HOUSE DOCKET, NO. 4946 FILED ON: 3/16/2020

HOUSE . . . . . No.

The Commonwealth of Massachusetts

PRESENTED BY:

Josh S. Cutler and Patrick M. O'Connor

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 the 2020 annual election in the town of Duxbury.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Josh S. Cutler	*6th Plymouth*	*3/16/2020*
Patrick M. O'Connor	*Plymouth and Norfolk*	*3/16/2020*
Kathleen R. LaNatra	*12th Plymouth*	*3/17/2020*

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HOUSE . . . . . No.

By Representative Cutler of Pembroke and Senator O'Connor, a joint petition (subject to Joint Rule 7B) of Josh S. Cutler, Patrick M. O'Connor and Kathleen R. LaNatra relative to the 2020 annual election in the town of Duxbury. Municipalities and Regional Government.

The Commonwealth of Massachusetts

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

An Act relative to the 2020 annual election in the town of Duxbury.

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

SECTION 1. Notwithstanding the provisions of section 9 of chapter 39, sections 26 and 28 of chapter 51, and chapters 53 and 54 of the general laws, or of any other general or special law, charter, or by-law provision to the contrary, in order to protect the rights of eligible voters and avoid disruption of local governmental processes and waste of municipal resources, the board of selectmen of the town of Duxbury shall hereby be authorized to postpone its annual town election, scheduled for March 28, 2020, to a date certain during the last quarter of fiscal year 2020, and, further, to conduct such election in accord with the provisions of this act. To the extent this act is silent, such postponed election shall be held in accord with all applicable election laws.

SECTION 2. The board of selectmen of the town of Duxbury shall, following consultation with the town clerk and town administrator/town manager as to logistics and feasibility, vote to reschedule the annual town election, and post on the official town website a

copy of this act, the vote of the board, and a sample ballot, no later than 20 days prior to the date of the postponed election. Notice of such action shall be provided to the public in other ways reasonably calculated to enable eligible voters to learn of the postponed election date and to cast ballots therein, which notice may include but is not limited to a so-called “reverse-911” call, municipal list-serve notifications, advertisement on local cable television, and issuance of a press release sent to local news media.

SECTION 3. The last day to register to vote for such postponed election shall be ten days prior to the date of the election; and the board of registrars shall hold a registration session on that date, at a minimum, from two to four o'clock in the afternoon and seven to eight o'clock in the evening. The voting list to be used at such postponed election shall include all eligible voters registered as of that date.

SECTION 4. The election materials, including but not limited to absentee and official ballots originally prepared for the March 28, 2020 election, and bearing that date, shall be used for the rescheduled election to the extent practicable; if additional ballots must be printed, they shall be identical in form to those prepared for the March 28, 2020 election.

SECTION 5. Absentee ballots cast in connection with the March 28, 2020 election, whether returned prior to March 28, 2020, or otherwise, and received by the town clerk prior to the close of polls on the date of the postponed election, shall be processed in accord with applicable law; provided, however, that any voter who chooses to vote in person on the date of the postponed election may do so if their absentee ballot has not yet been counted. Completed

applications to vote by absentee ballot in the postponed election shall be accepted by the board of registrars until 12:00 noon on the last business day prior to said election.

SECTION 6. If after consultation with the board of health, police and fire chiefs, and the town administrator/town manager, the board of selectmen determines that such election cannot, consistent with public health and safety, be held during fiscal year 2020, said board shall make a separate and specific finding with respect thereto. Said board may schedule such postponed election to be held during the first two months of fiscal year 2021, provided that the calling and holding of such postponed election shall comply with all other provisions of this act.

SECTION 7. Consistent with the provisions of section 107 of chapter 41 of the general laws, any incumbent elected official whose term would otherwise expire at the March 28, 2020 annual town election shall continue to serve in such position until a successor is elected and qualified.

SECTION 8. Notwithstanding the provisions of section 25B of chapter 54 of the general laws, or of any other general or special law to the contrary, any eligible voter may vote early by mail. Any eligible voter seeking to early vote by mail may file with the town clerk an application for an early voting ballot. Such application may be made on an official form or through any form of written communication requesting an early voting ballot by mail. No application shall be deemed to be seasonably filed unless it is received in the office of the town clerk or registrars of voters before noon on the last business day prior to the date of the postponed election. All early voting ballots voted by mail shall be received by the town clerk before the hour fixed for closing the polls at such postponed election. Delivery, return, and processing of early voting ballots shall

comply with the provisions of 950 CMR 47.10, to the extent applicable; provided, however, that all early voting ballots shall be marked as such.

SECTION 9. In the event this act does not take effect until after March 28, 2020, the actions of the board of selectmen and town clerk to postpone the annual town election shall be ratified, validated and confirmed as if this act had been in place prior thereto.

SECTION 10. This act shall take effect upon its passage.