



The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133-1054

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House, Senate pass municipal governance assistance bill

BOSTON – Representative Todd M. Smola (R-Warren, Ranking Member, Committee on Ways & Means) said cities and towns will be given additional tools to safely conduct Town Meetings and municipal elections during the global pandemic, under legislation recently approved by the Legislature.

Senate Bill 2680, *An Act relative to municipal governance during the COVID-19 emergency*, was enacted by the House of Representatives on a vote of 156-0 on June 4, and by the Senate on a voice vote the same day. The bill is now on Governor Charlie Baker's desk for his review and signature.

Representative Smola said Senate Bill 2680 allows for municipal elections and municipal caucuses that were originally scheduled prior to June 30 to be rescheduled to a date no later than August 1. It also ensures that voters will have the option to vote by absentee ballot or through early voting by mail when a municipal election is rescheduled.

The municipal governance bill also allows local select boards, boards of selectmen, town councils and boards of registrars to vote to eliminate any municipal caucus scheduled to occur between March 23 and July 31, if they determine holding the caucus would constitute a threat to public health and safety due to COVID-19. If a town cancels its municipal caucus, local candidates will be required to submit nomination papers signed by not fewer than 10 of the town's registered voters.

Senate Bill 2680 also provides a number of options for conducting Town Meeting business while still maintaining safe social distancing protocols. In addition to allowing Town Meetings to be conducted virtually – with members participating and voting remotely through video or telephone conferencing – the bill also provides for reduced quorums during the State of Emergency, as long as the reduced number is not less than 10% of the existing quorum

requirement. It also allows the select board, in consultation with and with the approval of the town moderator, to move Town Meeting to an alternative site outside the town's geographic boundaries if needed to ensure public health and safety.

For communities that opt to hold a virtual Town Meeting, the bill requires town moderators to consult with the local disability commission or a coordinator to ensure compliance with the federal Americans with Disabilities Act. In communities with a representative Town Meeting form of government, registered voters who wish to participate in the virtual Town Meeting must submit a request to the town clerk at least 48 hours in advance of the meeting.

Representative Smola noted that Senate Bill 2680 also provides additional time for cities to finalize a municipal budget for Fiscal Year 2021, by allowing local mayors to submit an annual budget to the city council within 30 days of the termination of the State of Emergency, or by July 31, whichever is earlier, and extending the deadline for city councils to act on the budget until 60 days after the State of Emergency is lifted. Cities that are unable to finalize a budget by June 30 can operate using a monthly continuing appropriation budget for up to 3 months.

To further assist cities and towns with the economic impacts of COVID-19, Senate Bill 2680 allows municipalities to suspend the dedication of revenues to one or more special funds in Fiscal Year 2021 and to place those revenues in the general fund, where they can be appropriated "for any lawful purpose notwithstanding the specified purpose of the fund" by a 2/3 vote of the local governing body. If the specific stabilization fund or special fund has been established for educational purposes, any money appropriated from these funds must be approved by the local school committee.

Additional provisions contained in the municipal governance bill would:

- Prohibit the termination of essential services by cities, towns and districts for non-payment due to financial hardship during the COVID-19 pandemic, including water, trash collection and electricity;
- authorize the Commissioner of Elementary and Secondary Education to issue emergency educator licenses during the State of Emergency and for up to 180 days after the State of Emergency is terminated; and
- facilitate payments on service contracts for school or education-related services provided to cities, towns and regional school districts.

For additional information please contact Representative Smola at Todd.Smola@mahouse.gov or (617)722-2100.

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