

## An Act Relative to the Postponement of Impending 2020 Annual and Special Elections in the Commonwealth

**PREAMBLE:** Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect both public health and the viability of local elections in the face of the state, national and global public health emergencies existing as a result of COVID-19 outbreak, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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Section 1. Notwithstanding the provisions of section 9 of chapter 39, sections 26 and 28 of chapter 51, and chapters 53 and 54 of the general laws, or of any other general or special law, ordinance, charter provision or by-law to the contrary, in order to protect the rights of eligible voters and avoid disruption of local governmental processes and waste of municipal resources, any city or town with a municipal caucus or election or a special election scheduled between the effective date of this act and April 17, 2020, shall be authorized to postpone such election in accordance with the provisions contained herein.

The select board, town council or city council may vote to postpone such caucus or election to a date certain during the last quarter of fiscal year 2020, and, further, to conduct such election in accord with the provisions of this act. To the extent this act is silent, such postponed caucus or election shall be held in accord with all applicable election laws.

Section 2. The select board, town council or city council of the city or town shall, following consultation with the local election official and chief operating officer of the municipality as to logistics and feasibility, vote to reschedule the caucus, annual or special municipal election, and post on the official municipal website a copy of this act, the vote of the select board, town council or city council, and a sample ballot, no later than 20 days prior to the date of the election as postponed. Notice of such action shall be provided to the public in other ways reasonably calculated to enable eligible voters to learn of the postponed election date and to cast ballots therein, which notice may include but is not limited to a so-called "reverse-911" call, municipal list-serve notifications, advertisement on local cable television, or issuance of a press release sent to local news media.

Section 3. The last day to register to vote for such postponed election shall be ten days prior to the date of the election as postponed; and the board of registrars shall hold a registration session on that date, at a minimum, from two to four o'clock in the afternoon and seven to eight o'clock in the evening. The voting list to be used at such postponed election shall include all eligible voters registered as of that date.

Section 4. The caucus or election materials, including but not limited to absentee and official ballots prepared for the originally scheduled caucus or election, and bearing that date, shall be used for the rescheduled caucus or election to the extent practicable; if additional ballots must be printed, they shall be identical in form to those prepared for the original caucus or election.

Section 5. Absentee ballots cast in connection with the original election, whether returned prior to the original election, or otherwise, and received by the local election official prior to the close of polls on the date of the postponed election shall be processed in accord with applicable law; provided, however, that any voter who chooses to vote in person on the date of the postponed

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election may do so if their absentee ballot has not yet been counted. Completed applications to vote by absentee ballot in the postponed election shall be accepted by the board of registrars until 12:00 noon on the last business day prior to said election.

Section 6. If after consultation with the board of health, police and fire chiefs, and the chief operation officer of the municipality, the select board, town council or city council determines that such caucus or election cannot, consistent with public health and safety, be held during fiscal year 2020, said select board, town council or city council shall make a separate and specific finding with respect thereto and may schedule such postponed caucus or election to be held during the first two months of fiscal year 2021, provided that the calling and holding of such postponed caucus or election shall comply with all other provisions of this act.

Section 7. Consistent with the provisions of section 107 of chapter 41 of the general laws, any incumbent elected official whose term would otherwise expire at a municipal annual town election shall continue to serve in such position until a successor is elected and qualified.

Section 8. In the event this act does not take effect until after the date of a scheduled municipal election during the declared state of emergency, the actions of the board of selectmen, town council, city council, and local election officials to postpone a municipal caucus or municipal election shall be ratified, validated and confirmed as if this act had been in place prior thereto.

Section 9. This act shall take effect upon its passage.