

SENATE No. 1858

Senate, Thursday, September 12, 2013 – Text of the Senate amendment (Senator McGee) to the House Bill amending the town meeting act and the town manager act of the town Saugus (House, No. 3511).

The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen
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1 SECTION 1. Section 2 of chapter 55 of the acts of 1928, as appearing in section 53 of
2 chapter 17 of the acts of 1947, is hereby amended by striking out the first sentence and inserting
3 in place thereof the following sentence:- The representative town meeting membership shall
4 consist in each precinct of 5 members, who shall be elected for terms of 2 years each by official
5 ballot at a biennial town election in an even-numbered year.

6 SECTION 2. Section 1 of chapter 17 of the acts of 1947 is hereby amended by striking
7 out the first sentence, as most recently amended by chapter 27 of the acts of 1994, and inserting
8 in place thereof the following sentence:- The regular town election of the town of Saugus, to
9 elect town officers, including town meeting members and the housing authority and to submit
10 questions to the voters of the town if required to be submitted at that election shall be held on the
11 first Wednesday following the third Monday in April, or the Wednesday following Patriots Day,
12 between the hours of 7:00 am and 8:00 pm.

13 SECTION 3. The second paragraph of section 1A of said chapter 17, as inserted by
14 section 1 of chapter 99 of the acts of 2011, is hereby amended by striking out the words “on the
15 ballot” and inserting in place thereof the following words:- on the same election ballot.

16 SECTION 4. Said chapter 17 is hereby further amended by striking out section 2, as
17 appearing in section 1 of chapter 545 of the acts of 1981, and inserting in place thereof the
18 following section:-

19 Section 2. Election of Selectmen. At the town election held in each year, the registered
20 voters of the town shall elect 5 selectmen who shall hold office for a term of 3 years. In the
21 event a selectman, duly elected by the voters, shall fail to serve out the selectman’s term of
22 office, the town clerk shall declare said office vacant and declare the candidate for selectmen at
23 the most recent town election who failed to be elected, but received the next highest number of
24 votes, as selectman; provided, however, that such person remains eligible and provided further,
25 that such person received votes at least equal to 30 per cent of the vote total received by the

26 person receiving the largest number of votes for the office of selectman at that election. Such
27 person shall serve until the next annual town election at which the balance of the unexpired term,
28 if any, shall be filled by the voters.

29 If no such runner-up candidate exists, the vacancy shall be filled by the remaining
30 selectmen. The selectmen shall nominate 1 or more candidates to fill the position. The person
31 so elected to fill a vacancy on the selectmen shall serve only until the next regular election at
32 which time the remaining term of office, if any, shall be filled by the voters and the person
33 chosen to fill such vacancy shall be sworn and shall serve for the then remaining unexpired term.
34 A person serving as selectmen under this section shall not be entitled to have the words
35 “candidate for re-election” printed against that person’s name on the election ballot.

36 SECTION 5. Said chapter 17 is hereby further amended by striking out sections 4 to 4B,
37 inclusive, and inserting in place thereof the following section:-

38 Section 4. Election of School Committee. The registered voters of the town shall elect 5
39 members of the school committee, who shall hold office for 3 years.

40 Whenever a vacancy shall occur in the office of school committee, the vacancy shall be
41 filled by the candidate for election to the school committee at the most recent town election who
42 failed to be elected, but who received the next highest number of votes; provided, however, that
43 such person remains eligible and provided further, that such person received votes at least equal
44 to 30 per cent of the vote total received by the person receiving the largest number of votes for
45 the office of school committee at that election. Such person shall serve until the next annual town
46 election at which the balance of the unexpired term, if any, shall be filled by the voters.

47 If no such runner-up candidate exists, the vacancy shall be filled by a joint convention of
48 the remaining members of school committee and the board of selectmen. The school committee
49 shall nominate 1 or more candidates to fill the position and a majority vote of the joint
50 convention shall be required to confirm such nomination. A person so elected to fill a vacancy on
51 the school committee shall serve only until the next regular election at which time the remaining
52 term of office, if any, shall be filled by the voters and the person chosen to fill such vacancy shall
53 be sworn and shall serve for the then remaining unexpired term. A person serving as school
54 committee member under this section shall not be entitled to have the words “candidate for re-
55 election” printed against that person’s names on the election ballot.

56 SECTION 6. Said chapter 17 is hereby further amended by inserting after section 6 the
57 following 2 sections:-

58 Section 6A. Housing Authority. Notwithstanding section 1 of chapter 756 of the acts of
59 1967 governing the election of members of the Saugus housing authority, 2 members of the
60 housing authority shall be elected at the town elections held in odd-numbered years for terms of
61 4 years to fill the expiring terms of office; and 2 members of the housing authority shall be

62 elected at the town elections held in even-numbered years for terms of 4 years to fill the expiring
63 terms of office.

64 Section 6B. Other Officers to be Elected at Town Elections. In addition to the town
65 officers who are to be elected under this act, members of a housing authority as provided in the
66 third paragraph of section 5 of chapter 121B of the General Laws, and such members of regional
67 authorities or districts as may be established by statute, inter-local agreement or otherwise, may
68 also be elected at town elections.

69 SECTION 7. Section 2 shall apply to town elections beginning in the year 2014;
70 provided, however, that the 50 town meeting members to be elected in November 2013 shall
71 serve until the annual town election in April 2016.

72 SECTION 8. Section 4 shall apply to the annual town election in April 2014. The term
73 of the candidate receiving the fifth highest number of votes for selectmen in the November 2013
74 election shall expire at the annual town election in April 2014; the terms of the candidates
75 receiving the fourth and third highest number of votes in the November 2013 election shall
76 expire at the annual town election in April 2015; and the terms of the candidates receiving the
77 second highest and highest number of votes in the November 2013 election shall expire at the
78 annual town election in April 2016.

79 SECTION 9. Section 5 shall apply to the election of school committee members
80 beginning in April 2014. The term of the candidate receiving the fifth highest number of votes
81 for school committee in the November 2013 election shall expire at the annual town election in
82 April 2014; the terms of the candidates receiving the fourth and third highest number of votes in
83 the November 2013 election shall expire at the annual town election in April 2015; and the terms
84 of the candidates receiving the second highest and highest number of votes in the November
85 2013 election shall expire at the annual town election in April 2016.

86 SECTION 10. The terms of the candidates receiving the fourth and third highest number
87 of votes for the housing authority that are scheduled to expire in November 2013, shall expire
88 instead at the town election held in April 2014; and the terms of the candidates receiving the
89 second highest and highest number of votes for the housing authority that are scheduled to expire
90 in November 2013, shall expire instead at the town election held in April 2015.

91 SECTION 11. This act shall be submitted for acceptance by the voters of the town of
92 Saugus at an annual town election held following its approval in the form of the following
93 question, which shall be placed on the official ballot to be used at the election: "Shall an act
94 entitled 'AN ACT PROVIDING FOR STAGGERED ELECTIONS OF SELECTMEN AND
95 SCHOOL COMMITTEE MEMBERS AND ESTABLISHING ANNUAL TOWN ELECTIONS
96 IN THE TOWN OF SAUGUS' be accepted?" A summary prepared by the town counsel noting
97 in summary form the major changes proposed in this act shall appear on the ballot. If a majority

98 of the votes cast in answer to this question are in the affirmative, this act shall take effect, but not
99 otherwise.

100 SECTION 12. This act shall take effect upon its passage.