

**SENATE . . . . . No. 1356**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Rebecca L. Rausch***

*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 further addressing challenges to municipal governance caused by the COVID-19 emergency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/23/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/24/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/1/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>3/7/2021</i>

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By Ms. Rausch, a petition (accompanied by bill, Senate, No. 1356) of Rebecca L. Rausch, James J. O'Day, Joanne M. Comerford, James B. Eldridge and others for legislation to further address challenges to municipal governance caused by the COVID-19 emergency. Municipalities and Regional Government.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

An Act further addressing challenges to municipal governance caused by the COVID-19 emergency.

*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. (a) Notwithstanding any general or special law, charter provision, ordinance  
2 or by-law to the contrary, in order to address disruptions caused by the outbreak of the 2019  
3 novel coronavirus, also known as COVID-19, during the governor’s March 10, 2020 declaration  
4 of a state of emergency, the moderator in a town having an open town meeting form of  
5 government may request that the select board or board of selectmen of the town call for a town  
6 meeting to be held through remote participation, including, but not limited to, by means of a  
7 video or telephone conferencing platform. Such a request by the moderator to the select board or  
8 board of selectmen shall be in writing and shall include, but shall not be limited to: (i) the  
9 moderator’s request to hold town meeting through remote participation in accordance with this  
10 section; (ii) the video or telephone conferencing platform the moderator intends to use to hold  
11 the town meeting; (iii) confirmation that the moderator has consulted with the local disability

12 commission or coordinator for federal Americans with Disabilities Act compliance; and (iv) a  
13 certification by the moderator that: (A) the moderator has tested the video or telephone  
14 conferencing platform; and (B) the platform satisfactorily enables the town meeting to be  
15 conducted in substantially the same manner as if the meeting occurred in person at a physical  
16 location and in accordance with the operational and functional requirements set forth in this  
17 section.

18 (b) A video or telephone conference platform used by a town meeting for remote  
19 participation under this section shall, at minimum, provide for the ability for: (i) the moderator,  
20 persons registered to vote in the town, town officials and any other interested members of the  
21 public to identify and hear the moderator and each registered voter of the town who attends and  
22 participates in the remotely-held town meeting, as well as any other individuals who participate  
23 in the remotely-held town meeting; (ii) the ability to determine whether a quorum is present; (iii)  
24 a registered voter, town official or other individual to request recognition by the moderator  
25 without prior authorization; provided, however, that to the extent technologically feasible, the  
26 request is visible or audible to the public in real time and upon review of the recording of the  
27 town meeting proceedings, preserved according to paragraph (i); (iv) the moderator to determine  
28 when a registered voter wishes to be recognized to speak, make a motion, raise a point of order  
29 or object to a request for unanimous consent; (v) the moderator to recognize a registered voter,  
30 town official or other individual to speak and to enable that person to speak; (vi) the ability to  
31 conduct a roll call vote; (vii) any interested members of the public to access the meeting  
32 remotely for purposes of witnessing the deliberations and actions taken at the town meeting; and  
33 (viii) the town meeting to be recorded. Registered voters residing in the town wishing to  
34 participate in a remote town meeting conducted pursuant to this section shall submit a request to

35 participate to the town clerk not less than 72 hours in advance of the town meeting. Upon receipt  
36 of the request and verification of the requester's voter registration status, the clerk shall provide  
37 to the requester instructions for participating in the remote town meeting.

38 (c) Not later than 10 business days following receipt of a written request by the  
39 moderator for remote participation at a town meeting pursuant to paragraph (a), the select board  
40 or board of selectmen shall vote to determine if the town meeting shall be held remotely by  
41 means of the video or telephone conferencing platform requested by the moderator.

42 (d) If the select board or board of selectmen votes to approve the request of the moderator  
43 for remote participation at a town meeting and the select board or board of selectmen has already  
44 issued a warrant pursuant to section 10 of chapter 39 of the General Laws, the select board or  
45 board of selectmen shall, at the same meeting of the board and in consultation with the  
46 moderator, approve and issue a notice that expressly states: (i) that the town meeting shall be  
47 held remotely by means of the video or telephone conferencing platform requested by the  
48 moderator; (ii) the date and time of the meeting; and (iii) any information necessary for the  
49 moderator, registered voters, town officials and interested members of the public to access and  
50 witness the deliberations and actions taken at the town meeting remotely.

51 The notice issued by the select board or board of selectmen shall be: (i) accompanied by  
52 the written request of the moderator submitted to the select board or board of selectmen under  
53 paragraph (a); (ii) filed and posted in accordance with the requirements of paragraph (b) of  
54 section 10A of chapter 39 of the General Laws; (iii) distributed to each registered voter of the  
55 town; and (iv) publicly posted not less than 10 days before the scheduled date of the remote town

56 meeting. The notice may include a date, time and place for the town meeting to be resumed if the  
57 town meeting does not vote to continue the town meeting remotely pursuant to paragraph (g).

58 (e) If the select board or board of selectmen votes to approve the request of the moderator  
59 for remote participation at a town meeting and the select board or board of selectmen has not yet  
60 issued a warrant for a town meeting, the select board or board of selectmen shall approve and  
61 issue a warrant pursuant to section 10 of said chapter 39 for the town meeting that expressly  
62 states: (i) that the town meeting shall be held remotely by means of the video or telephone  
63 conferencing platform requested by the moderator; (ii) the date and time of the meeting; and (iii)  
64 any information necessary for the moderator, registered voters, town officials and interested  
65 members of the public to access and witness the deliberations and actions taken at the town  
66 meeting remotely.

67 The warrant issued by the select board or board of selectmen shall be: (i) accompanied by  
68 the written request of the moderator submitted to the select board or board of selectmen under  
69 paragraph (a); and (ii) filed in accordance with said section 10 of said chapter 39, all other  
70 applicable laws and any relevant provisions of the town charter or by-laws. The warrant may  
71 include a date, time and place for the town meeting to be resumed if the town meeting does not  
72 vote to continue the town meeting remotely pursuant to paragraph (g).

73 (f) Not later than 5 business days after a vote of the select board or board of selectmen to  
74 approve the request of the moderator to hold a town meeting remotely pursuant to paragraph (d)  
75 or (e), the town clerk shall submit certified copies of the vote of the select board or board of  
76 selectmen and the written request of the moderator to the attorney general.

77 (g) Prior to taking up any business at a town meeting held through remote participation  
78 under this section, the registered voters present and voting at the meeting shall vote on whether  
79 or not to commence business at the town meeting remotely by means of the chosen video or  
80 telephone conferencing platform. If the town meeting votes to continue conducting the town  
81 meeting remotely, then the town meeting shall proceed by remote participation to address the  
82 articles included in the warrant. If the town meeting does not vote to continue conducting the  
83 town meeting remotely, then the town meeting shall be adjourned to the date, time and place  
84 specified in the notice or warrant under paragraph (d) or (e). If no date, time and place has been  
85 specified in the notice or warrant, the town meeting shall immediately be dissolved without  
86 taking any votes on any other matters and the select board or board of selectmen may call the  
87 town meeting pursuant to a new warrant that provides for the town meeting to be held in person  
88 at a physical location in accordance with said section 10 of said chapter 39, all other applicable  
89 laws and provisions of the town charter and by-laws.

90 (h) Any vote taken at a town meeting held through remote participation pursuant to this  
91 section shall be taken by any means that the moderator determines accurately and securely  
92 records the votes of those entitled to vote at the meeting, including but not limited to roll call  
93 vote, electronic voting, voting by ballot, voting by phone or any combination thereof. The vote  
94 of each registered voter on a roll call vote shall be recorded and kept with the minutes of the  
95 town meeting.

96 (i) A town meeting held remotely pursuant to this section shall be recorded and the  
97 recording shall be preserved and made publicly available on the town's website for not less than  
98 90 days after the conclusion of the remote town meeting.

99 (i) All actions taken during a remote town meeting held pursuant to this section are  
100 hereby ratified, validated and confirmed to the same extent as if the town meeting had been  
101 conducted in person and such actions are in accordance with all other applicable laws, charter  
102 provisions, ordinances and by-laws.

103 SECTION 2: Notwithstanding section 57, 57A and 57C of chapter 59 of the General  
104 Laws, section 2 of chapter 60A of the General Laws or any other general or special law to the  
105 contrary, as a result of the outbreak of the 2019 novel coronavirus, also known as COVID-19, or  
106 the governor's March 10, 2020 declaration of a state of emergency, the chief executive officer of  
107 a city or town, as defined in clause Fifth B of section 7 of chapter 4 of the General Laws, or the  
108 prudential committee or commissioners of a district may waive the payment of interest and other  
109 penalty in the event of late payment of any excise, tax, betterment assessment or apportionment  
110 thereof, water rate or annual sewer use or other charge added to a tax for any payments with a  
111 due date on or after March 10, 2020 and made after its respective due date but before ninety days  
112 after the expiration of the governor's March 10, 2020 declaration of a state of emergency.

113 Notwithstanding the forgoing, no municipality or district shall terminate an essential service of a  
114 resident, including but not limited to water, trash collection or electricity, for nonpayment of  
115 taxes or fees with a due date on or after March 10, 2020, made after its respective due date but  
116 before ninety days after the expiration of the governor's March 10, 2020 declaration of a state of  
117 emergency, if the nonpayment resulted from a demonstrated inability to pay due to  
118 circumstances related to the outbreak of COVID-19 or the governor's March 10, 2020  
119 declaration of a state of emergency; provided that the inability to pay shall include a  
120 demonstrated financial hardship of a resident, which may include, but shall not be limited to, loss  
121 of employment or serious illness or death of someone within the home.

122 SECTION 3: Notwithstanding any general or special law, charter provision, ordinance or  
123 by-law to the contrary, in order to address disruptions caused by the outbreak of the 2019 novel  
124 coronavirus, also known as COVID-19, during the governor’s March 10, 2020 declaration of a  
125 state of emergency, the notice of a meeting of a local public body required by section 20(c) of  
126 chapter 30A may be provided by electronic means.

127 SECTION 4: Notwithstanding section 9 of chapter 39, sections 26 and 28 of chapter 51  
128 and chapters 53 and 54 of the General Laws or any other general or special law or by-law to the  
129 contrary, the select board, board of selectmen, town council or board of registrars of a town with  
130 a municipal caucus scheduled between the effective date of this act and June 30, 2022, may vote  
131 to eliminate said municipal caucus, if such board concludes that holding the municipal caucus  
132 would constitute a threat to the public health and safety due to the 2019 novel coronavirus, also  
133 known as COVID-19. In any town that eliminates the municipal caucus, nomination papers shall  
134 be used to nominate candidates pursuant to sections 7 and 10 of chapter 53 of the General Laws;  
135 provided, however, that such nomination papers shall be signed by not fewer than 10 registered  
136 voters of the town; provided, however, that to the extent that the forty-ninth day prior to the date  
137 of the election has passed, nomination papers shall be made available immediately, and shall be  
138 returned to the office of the board of registrars for certification no later than the date designated  
139 by the town clerk, which shall be no earlier than 36 days and no later than 32 days prior to the  
140 date of the election; provided further, that candidates shall be notified if their names will be  
141 placed on the ballot on the next business day after the deadline for filing, and the time for filing  
142 withdrawals and objections shall expire at 5:00 p.m. on the following business day.