lawfully domiciled and registered to vote in Ward 4 as of her nomination filing date.
- C. Take appropriate action to remove her from the ballot if she fails to meet residency requirements.

The election board must look beyond a candidate's bare assertion of residence and weigh documentary evidence (including homestead declarations and mortgage/ownership records) to determine true domicile. I am prepared to provide property records, registry of deeds filings, and other legal documents to support this objection.

Thank you for your prompt and thorough attention to this matter.

Sincerely,

  
Jeffrey Allen Donahue