

HOUSE No. 3440

A message from His Excellency the Governor recommending legislation relative to the establishment of voting precincts in the town of Lancaster (House, No. 3440).

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

AN ACT RELATIVE TO THE ESTABLISHMENT OF VOTING PRECINCTS IN THE TOWN OF LANCASTER..

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

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May 9, 2011

To the Honorable Senate and House of Representatives:

Pursuant to the provisions of Article II, Section 8, Paragraph 1, Clause (2) of the Amendments to the Constitution, as amended by Article LXXXIX, I am filing for your consideration the attached legislation entitled, "An Act Relative to the Establishment of Voting Precincts in the Town of Lancaster."

Senator Flanagan, Representatives Benson and Naughton, and the Lancaster Board of Selectmen have requested that I file this special legislation on behalf of the Town. The purpose of the legislation is to permit the Town to exclude its prison population for the purposes of statutorily required reprecincting.

General Laws c. 54, § 6 requires that a Town establish precinct lines every 10 years, following the federal census, and limits the size of a precinct to 4,000 voters. While the Town

13 currently has 2 precincts, the new census numbers show a population of 8,055 inhabitants, with
14 more than 4,000 voters in Precinct 1, thus requiring creation of a third precinct. The most recent
15 census count, however, includes 1259 inmates living in the Souza-Baranowski correctional
16 facility in the Precinct 1 count. The non-prison population in Precinct 1 remains well below
17 statutory limits.

18 Given that the population of eligible voters in Precinct 1 is below the statutory threshold,
19 the intent of ensuring an orderly voting process will not be furthered by requiring creation of a
20 third precinct. The creation of an additional precinct thus would create unnecessary fiscal and
21 logistical burdens for the Town.

22 I urge your early and favorable consideration of this bill.

23 Respectfully submitted,

24 DEVAL L. PATRICK

25 SECTION 1. Notwithstanding section 6 of chapter 54 of the General Laws or any
26 other general or special law to the contrary, the town of Lancaster shall not be required to
27 establish separate voting precincts, provided that the nonprisoner population of the town remains
28 below the standard established by said section 6 of said chapter 54 requiring reprecincting.

29 SECTION 2. The nonprisoner population of the town of Lancaster shall be determined
30 by subtracting the prisoner population as reported by the department of correction to the town
31 from the total population as reported by the United States Census Bureau as calculated in the
32 most recent decennial census. The prisoner population information shall be in the same form as
33 the population information given to the town by the United States Census Bureau.

SECTION 3. This act shall take effect upon its passage.