

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Carmine Lawrence Gentile

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 authorizing remote participation at town meeting.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------------------|-----------------------|------------------|
| <i>Carmine Lawrence Gentile</i> | <i>13th Middlesex</i> | <i>1/10/2025</i> |
| <i>Patrick Joseph Kearney</i> | <i>4th Plymouth</i> | <i>1/16/2025</i> |

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act authorizing remote participation at town meeting.

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

1 Chapter 39 of the general laws, as appearing in the 2022 Official Edition, is hereby
2 amended by inserting after Section 10A the following section:

3 SECTION 10B.

4 (a) In a town having a representative or open town meeting form of government, the town
5 moderator may, in consultation with the select board and local public safety or public health
6 officials, call for any town meeting to be held through remote participation or a hybrid of in-
7 person and remote participation, including, but not limited to, by means of a video or telephone
8 conferencing platform. If a town does not have a moderator, the select board may call for any
9 town meeting to be held through remote participation or a hybrid of in-person and remote
10 participation in accordance with this paragraph.

11 (b) A notice of decision to hold town meeting through remote participation or a hybrid of
12 in-person and remote participation shall be prepared by the moderator and printed in a legible,
13 easily understandable format and shall contain: (i) the moderator’s determination and request to

14 hold a town meeting through remote participation or a hybrid of in-person and remote
15 participation in accordance with this section; (ii) the video or telephone conferencing platform
16 the moderator has determined to use to hold the town meeting; (iii) confirmation that the
17 moderator has consulted with the local disability commission or coordinator for federal
18 Americans with Disabilities Act compliance; (iv) confirmation that the moderator has consulted
19 with the select board; and (v) a certification by the moderator that: (A) the moderator has tested
20 the video or telephone conferencing platform; and (B) the platform satisfactorily enables the
21 remote portion of the town meeting to be conducted in substantially the same manner as if the
22 meeting occurred in person at a physical location and in accordance with the operational and
23 functional requirements set forth in this section.

24 (c) A video or telephone conference platform used by a town meeting for remote
25 participation under this section shall, at minimum:

26 (i) strictly limit voting at an open, remote, or hybrid town meeting to only those
27 confirmed by the town clerk to be eligible to vote at that meeting, Each person deemed eligible
28 to vote shall be provided with appropriate physical or technological participation credentials
29 designed to allow remote participation of all eligible voters while also establishing regularity in
30 administration, minimizing inaccurate results and creating and maintaining a virtual and physical
31 environment free from fraud;

32 (ii) enable the moderator, voters, representative town meeting members, town officials
33 and any other interested members of the public to identify and hear the moderator and each voter
34 or other speaker recognized by the moderator, whether remotely or in person;

35 (iii) if applicable, determine whether a quorum is present;

36 (iv) enable a voter, town meeting member, town official or other individual authorized to
37 participate in the meeting to request recognition by the moderator without prior authorization,
38 consistent with any town meeting rules established by bylaw, charter or special act. To the extent
39 technologically feasible, the request shall be visible or audible to the town meeting and the
40 public in real time and upon review of the recording of the town meeting proceedings, preserved
41 according to subsection (h);

42 (v) enable the moderator to determine when a remote or in person voter wishes to be
43 recognized to speak, make a motion, raise a point of order or object to a request for unanimous
44 consent;

45 (vi) enable the moderator to recognize a remote or in person voter, town official or other
46 individual to speak and to enable that person to speak;

47 (vii) in the case of a representative town meeting, enable the moderator the ability to
48 conduct a roll call vote;

49 (viii) enable any interested members of the public to access the meeting remotely for
50 purposes of witnessing the deliberations and actions taken at the town meeting, subject to the
51 provisions of any municipal charter; and

52 (ix) enable the town meeting to be recorded.

53 (d) (i) Registered voters, other than representatives elected or appointed in accordance
54 with applicable state or local law, seeking to participate remotely in a representative town
55 meeting shall, not less than 48 hours in advance, submit to the town moderator a request to
56 participate in the meeting. Upon receipt of the request and verification of the requester's voter

57 registration status, the designated official shall provide appropriate physical or technological
58 participation credentials; nothing herein shall be construed to require greater participation by
59 voters or non-town meeting members than required by any applicable general or special law or
60 municipal charter.

61 (ii) Eligible registered voters seeking to participate remotely in an open town meeting
62 shall be provided with instructions, no later than 48 hours in advance, as to how to access
63 appropriate physical or technological participation credentials; provided, however that the
64 inability to comply with this subparagraph shall require that the meeting be delayed until a
65 quorum is reached or 30 minutes has passed, whichever occurs later.

66 (e) Prior to taking up any business at a remote or hybrid town meeting, and following the
67 determination of a quorum, if applicable, the meeting shall vote on whether to commence the
68 business of the meeting using remote or hybrid access. If the town meeting votes to continue,
69 then the town meeting shall proceed to hold a remote or hybrid meeting to address the articles in
70 the warrant. If the town meeting votes not to conduct the town meeting by remote or hybrid
71 means, then the town meeting shall be adjourned, without further action, to the date, time and
72 place specified in the notice or warrant or to such other time, date and place as may be approved
73 by town meeting.

74 (f) Votes taken by a roll call vote at a remote or hybrid representative town meeting shall
75 be recorded and kept with the minutes of the town meeting.

76 (g) A remote or hybrid town meeting shall be recorded and the recording shall be
77 preserved and made publicly available on the town's website for at least 90 days after the

78 dissolution of said town meeting and until the official minutes of the meeting have been prepared
79 by the town clerk.