

HOUSE No. 4988

The Commonwealth of Massachusetts

PRESENTED BY:

Mathew J. Muratore and Susan L. Moran

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 representative town meeting in the town of Plymouth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>6/27/2022</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>6/27/2022</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>6/28/2022</i>

HOUSE No. 4988

By Representative Muratore of Plymouth and Senator Moran, a joint petition (accompanied by bill, House, No. 4988) of Mathew J. Muratore, Susan L. Moran and Kathleen R. LaNatra (by vote of the town) that the town of Plymouth be authorized to hold remote representative town meetings. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act relative to representative town meeting in the town of Plymouth.

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. Notwithstanding the provisions of section 10 of chapter 39 or of any
2 general or special law, charter provision, or by-law to the contrary, the town of Plymouth shall
3 hereby be authorized to hold remote representative town meetings. For purposes of this act, the
4 term “remote” shall include those representative town meetings that allow, but do not require,
5 in-person participation, also referred to as “hybrid” representative town meetings. A remote
6 meeting may be held in accord with the process set forth in this act.

7 SECTION 2. The moderator may request, in writing, that the select board hold a remote
8 representative town meeting. The moderator’s request to hold a remote representative town
9 meeting shall also include: (i) the video or telephone conferencing platform the moderator or the
10 moderator’s designee has determined to use to hold the town meeting; (ii) confirmation that the
11 moderator or the moderator’s designee has consulted with the local disability commission or
12 coordinator for federal Americans with Disabilities Act compliance; and (iii) a certification by

13 the moderator or the moderator's designee that: (A) the video or telephone conferencing platform
14 has been tested; and (B) the platform satisfactorily enables the town meeting to be conducted in
15 substantially the same manner as if the meeting occurred entirely in person at a physical location
16 and in accordance with the operational and functional requirements set forth in this section.

17 SECTION 3. A video or telephone conference platform used by a remote representative
18 town meeting shall, at minimum, provide for: (i) the moderator, town meeting members, town
19 officials and any other interested members of the public to identify and hear the moderator and
20 each town meeting member who attends and participates in the remote representative town
21 meeting, as well as any other individuals who participate in that meeting; (ii) confirmation that a
22 quorum is present; (iii) a town meeting member, town official or other individual to request
23 recognition by the moderator without prior authorization; provided, however, that to the extent
24 technologically feasible, the request is visible or audible to the public in real time and upon
25 review of the recording of the town meeting proceedings, preserved according to section (h); (iv)
26 the moderator to determine when a town meeting member wishes to be recognized to speak,
27 make a motion, raise a point of order or object to a request for unanimous consent; (v) the
28 moderator to recognize a town meeting member, town official or other individual to speak and to
29 enable that person to speak; (vi) the ability to conduct a roll call vote; (vii) any interested
30 members of the public to access the meeting remotely for purposes of witnessing the
31 deliberations and actions taken at the town meeting; and (viii) the town meeting to be recorded.
32 Registered voters residing in the town who are not representative town meeting members shall
33 submit a request to participate to the town clerk not less than 48 hours in advance of the town
34 meeting. Upon receipt of the request and verification of the requester's voter registration status,
35 the clerk shall provide to the requester instructions for participating in the remote town meeting.

36 SECTION 4. Not later than twenty business days following receipt of a written request
37 by the moderator for remote participation at a town meeting pursuant to subsection (a), the select
38 board shall vote to determine if the town meeting shall be held remotely by means of the video or
39 telephone conferencing platform requested by the moderator.

40 SECTION 5. (a) If the select board votes to approve the request of the moderator and the
41 select board has already issued a warrant pursuant to section 10 of chapter 39 of the General
42 Laws, the select board shall, at the same meeting of the board, approve and issue, in consultation
43 with the moderator, a notice that expressly states: (i) that the town meeting shall be held
44 remotely by means of the video or telephone conferencing platform requested by the moderator;
45 (ii) the date and time of the meeting; and (iii) reference to the town website and town clerk's
46 office to access any information necessary to witness the deliberations and actions taken at the
47 town meeting remotely. The notice issued by the select board shall be: (i) accompanied by the
48 written request of the moderator submitted to the select board subsection (a); (ii) filed and posted
49 in accordance with the requirements of subsection (b) of section 10A of chapter 39 of the
50 General Laws; (iii) made available to each town meeting member; and (iv) publicly posted not
51 less than 10 days before the scheduled date of the remote town meeting; provided, however, that
52 the 10-day posting requirement may be waived by the select board if the moderator makes the
53 request for a remote representative town meeting within that period, in which case, notice shall
54 be posted forthwith and as otherwise required by this section. The notice may include a date,
55 time, and place for the town meeting to be resumed if the representative town meeting does not
56 vote to hold the meeting remotely pursuant to section 7.

57 (b) If the select board votes to approve the request of the moderator for remote
58 representative town meeting and has not yet issued a warrant for a town meeting, the select board

59 shall approve and issue a warrant for town meeting pursuant to section 10 of said chapter 39,
60 which warrant shall have attached thereto the moderator's request and declaration, and the notice
61 as required in section 5(a).

62 SECTION 6. Not later than five business days after a vote of the select board to approve
63 the request of the moderator to hold a remote representative town meeting, the town clerk shall
64 submit to the attorney general certified copies of the vote and the written request and declaration
65 of the moderator.

66 SECTION 7. Following the establishment of a quorum, and prior to taking up any other
67 business at a remote representative town meeting, the representative town meeting members
68 shall vote whether to hold the meeting remotely as requested by the moderator and approved by
69 the select board. If the representative town meeting votes to conduct the town meeting remotely,
70 then the business of the meeting may be acted upon. If the representative town meeting rejects
71 the holding of a remote representative town meeting, then the meeting shall be adjourned by
72 operation of law and without any further action to the date, time and place specified in the notice
73 or warrant issued under section 5, or, if such information does not appear in the notice or warrant
74 issued under section 5, the moderator, following consultation with the select board, shall declare
75 the continuation of the meeting to a specific date, time, and physical location.

76 SECTION 8. Any roll call vote taken at a remote representative town meeting shall be
77 taken by any means the moderator determines accurately and securely records the votes of those
78 entitled to vote at the meeting, including, but not limited to, roll call vote, electronic voting,
79 voting by ballot, voting by phone or any combination thereof. The vote of each town meeting
80 member on a roll call vote shall be recorded and kept with the minutes of the town meeting.

81 SECTION 9. A representative town meeting held remotely pursuant to this section shall
82 be recorded and the recording shall be preserved and made publicly available on the town's
83 website for not less than 90 days after the conclusion of the remote town meeting.

84 SECTION 10. All actions taken during a remote town meeting held consistent with the
85 requirements set forth in this act are hereby ratified, validated and confirmed to the same extent
86 as if this act had been in place prior thereto.

87 SECTION 11. This act shall take effect upon its passage.