SENATE DOCKET, NO. 2139 FILED ON: 11/30/2011

SENATE . . . . . No. 2095

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

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 election of the Freetown Lakeville regional school district committee members.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael J. Rodrigues	
David B. Sullivan	*6th Bristol*
Keiko M. Orrall	*12th Bristol*
Christopher M. Markey	*9th Bristol*
Paul A. Schmid, III	*8th Bristol*

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By Mr. Rodrigues, a petition (subject to Joint Rule 12) (accompanied by bill, Senate, No. 2095) of Michael J. Rodrigues, David B. Sullivan, Keiko M. Orrall, Christopher M. Markey and others for legislation relative to the election of the Freetown Lakeville regional school district committee members. Election Laws.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the election of the Freetown Lakeville regional school district committee members.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the election of the Freetown Lakeville regional school district committee members, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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) Commencing with the annual town elections of 2012, the towns of
2 Lakeville and Freetown shall elect members to serve on the permanent Freetown Lakeville
3 regional school district committee, hereafter "committee", on the same date and time as the
4 towns' annual elections, subject to section 10 of chapter 39 of the General Laws, section 64 of
5 chapter 54 of the General Laws and the "Agreement between the Towns of Freetown and
6 Lakeville, Massachusetts with Respect to the Formation of a PK-12 Regional School District",
7 executed on October 20, 2010, and approved by the department of elementary and secondary
8 education.

9 (b) The initial and permanent composition of the committee shall be 4 members
10 elected from each town. The initial composition of the committee shall include: (i) 2
11 members elected for 3-year terms, 1 member elected for a 2-year term and 1 member elected for
12 a 1-year term from among the residents and registered voters of the town of Lakeville; and (ii) 1
13 member elected for a 3-year term, 2 members elected for 2-year terms and 1 member elected for
14 a 1-year term from among the residents and registered voters of the town of Freetown. After the
15 election of the initial committee members, all elections to the committee shall be to 3-year terms,
16 subject to subsections (c) and (d).

17 (c) Committee members shall be residents and registered voters of the towns of Freetown
18 or Lakeville and shall be elected to 3-year terms in district-wide, at-large elections.

19 (d)(1) In years in which the towns of Freetown and Lakeville, hereafter "member towns",
20 hold annual town elections on the same date, notwithstanding the town in which candidates for
21 committee member reside and are registered to vote, all such candidates' names and addresses
22 shall appear on the ballots of each member town. After the time for objecting to nomination
23 papers has expired, the town clerks from each member town shall provide to the town clerk of
24 the other member town a certified copy of the names and addresses of candidates properly
25 nominated by 50 registered voters of the town clerk's respective town. The town clerk of each
26 member town shall forward a certified copy of the election results to the district clerk.
27 Notwithstanding the election results for the office of committee member in either member town,
28 the district clerk shall declare a candidate elected to the committee only if such candidate
29 received the highest number of votes cast for the office in the aggregated vote from both member
30 towns and no person shall be declared elected if the election results in a tie vote. The candidate

31 declared elected shall be sworn into office by the town clerk of the town in which such candidate
32 is registered to vote.

33 (2) In the event that the annual town elections for the member towns occur on
34 different days, at the expense of the district, a district-wide election shall be undertaken during
35 the last 4 months of the fiscal year on a date set by the district, in consultation with the member
36 towns. Under such circumstances, the committee shall convene a special district-wide election,
37 open to all registered voters of each member town, at which the office of committee member
38 shall appear on the ballot. Such election shall be called, pursuant to a warrant, by not fewer than
39 a majority of the committee, notice shall be called pursuant to a warrant, under the hands of at
40 least a majority of the regional school district committee, notice of which shall be given at least
41 14 days prior to the date of such election. The warrant shall state the time, place and purpose of
42 the election and shall be directed to the district clerk, who shall give notice by posting a copy in
43 the town's clerk office and at least 2 other public places in each member town and who shall
44 further provide notice by publishing a copy of the warrant in at least 1 newspaper in general
45 circulation within the member towns. The procedure for nomination of candidates and inclusion
46 of names on the ballots in each member town shall be in accordance with paragraph (1). The
47 town clerks from each member town shall forward to the district clerk a certified copy of their
48 town's election results and the district clerk shall declare the newly elected committee members.
49 The candidate so elected shall be sworn into office by the town clerk of the town in which such
50 candidate is registered to vote.

51 (3) If no person is nominated or no candidate is elected then the board of
52 selectmen of the member town in which such failure to nominate or elect occurs shall appoint a
53 committee member in accordance with section 3.

54 (4) The expenses of all district wide elections shall be paid for by the district, but the
55 member towns shall provide ballot boxes in their towns for such elections. (5) Except as
56 otherwise specifically provided herein, the nomination and election of committee members shall
57 be in accordance with state election law.

58 SECTION 2. At the first regular meeting of the permanent committee following the
59 election of its members, the committee shall organize and elect, by ballot from among its
60 members, a chairperson and a vice-chairperson to 1-year terms. The chairmanship shall
61 alternate, annually, between the member towns and the vice-chair shall be from a different town
62 than the chairperson if members from each town are willing to serve in such positions. At the
63 same meeting, or at any other meeting, the committee may elect a district clerk from among its
64 members. The committee may elect a treasurer and a secretary, neither of whom need be
65 members of the committee and 1 person may serve as both treasurer and secretary at the same
66 time.

67 SECTION 3. If a vacancy occurs on the committee or upon a failure to elect a
68 candidate, such vacancy shall be filled within 30 days therefrom by a majority vote of the board
69 of selectmen and the members of the committee from the town in which the member vacating the
70 office resided. The person so appointed shall be a resident and a registered voter of the town
71 from which the vacancy occurred and shall serve until the next election of committee members,
72 at which election a successor shall be elected to serve the balance of the unexpired term, if any.
73 The board of selectmen shall provide notice of such appointment to the district clerk. Any
74 person so appointed shall be sworn into office by the town clerk of the town in which such
75 person is registered to vote.