

SENATE No. 2658

Senate, August 23, 2018 – New draft (Senator DiDomenico) to Senate Bill adding a fifth member to the Board of Elections Commission in the City of Everett (Senate, No. 2515).

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act adding a fifth member to the Board of Elections Commission in the City of Everett.

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. Subsection (a) of section 7-3 of the charter of the city of Everett, which is
2 on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter
3 43B of the General Laws, is hereby amended by striking out the words, “registrars of voters” and
4 inserting in place thereof the following words:- board of election commissioners.

5 SECTION 2. Subsection (c) of section 8-2 of said charter is hereby amended by striking
6 out the words “registrars of voters”, each time they appear, and inserting in place thereof, in each
7 instance, the following words:- board of election commissioners.

8 SECTION 3. Said subsection (c) of said section 8-2 of said charter is hereby further
9 amended by striking out the words “registrars of voters” and inserting in place thereof the
10 following words:- board of election commissioners’.

11 SECTION 4. Subsection (b) of section 8-5 of said charter is hereby amended by striking
12 out the last sentence and inserting in place thereof the following sentence:- The city clerk shall

13 immediately submit the petition to the board of election commissioners and the board shall,
14 within 5 working days, certify thereon the number of signatures that are names of voters.

15 SECTION 5. (a) Notwithstanding section 16A of chapter 51 of the General Laws, the
16 charter of the city of Everett or any general or special law to the contrary, there shall be in the
17 city of Everett a board of election commissioners. The board shall have all the powers, rights,
18 duties and liabilities under the General Laws of a board of registrars of voters, including creation
19 of street and voters lists, caucuses, primaries and elections, and all the powers, rights, duties and
20 liabilities of a city clerk with respect to elections, except for the power and duty of giving notice
21 of elections, fixing the days and hours of holding elections, preparing initiative and referendum
22 petitions as provided in the city charter and as otherwise provided in this act.

23 (b) The board of election commissioners shall consist of 5 members, 1 of whom shall be
24 the city clerk of the city of Everett, who shall serve in an ex officio capacity with a voice and a
25 vote in all matters within the jurisdiction of the board, and 4 of whom shall be appointed by the
26 mayor, subject to confirmation by the city council, in accordance with section 3-3 of the charter,
27 so that as nearly as possible the members of the board represent the 2 leading political parties as
28 defined in section 1 of chapter 50 of the General Laws; provided, however, that if the city clerk
29 is enrolled in a political party as defined in said section 1 of said chapter 50 or for purposes of
30 section 12 of chapter 4 of the General Laws, 1 appointee to the board shall be unenrolled. If a
31 change in the enrollment of the city clerk creates an imbalance in the representation of the
32 leading political parties on the board, 1 member enrolled in the over-represented party shall
33 resign or, if no such member resigns, 1 such member may be removed by the mayor at the
34 mayor's sole discretion.

35 The members shall receive such compensation as the mayor and city council may
36 determine. The board shall organize annually by selecting a chair, vice-chair and a clerk. If the
37 members are unable to select an officer, that officer shall be designated by the mayor. The clerk
38 shall keep a full and accurate record of the proceedings of the board.

39 (c) To assist the board of election commissioners, the mayor may appoint assistant
40 commissioners who shall have the powers granted to assistant registrars of voters by chapter 51
41 of the General Laws and shall perform such duties as are requested by the board. The city clerk
42 shall provide administrative and operational support to the board and shall serve as the
43 department head for the board; provided, however, that the mayor may appoint an executive
44 director of the board of election commissioners to be responsible for management and
45 supervision of election-related functions and responsibilities.

46 SECTION 6. On the effective date of this act, the board of registrars of the city of Everett
47 shall be abolished and the terms of the incumbent members of the board of registrars terminated;
48 provided, however, that the incumbent members of the board of registrars shall become the first
49 members of the board of election commissioners of the city of Everett and shall serve for a
50 period equivalent to the remainder of their appointed terms or their earlier vacating of office and
51 until their successors are appointed and qualified. The mayor shall immediately make such
52 additional appointments to the board of election commissioners consistent with the requirements
53 for appointment as set forth in subsection (b) of section 5.

54 SECTION 7. Immediately upon the effective date of this act, the books, papers, records
55 and all other property in the possession of the registrars of voters of the city of Everett relating to
56 the conduct of elections and all contractual obligations and rights of the registrars shall pass by

57 operation of law to the newly formed board of election commissioners. The board of election
58 commissioners shall be the lawful successor of the board of registrars and, with respect to
59 elections, the city clerk, except as otherwise provided herein.

60 SECTION 8. This act shall take effect upon its passage.