SENATE DOCKET, NO. 1850 FILED ON: 1/16/2025

SENATE . . . . . No. 2197

The Commonwealth of Massachusetts

PRESENTED BY:

Jacob R. Oliveira

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 to modernize municipal meetings, town meetings, and local elections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Jacob R. Oliveira	*Hampden, Hampshire and Worcester*	
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	*2/25/2025*
John J. Cronin	*Worcester and Middlesex*	*2/27/2025*
John F. Keenan	*Norfolk and Plymouth*	*3/5/2025*
Paul W. Mark	*Berkshire, Hampden, Franklin and Hampshire*	*3/7/2025*
Dylan A. Fernandes	*Plymouth and Barnstable*	*3/12/2025*
Adam Gómez	*Hampden*	*3/13/2025*
Barry R. Finegold	*Second Essex and Middlesex*	*3/13/2025*
James B. Eldridge	*Middlesex and Worcester*	*3/24/2025*
Julian Cyr	*Cape and Islands*	*3/27/2025*
Michael D. Brady	*Second Plymouth and Norfolk*	*3/27/2025*

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By Mr. Oliveira, a petition (accompanied by bill, Senate, No. 2197) of Jacob R. Oliveira, Joanne M. Comerford, John J. Cronin, John F. Keenan and others for legislation relative to remote participation in municipal and town meetings and postponement of local elections elections. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *4771* OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act to modernize municipal meetings, town meetings, and local elections.

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. For the purposes of this Act, the term “Select Board” shall have the same meaning as “Board of Selectmen” as that term is used in any general or special law or municipal charter.

SECTION 2. Chapter 30A of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out paragraphs (d) and (e) of section 20 and renumbering the remaining paragraphs accordingly.

SECTION 3. Chapter 30A of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after section 20 the following section:-

SECTION 20A

(a) A public body may elect to allow remote participation by any member for any meeting of the public body. For the purposes of this section, the term remote participation means participation by a member of a public body by means other than physical presence, which may include, without limitation, participation by telephone, audio or video conferencing or any other technology that enables each member of the public body to be audible to all other members of the public body and the public.

(b) Members remotely participating in a meeting may vote, and shall be considered present and in attendance for all purposes, including for purposes of determining a quorum and for the purposes of section 23D of chapter 39.

(c) If a public body allows remote participation by its members for a meeting under subsection (a), it may also allow remote participation by members of the public and any party entitled or required to appear before it in accordance with the following requirements:

(i) A public body that elects to conduct its proceedings completely or partially through remote means in accordance with this section shall ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means. A public body shall offer its selected adequate, alternative means of public access to its proceedings without subscription, toll, or similar charge to the public.

(ii) Documents intended to be used for any such meeting shall be made available to members of the public body before or during the course of the meeting of the public body subject to any limitations as may be imposed by law.

(iii) If the opportunity for participation at a meeting of a public body by an individual or the public is a specific requirement of a particular general or special law or state regulation, charter, local ordinance or bylaw, any alternative means of public access shall provide for the required opportunity to participate; provided further however that this section shall not impose on any public body a general requirement to allow the public to speak, absent an applicable special law or charter, or to participate in the debate of the public body. A public body shall offer its selected alternative means of public access to virtual meetings without subscription, toll, or similar charge to the public.

(iv) If a member is participating remotely, all votes taken shall be recorded roll call votes.

(v) A municipal public body that for reasons of economic hardship is unable to provide adequate, alternative means of public access that will enable the public to follow the proceedings of the municipal public body may instead post on its municipal website a full and complete transcript, recording or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings.

(d) Notwithstanding any other provision of this section, the chief executive officer of a municipality may develop and adopt standards and guidelines regarding remote participation of public bodies of that municipality; provided however that a local commission on disability may adopt its own standards and guidelines for remote participation applicable to meetings of such local commission on disability only.

(e) State, county, and regional public bodies, and public bodies that are not otherwise a department or subdivision of a city or town, may adopt their own standards and guidelines for remote participation applicable to meetings of such public body.

SECTION 4. Within ninety (90) days of the effective date of this act, the attorney general shall develop best practices for remote participation of public bodies in furtherance of the foregoing Section 3 of this act provided, however, that such proposed best practices guidelines shall not take effect until a public hearing, for which at least 2 weeks notice is provided and such proposed guidelines are made available to the public, is held 2 weeks has passed since that public hearing.

SECTION 5. Chapter 39 of the general laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after Section 10A the following two sections:

SECTION 10B.

(a) Notwithstanding any general or special law, charter provision or bylaw to the contrary, a select board may vote, prior to the date nomination papers must be submitted to the town clerk under the provisions of section 7 of chapter 53 of the general laws, to delay the date of an annual election to a date no earlier than 64 days from the vote to postpone and no later than June 30 of that fiscal year.

(b) Notwithstanding any general or special law, charter provision or bylaw to the contrary, a select board may, during any weather-related, public safety or public health emergency declared by the chief executive officer of the town or the governor, and for the 5 days after such emergency has terminated, postpone a properly posted caucus or election to an initial date certain. If the nature of the emergency precludes identification of an initial date certain or renders the initial date inconvenient or impossible, the select board shall meet expeditiously, in accordance with chapter 30A of the general laws, and after consultation with the town clerk, to vote on a date certain.

(c) (i) If an election is postponed hereunder, all of the deadlines applicable to and all of materials prepared for and submitted in connection with the original election shall be used at such postponed election; provided, however, that if an election is postponed for less than 7 days, early voting by mail and absentee ballots properly received prior to the close of polls on the date of the postponed election shall be treated as if they were timely received. If a scheduled election is postponed for more than 7 days from the original date, any such election shall be held no earlier than 15 days from the date of the postponement to accommodate additional voter registration, early voting by mail and absentee voting by the otherwise applicable statutory deadlines.

(ii) Except as set forth herein, all provisions of election law applicable to the original election shall apply to such postponed election in the same manner.

(iii) Notwithstanding any provision of chapter 30A or other state or local law to the contrary, a meeting to vote on a postponement may be held by remote participation of some or all of the members, and such public body shall endeavor, to the maximum event possible, to comply with all other provisions of sections 18 to 25 of chapter 30A. If the public body is not able to comply with the provisions of said chapter 30A, it shall hold a properly posted meeting within one week following at which an item substantially similar to the following shall appear on the agenda: “Review action taken at (date) (time) meeting of (name of board) and adopt minutes from such meeting to be included with the minutes of this meeting”.

(d) Notice of postponement shall be prepared by the town clerk and printed in a legible, easily understandable format with the date, time and place of the rescheduled caucus or election, the reason for the postponement, and the date and time of the select board vote for postponement.

To the extent practicable, notice shall be posted in the manner in which that municipality provides notice of meetings pursuant to chapter 30A, whether on the municipal website or in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located. The town clerk shall forthwith send a copy of the notice to the offices of the attorney general and secretary of the commonwealth, and may use any other form of communication to notify the voters of the postponement, including but not limited to electronic, broadcast or print media.

SECTION 10C.

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

(b) A notice of decision to hold town meeting through remote participation or a hybrid of in-person and remote participation shall be prepared by the moderator and printed in a legible, easily understandable format and shall contain: (i) the moderator's determination and request to hold a town meeting through remote participation or a hybrid of in-person and remote participation in accordance with this section; (ii) the video or telephone conferencing platform the moderator has determined to use to hold the town meeting; (iii) confirmation that the moderator has consulted with the local disability commission or coordinator for federal

Americans with Disabilities Act compliance; (iv) confirmation that the moderator has consulted with the select board; and (v) a certification by the moderator that: (A) the moderator has tested the video or telephone conferencing platform; and (B) the platform satisfactorily enables the remote portion of the town meeting to be conducted in substantially the same manner as if the meeting occurred in person at a physical location and in accordance with the operational and functional requirements set forth in this section.

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

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

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

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

(iv) a voter, town meeting member, town official or other individual authorized to participate in the meeting to request recognition by the moderator without prior authorization, consistent with any town meeting rules established by bylaw, charter or special act. To the extent technologically feasible, the request shall be visible or audible to the town meeting and the

public in real time and upon review of the recording of the town meeting proceedings, preserved according to subsection (h);

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

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

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

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

(ix) the town meeting to be recorded.

(d) (i) Registered voters, other than representatives elected or appointed in accordance with applicable state or local law, seeking to participate remotely in a representative town meeting shall, not less than 48 hours in advance, submit to the town moderator a request to participate in the meeting. Upon receipt of the request and verification of the requester's voter registration status, the designated official shall provide appropriate physical or technological participation credentials; nothing herein shall be construed to require greater participation by voters or non-town meeting members than required by any applicable general or special law or municipal charter.

(ii) Eligible registered voters seeking to participate remotely in an open town meeting shall be provided with instructions, no later than 48 hours in advance, as to how to access

appropriate physical or technological participation credentials; provided, however that the inability to comply with this subparagraph shall require that the meeting be delayed until a quorum is reached or 30 minutes has passed, whichever occurs sooner.

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

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

(g) A remote or hybrid town meeting shall be recorded and the recording shall be preserved and made publicly available on the town's website for at least 90 days after the dissolution of said town meeting and until the official minutes of the meeting have been prepared by the town clerk.