

HOUSE No. 00043

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The Commonwealth of Massachusetts



PRESENTED BY:

Michael J. Moran

In the Year Two Thousand Eleven

Ordered, that, The special committee of the House to examine the returns of votes for Representative in the several Representative Districts of the Commonwealth, reports, on the residue, that the accompanying Order relative to a special election for the Sixth Worcester District, ought to be adopted.

For the committee,

MICHAEL J. MORAN

EUGENE L. O'FLAHERTY

GEORGE N. PETERSON, JR.

On November 2, 2010, elections for Representative were held throughout the Commonwealth of Massachusetts. On December 10, 2010 the Governor and Council met to examine and tabulate the November 2, 2010 election results as prescribed by the Constitution and Laws of the Commonwealth. The Sixth Worcester District election results were not examined or included in the tabulation of results transmitted to the State Secretary under Chapter 54, Section 115 of the General Laws.

As prescribed by Chapter 54, Section 116, the Governor and Council certify the results transmitted by the State Secretary. One hundred and fifty nine representative districts were examined and certified by the Governor and Council and the Governor issued a summons to those who appeared to be elected to meet on January 5, 2011 as evidence of their qualification to serve in 187th General Court. On January 5, 2011, the Secretary of the Commonwealth laid before the Honorable House of Representatives the return of votes cast for Representative at the

election held in the Commonwealth on November 2, 2010. The House of Representatives was informed by the state secretary on January 5, 2011 that the returns for the Sixth Worcester District had not been certified by the Governor and Council.

The returns of votes for Representatives were referred to a special committee consisting of Representatives Moran of Boston, O'Flaherty of Chelsea, and Peterson of Grafton to examine the election results. Mr. Moran of Boston submitted an in-part report for the special committee that one-hundred and fifty nine persons had been duly elected.

Furthermore, there was no claim of qualification to election by any candidate for the Sixth Worcester District as prescribed by Chapter 3, Section 4 since the election results were in doubt and contested ballots were being adjudicated in Worcester Superior Court. No decision from the court was available on January 5, 2011 for review and consideration as evidence by the special committee to determine a duly elected representative for the Sixth Worcester District. Therefore under Amended Article LXIV of the Constitution, Geraldo Alicea of Charlton continued to represent the Sixth Worcester District until a successor is chosen and qualified.

Upon final examination of all available evidence, the special committee concludes that the election is a tie vote and that there was failure to elect a Representative for the Sixth Worcester District.

The special committee recommendation to the House of Representatives is to declare a failure to elect pursuant to Chapter 54 Section 141 of the General Laws and order a new election to be held for Representative for the Sixth Worcester District. Therefore be it

Ordered, That the Speaker issue a precept giving notice that there was a failure to elect for the Sixth Worcester District and appointing a time for an election.