HOUSE DOCKET, NO. 4481 FILED ON: 3/4/2025

HOUSE . . . . . No. 3907

The Commonwealth of Massachusetts

PRESENTED BY:

Manny Cruz and Joan B. Lovely

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 amending chapter 445 of the acts of 1960 and establishing a board of election commissioners in the city of Salem.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Manny Cruz	*7th Essex*	*3/4/2025*
Joan B. Lovely	*Second Essex*	*10/23/2025*

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HOUSE . . . . . No. 3907

By Representative Cruz of Salem, a petition (accompanied by bill, House, No. 3907) of Manny Cruz (with the approval of the mayor and city council) for legislation to establish a board of election commissioners in the city of Salem. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act amending chapter 445 of the acts of 1960 and establishing a board of election commissioners in the city of Salem.

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 section 16A of chapter 51 of the general laws, the city charter, or any general or special law to the contrary, there is hereby established in the city of Salem a board of election commissioners, hereinafter called the board. The board shall have all the powers, rights, duties and liabilities under general and special laws of boards of registrars of voters, and, with respect to elections, of the city clerk. The board shall consist of five persons, and appointments thereto shall be made so that no less than two members of the board represent each of the two leading political parties as defined in section one of chapter fifty of the general laws. The fifth member of the board may be unenrolled. Board representation shall, to the extent feasible, represent the racial and ethnic make-up of the city of Salem. The members shall receive such compensation as the mayor and city council may determine.

SECTION 2. The board shall organize annually in the month of January and choose a chairperson, vice chairperson and a secretary. In case the members are unable to agree upon a

chairperson, vice chairperson and a secretary, such officers shall be designated by the mayor. The secretary shall keep a full and accurate record of the proceedings of the board and shall perform such other duties as the board may require. The chairperson shall act as an ombudsperson charged with representing the interests of the public by investigating any complaints of maladministration or violation of rights in the voting process. All the powers, rights, privileges, liabilities and duties relating to caucuses, primaries and elections by law vested in and imposed upon city clerks and board of registrars of voters, except the power and duty of giving notice of elections and fixing the days and hours of holding the same, shall be vested in and performed by the board of election commissioners. The board shall also promote voter registration and participation in the electoral process.

SECTION 3. To assist the board, the mayor may, subject to appropriation, appoint assistant commissioners from one or more candidates recommended by the board, which commissioners shall have such powers as granted to assistant registrars of voters by chapter 51 of the general laws, and shall perform such duties as are requested by the board. The board may also appoint an administrative director of the board of election commissioners, with confirmation from the mayor, subject to appropriation, who in that capacity shall: (1) provide administrative and operational support to the board of election commissioners (2) perform such duties and responsibilities as may be required or requested by the board of election commissioners in the performance of its duties under the Massachusetts general law or regulation or as otherwise prescribed to said board by any federal, general or special law; (3) coordinate the services of other city departments for the conduct of any election; and, (4) administer and keep the records of the board of election commissioners.

SECTION 4. Chapter 445 of the Acts of 1960 is hereby amended by deleting in section 3 the words, “board of registrars of voters” and inserting in place thereof the words:- board of election commissioners.

SECTION 5. Said Chapter 445 is hereby further amended by deleting in section 4 the words, “board of registrars” and inserting in place thereof the words:- board of election commissioners.

SECTION 6. On the effective date of this act, the office of board of registrars shall be abolished and the terms of the incumbent members of the board of registrars terminated; provided, however, that the incumbent members of the board of registrars, other than the city clerk, shall become the first members of the board of election commissioners and serve for a period equivalent to the remainder of their appointed terms or their earlier vacating of office and until their successors are appointed and qualified. The mayor shall forthwith appoint two additional members, subject to the confirmation of the city council, of the board of election commissioners consistent with the requirement that no less than two members of the board must represent each of the two leading political parties as defined in section one of chapter fifty of the general laws. One of the additional members shall serve for a period of two years and the second additional member shall serve for a period of three years so that no more than two board members’ terms of appointment expire in the same calendar year. Following the initial appointment of the additional members, each member shall serve for a period of three years. Any vacancy on the board shall be filled in like manner for the remainder of the unexpired term.

SECTION 7. Immediately upon the effective date of this act, the books, papers, records and all other property in the possession of the board of registrars of voters relating to the conduct

of elections, and all contractual obligations and rights of such board shall pass by operation of law to the newly formed board of election commissioners. The board of shall be the lawful successor of the board of registrars, and, with respect to elections, the city clerk.

SECTION 8. This act shall take effect upon its passage, or July 1, 2026, whichever is later.