

HOUSE No. 4033

The Commonwealth of Massachusetts

PRESENTED BY:

Russell E. Holmes

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 relative to special election scheduling.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>2/19/2021</i>

HOUSE No. 4033

By Mr. Holmes of Boston, a petition (accompanied by bill, House, No. 4033) of Russell E. Holmes relative to special election scheduling. Election Laws.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to special election scheduling.

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. Chapter 54 of the General Laws, as appearing in the 2018 Official Edition,
2 is hereby amended by inserting after section 63 the following section:-

3 Section 63A. When a vacancy occurs in an elected municipal office, voting for such
4 office shall occur in accordance with section 63 and such voting shall occur on the day of the
5 next general municipal or state election called pursuant to sections 62 or 63, whichever comes
6 first; provided however, that if such vacancy occurs within 60 days of such election the vacancy
7 shall not be filled and the office shall remain open until the next election.

8 SECTION 2. Said chapter 54, as so appearing, is hereby further amended by striking out
9 sections 140 to 144, inclusive, and inserting in place thereof the following 5 sections: –

10 Section 140. (a) Upon failure to choose a senator or representative in congress or upon
11 creation of a vacancy in that office, the governor shall immediately cause precepts to be issued to
12 the aldermen in every city and the selectmen in every town in the district, directing them to call

13 an election on the day of the next general municipal or state election called pursuant to sections
14 62 or 63, whichever comes first; provided however, that if such vacancy occurs within 60 days of
15 such election the vacancy shall not be filled and the office shall remain open until the next
16 election.

17 (b) A senator elected to fill a vacancy under this section shall serve for the remainder of
18 the unexpired term.

19 (c) Upon failure to choose a senator in congress or upon a vacancy in that office, the
20 governor shall make a temporary appointment to fill the vacancy; provided, however, that the
21 person so appointed shall serve until the election and qualification of the person duly elected to
22 fill the vacancy pursuant to subsection (a); and provided further, that if such vacancy occurs
23 within 60 days of such election the vacancy shall not be filled and the office shall remain open
24 until the next election.

25 Section 141. Upon a vacancy in the office of representative in the general court or upon
26 failure to elect, the speaker of the house of representatives shall issue precepts to the aldermen of
27 each city and the selectmen of each town comprising the district or any part thereof, directing
28 them to call an election on the day of the next general municipal or state election called pursuant
29 to sections 62 or 63, whichever comes first; provided however, that if such vacancy occurs
30 within 60 days of such election the vacancy shall not be filled and the office shall remain open
31 until the next election.

32 Section 142. (a) Upon failure to choose a district attorney, clerk of the courts or in
33 Suffolk county of the supreme judicial or superior court, register of probate or sheriff, the
34 governor shall cause precepts to be issued to the proper officers, directing them to call an

35 election on the day of the next general municipal or state election called pursuant to sections 62
36 or 63, whichever comes first; provided however, that if such vacancy occurs within 60 days of
37 such election the vacancy shall not be filled and the office shall remain open until the next
38 election.

39 (b) Upon a vacancy in the office of district attorney, register of probate or sheriff, the
40 governor with the advice and consent of the council may appoint some person thereto until the
41 election and qualification of the person duly elected to fill the vacancy pursuant to subsection
42 (a); provided however, that if such vacancy occurs within 60 days of such election the vacancy
43 shall not be filled and the office shall remain open until the next election.

44 (c) Upon a vacancy in the office of clerk of the courts in any county, or of the clerk of the
45 supreme judicial court in Suffolk county, the justices of said court may appoint a clerk to hold
46 the office until the election and qualification of the person duly elected to fill the vacancy
47 pursuant to subsection (a); provided however, that if such vacancy occurs within 60 days of such
48 election the vacancy shall not be filled and the office shall remain open until the next election.

49 (d) Upon a vacancy in the office of a clerk of the superior court in Suffolk county, the
50 justices of said court may appoint a clerk to hold the until the election and qualification of the
51 person duly elected to fill the vacancy pursuant to subsection (a); provided however, that if such
52 vacancy occurs within 60 days of such election the vacancy shall not be filled and the office shall
53 remain open until the next election.

54 Section 143. Upon failure to choose a county treasurer or a register of deeds for a county
55 or district, except Suffolk and Nantucket counties, the county commissioners shall forthwith
56 issue precepts to the aldermen of each city and the selectmen of each town in such county or

57 district, directing them to call an election for the election of such officer on the day of the next
58 general municipal or state election, called pursuant to sections 62 or 63, whichever comes first;
59 provided however, that if such vacancy occurs within 60 days of such election the vacancy shall
60 not be filled and the office shall remain open until the next election.

61 Upon a vacancy by removal or otherwise in the office of county treasurer or of register of
62 deeds in a county or district, except in Suffolk and Nantucket counties, the county
63 commissioners shall in like manner issue precepts for an election to fill such vacancy on the day
64 of the next general municipal or state election, called pursuant to sections 62 or 63, whichever
65 comes first and may appoint some person to fill such office until a person is elected thereto and
66 qualified; provided however, that if such vacancy occurs within 60 days of such election the
67 vacancy shall not be filled and the office shall remain open until the next election. The person so
68 appointed shall give bond as provided in section three of chapter thirty-five or section three of
69 chapter thirty-six, as the case may be.

70 Upon failure to choose a register of deeds in Suffolk county, or upon a vacancy in that
71 office, the city council of Boston shall call meetings to elect a register of deeds or to fill such
72 vacancy, as is above provided for an election in other counties; and, upon a vacancy in that office
73 in said Suffolk county, the superior court shall appoint some person to the office until a person is
74 elected thereto and qualified.

75 Upon failure to choose a register of deeds in Nantucket county, or upon a vacancy in that
76 office, the selectmen of the town of Nantucket shall call a meeting to elect a register of deeds as
77 is above provided for an election in other counties, and may appoint some person to the office
78 until a person is elected thereto and qualified.

79 Section 144. Upon failure to choose a county commissioner, the board of examiners shall
80 forthwith issue precepts to the aldermen of each city and to the selectmen of each town in such
81 county, directing them to call an election to elect such officer on the day of the next general
82 municipal or state election called pursuant to sections 62 or 63, whichever comes first; provided
83 however, that if such vacancy occurs within 60 days of such election the vacancy shall not be
84 filled and the office shall remain open until the next election.

85 Upon a vacancy by removal or otherwise in the office of county commissioner, the board
86 of examiners shall in like manner issue precepts for an election to fill such vacancy on the day of
87 the next general municipal or state election, called pursuant to sections 62 or 63, whichever
88 comes first; provided however, that if such vacancy occurs within 60 days of such election the
89 vacancy shall not be filled and the office shall remain open until the next election.

90 Also upon such vacancy, the two remaining county commissioners and the clerk of the
91 courts for the county, or a majority of them, may appoint a person, not a resident of the same
92 town as either of the remaining commissioners, to fill the office of county commissioner until a
93 person is elected thereto and qualified.