

HOUSE No. 3602

The Commonwealth of Massachusetts

PRESENTED BY:

Russell E. Holmes

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 special election scheduling.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>1/18/2019</i>

HOUSE No. 3602

By Mr. Holmes of Boston, a petition (accompanied by bill, House, No. 3602) of Russell E. Holmes relative to special election scheduling. Election Laws.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to special election scheduling.

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. Chapter 54 of the General Laws, as appearing in the 2016 Official Edition,
2 is hereby amended by inserting after section 63 the following section:-

3 Section 63A. When a vacancy occurs in an elected municipal office, voting for such
4 office shall occur in accordance with section 63 and such voting shall occur on the day of the
5 next general municipal or state election called pursuant to sections 62 or 63, whichever comes
6 first.

7 SECTION 2. Chapter 54 of the General Laws hereby amended by striking out sections
8 140 to 144, inclusive, and inserting in place thereof the following 5 sections: –

9 Section 140. (a) Upon failure to choose a senator or representative in congress or upon
10 creation of a vacancy in that office, the governor shall immediately cause precepts to be issued to
11 the aldermen in every city and the selectmen in every town in the district, directing them to call

12 an election on the day of the next general municipal or state election called pursuant to sections
13 62 or 63, whichever comes first.

14 (b) A senator elected to fill a vacancy under this section shall serve for the remainder of
15 the unexpired term.

16 (c) Upon failure to choose a senator in congress or upon a vacancy in that office, the
17 governor shall make a temporary appointment to fill the vacancy; provided, however, that the
18 person so appointed shall serve until the election and qualification of the person duly elected to
19 fill the vacancy pursuant to subsection (a).

20 Section 141. Upon a vacancy in the office of representative in the general court or upon
21 failure to elect, the speaker of the house of representatives shall issue precepts to the aldermen of
22 each city and the selectmen of each town comprising the district or any part thereof, directing
23 them to call an election on the day of the next general municipal or state election called pursuant
24 to sections 62 or 63, whichever comes first. .

25 Section 142. (a) Upon failure to choose a district attorney, clerk of the courts or in
26 Suffolk county of the supreme judicial or superior court, register of probate or sheriff, the
27 governor shall cause precepts to be issued to the proper officers, directing them to call an
28 election on the day of the next general municipal or state election called pursuant to sections 62
29 or 63, whichever comes first..

30 (b) Upon a vacancy in the office of district attorney, register of probate or sheriff, the
31 governor with the advice and consent of the council may appoint some person thereto until the
32 election and qualification of the person duly elected to fill the vacancy pursuant to subsection
33 (a)..

34 (c) Upon a vacancy in the office of clerk of the courts in any county, or of the clerk of the
35 supreme judicial court in Suffolk county, the justices of said court may appoint a clerk to hold
36 the office until the election and qualification of the person duly elected to fill the vacancy
37 pursuant to subsection (a).

38 (d) Upon a vacancy in the office of a clerk of the superior court in Suffolk county, the
39 justices of said court may appoint a clerk to hold the until the election and qualification of the
40 person duly elected to fill the vacancy pursuant to subsection (a).

41 Section 143. Upon failure to choose a county treasurer or a register of deeds for a county
42 or district, except Suffolk and Nantucket counties, the county commissioners shall forthwith
43 issue precepts to the aldermen of each city and the selectmen of each town in such county or
44 district, directing them to call an election for the election of such officer on the day of the next
45 general municipal or state election, called pursuant to sections 62 or 63, whichever comes first..

46 Upon a vacancy by removal or otherwise in the office of county treasurer or of register of
47 deeds in a county or district, except in Suffolk and Nantucket counties, the county
48 commissioners shall in like manner issue precepts for an election to fill such vacancy on the day
49 of the next general municipal or state election, called pursuant to sections 62 or 63, whichever
50 comes first and may appoint some person to fill such office until a person is elected thereto and
51 qualified. The person so appointed shall give bond as provided in section three of chapter thirty-
52 five or section three of chapter thirty-six, as the case may be.

53 Upon failure to choose a register of deeds in Suffolk county, or upon a vacancy in that
54 office, the city council of Boston shall call meetings to elect a register of deeds or to fill such
55 vacancy, as is above provided for an election in other counties; and, upon a vacancy in that office

56 in said Suffolk county, the superior court shall appoint some person to the office until a person is
57 elected thereto and qualified.

58 Upon failure to choose a register of deeds in Nantucket county, or upon a vacancy in that
59 office, the selectmen of the town of Nantucket shall call a meeting to elect a register of deeds as
60 is above provided for an election in other counties, and may appoint some person to the office
61 until a person is elected thereto and qualified.

62 Section 144. Upon failure to choose a county commissioner, the board of examiners shall
63 forthwith issue precepts to the aldermen of each city and to the selectmen of each town in such
64 county, directing them to call an election to elect such officer on the day of the next general
65 municipal or state election called pursuant to sections 62 or 63, whichever comes first..

66 Upon a vacancy by removal or otherwise in the office of county commissioner, the board
67 of examiners shall in like manner issue precepts for an election to fill such vacancy on the day of
68 the next general municipal or state election, called pursuant to sections 62 or 63, whichever
69 comes first..

70 Also upon such vacancy, the two remaining county commissioners and the clerk of the
71 courts for the county, or a majority of them, may appoint a person, not a resident of the same
72 town as either of the remaining commissioners, to fill the office of county commissioner until a
73 person is elected thereto and qualified.