

HOUSE No. 3918

The Commonwealth of Massachusetts

PRESENTED BY:

Kate Lipper-Garabedian

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act reforming the composition of the boards of registrars of voters.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>1/20/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/7/2023</i>

HOUSE No. 3918

By Representative Lipper-Garabedian of Melrose, a petition (accompanied by bill, House, No. 3918) of Kate Lipper-Garabedian and Jason M. Lewis relative to the composition of the boards of registrars of voters. Election Laws.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act reforming the composition of the boards of registrars of voters.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 15 of chapter 51 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out the second paragraph and inserting in place
3 thereof, the following 3 paragraphs:-

4 As the terms of the several registrars expire, and in case a vacancy occurs in the board of
5 registrars of voters, the selectmen or the appointing authority shall so appoint their successors in
6 the following manner: (i) that as nearly as possible the members of the board shall represent the
7 2 leading political parties and voters with an unenrolled designation, as defined in section 1 of
8 chapter 50 and section 38 of chapter 53; provided, that a city or town clerk need not be enrolled
9 in a political party; and (ii) that in no case shall an appointment be made as to cause a board to
10 have more than 2 members, including the city or town clerk, of the same political party or
11 unenrolled designation.

12 Every such appointment shall be made in a town by the selectmen or the appointing
13 authority as follows: (i) for each member of the leading political parties from a list to be
14 submitted to them by the town committee of the political party from the members of which the
15 position is to be filled, containing the names of 3 enrolled members of such party resident in the
16 town, selected by a majority vote at a duly called meeting, at which a quorum is present, of such
17 committee; (ii) for each unenrolled member, the selectmen or appointing authority shall choose a
18 resident in the town with said unenrolled designation, and confirm this designation with the town
19 Clerk. If such member subsequently registers a political designation that is a political party as
20 defined in section 1 of chapter 50, the member's office shall be considered vacant and may only
21 be filled by an unenrolled member who has a made a political designation that is not a political
22 party in accordance with this section.

23 Every member of a board of registrars of voters shall serve until the expiration of their
24 term and until their successor has qualified; provided, however, if the chair of the town
25 committee has not submitted such list to the selectmen or the appointing authority within 45 days
26 after a notification to said chair by certified mail, the selectmen or the appointing authority shall
27 make said appointment without reference to such a list.

28 SECTION 2. Said chapter 51 is hereby further amended by striking out section 16A and
29 inserting in place thereof the following section:-

30 Section 16A. (a) In every city except Cambridge and every town which accepts this
31 section in the manner hereinafter provided, there shall be a board of election commissioners,
32 hereinafter called the board, which, except as otherwise provided, shall have all the powers,
33 rights, duties and liabilities of boards of registrars of voters, and, with respect to elections, of city

34 and town clerks, either under general or special law, and which shall be the lawful successor of
35 said registrars, and, with respect to elections, said clerk. Immediately upon such acceptance, the
36 said registrars of voters and, in so far as they relate to, or are required for use in, the conduct of
37 elections, the said clerk shall deliver to the board all books, papers, records and all other property
38 in their possession.

39 (b) The board shall consist of 4 persons. As nearly as possible the members of the board
40 shall represent the 2 leading political parties and voters with an unenrolled designation, as
41 defined in section 1 of chapter 50 and section 38 of chapter 53. They shall receive such
42 compensation as the city manager, or mayor, and city council, or the town, may determine. The
43 members of the board of registrars of voters

44 in office at the time of such acceptance shall be members of said board of election
45 commissioners, and shall serve until the expiration of their respective terms and until their
46 successors are appointed and qualified; provided, that, if the city or town clerk is then a member
47 of said board of registrars, the mayor, subject to approval by the board of aldermen, the city
48 manager, or the selectmen shall appoint 1 member of said board of election commissioners for a
49 term of 4 years beginning April first next following.

50 (c) As the terms of the several election commissioners expire, and in case a vacancy
51 occurs in said board, the mayor, subject to approval by the board of aldermen, the city manager
52 or the selectmen, shall so appoint their successors in the following manner: (i) that as nearly as
53 possible the members of the board shall represent the 2 leading political parties and voters with
54 an unenrolled designation, as defined in section 1 of chapter 50 and section 38 of chapter 53;
55 provided, that a city or town clerk need not be enrolled in a political party; and (ii) and provided

56 further, that in no case shall an appointment be made as to cause a board to have more than 2
57 members, including the city or town clerk, of the same political party or unenrolled designation.

58 (d) In a town which accepts this section, every such appointment shall be made in the
59 following manner: (i) for members from leading political parties, from a list to be submitted by
60 the town committee of the political party from the members of which the position is to be filled,
61 containing the names of 3 enrolled members of such party resident in the town, selected by a
62 majority vote at a duly called meeting, at which a quorum is present, of such committee; and (ii
63 for each unenrolled member, the Mayor shall choose a resident in the town with said unenrolled
64 designation, and confirm this designation with the town Clerk. If such member subsequently
65 makes a political designation that is a political party as defined in section 1 of chapter 50, the
66 member's office shall be considered vacant and may only be filled by a member who has a made
67 a political designation that is not a political party in accordance with this section.

68 (e) Every member of said board shall serve until the expiration of their term and until
69 their successor has qualified; provided, however, if the chair of the town committee has not
70 submitted such list to the selectmen or the appointing authority within 45 days after a notification
71 to said chairman by certified mail, the selectmen or the appointing authority shall make said
72 appointment without reference to such a list.

73 (f) Such appointments shall be for terms of 4 years beginning April first, except that any
74 appointment to fill a vacancy shall be for the unexpired term.

75 (g) The board shall organize annually in the month of April by the choice of a chair and a
76 secretary. In case the members are unable to agree upon a chair and a secretary, such officers
77 shall be designated by the mayor, the city manager or the selectmen, as the case may be. The

78 secretary shall keep a full and accurate record of the proceedings of the board and shall perform
79 such other duties as the board may require.

80 (h) All the powers, rights, privileges, liabilities and duties relating to caucuses, primaries
81 and elections by law vested in and imposed upon mayors, city managers, boards of aldermen,
82 selectmen, city or town clerks and board of registrars of voters, except the power and duty of
83 giving notice of elections and fixing the days and hours of holding the same, shall be vested in
84 and performed by the board of election commissioners. The board may appoint such assistant
85 commissioners and such assistants as it deems

86 necessary, who shall at all times equally represent the two leading political parties as
87 defined as aforesaid. Said assistant commissioners shall have such powers and perform such
88 duties as are prescribed by this chapter for assistant registrars of voters, and shall perform such
89 other duties as the board may require. Except in Boston, persons appointed to serve temporarily
90 as assistant commissioners, or as temporary assistant commissioners, shall not be subject to
91 chapter 31.

92 (i) This section shall become effective in a city having a Plan E charter by the affirmative
93 vote of a majority of all the members of the city council, and, in the case of other cities, by vote
94 of the city council, subject to the provisions of the charter, and in a town by a majority vote at an
95 annual town meeting.

96 SECTION 3. Said chapter 51 is hereby further amended by striking out section 18 and
97 inserting in place thereof the following section:-

98 Section 18. In the original and in each succeeding appointment and in filling vacancies,
99 registrars of voters shall be so appointed as follows: (i) that as nearly as possible the members of

100 the board shall represent the 2 leading political parties and voters with an unenrolled designation,
101 as defined in section 1 of chapter 50 and section 38 of chapter 53; provided, that a city or town
102 clerk need not be enrolled in a political party; and (ii) that in no case shall an appointment be
103 made as to cause a board to have more than 2 members, including the city or town clerk, of the
104 same political party or unenrolled designation.