By Mr. Beades, petition of Joseph H. Hardiman and another for legislation relative to the method of electing members of the Boston Firemen's Relief Fund when the number of nominees is not in excess of the number to be elected. Insurance.

The Commonwealth of Massachusetts

MEMORANDUM FROM COMMISSIONER OF CORPORATIONS AND TAXATION.


To the Honorable Senate and House of Representatives.

The above named petition was transmitted to me by the Clerk of the Senate on December 16, 1960, with a request for a memorandum.

The Boston Firemen's Relief Fund was first organized on March 17, 1880 by Section 4 of Chapter 107 of the Acts of 1880. Chapter 170 of the Acts of 1906 increased the amount of real and personal estate authorized to be held from two hundred thousand dollars to four hundred thousand dollars. Chapter 308 of the Acts of 1909, Section 5, repealed Section 4 of Chapter 107 of the Acts of 1906.

By Section 4 of Chapter 308 of the Acts of 1909, a new corporation was created and was named as the successor of the prior corporation and assumed the same rights, powers and privileges and was made subject to the same duties, obligations and liabilities, as the corporation created by Section 4 of Chapter 107 of the Acts of 1880. The second corporation was organized on April 16, 1909. Other acts concerning the Fund are Chapter 134 of the Acts of 1911, Chapter 183 of the Acts of 1913, Chapter 390 of the Acts of 1921, Chapter 186 of the Acts of 1949, Chapter 140 of the Acts of 1952, and Chapter 129 of the Acts of 1960. The Fund is governed and supervised under Chapter 176 of the General Laws, Fraternal Benefit Societies, and the subject matter of the proposed legislation.
comes within the exclusive jurisdiction of the Insurance Commissioner. It is respectfully suggested that his opinion be sought on the matter.

No fee is required by General Laws, Chapter 3, Section 7, as amended, in the case of a corporation of this type.

Respectfully submitted,

ROBERT T. CAPELESS,
Commissioner of Corporations and Taxation.
AN ACT RELATIVE TO THE METHOD OF ELECTING MEMBERS OF THE BOSTON FIREMEN'S RELIEF FUND WHEN THE NUMBER OF NOMINEES IS NOT IN EXCESS OF THE NUMBER TO BE ELECTED.

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 308 of the acts of 1909 is hereby amended by striking out section 2, as most recently amended by section 1 of chapter 129 of the acts of 1960, and inserting in place thereof the following section: — Section 2. The twelve members of the fire department of the city of Boston mentioned in section one shall be elected by ballot by the members of the said department in the following manner: On the second Monday of September in the year nineteen hundred and eleven there shall be elected twelve members, and no member of said department shall vote for more than twelve. The four members receiving the largest number of votes shall serve for three years, the four receiving the next largest number of votes shall serve for two years and the four receiving the next largest number of votes shall serve for one year. In case two or more members elected should receive an equal number of votes, those who are the seniors by terms of service in said fire department shall for the division into classes hereby required be classified as if they had received the larger number of votes in the order of their seniority. Thereafter on the second Monday of September in each year there shall, except as hereinafter provided, be elected by ballot four members to serve for a term of three years, and no member of the said fire department shall vote for more than four. All said terms shall begin on the second Tuesday following the election. When a vacancy occurs in the membership of the corporation the remaining members shall elect by a majority vote a member of the aforesaid department to fill the
vacancy for the remainder of the year. The vacancy for the
remainder of the unexpired term shall be filled at the next
election. The annual election of the members of the corpora-
tion shall be under the supervision of an election committee of
eight members appointed by the fire commissioner of the city
of Boston; and said election shall be by secret Australian ballot
and shall be conducted at the fire department headquarters of
the city of Boston between the hours of eight o'clock in the
forenoon and eight o'clock in the afternoon. The election com-
mittee shall have the power to prescribe the form of common
ballot box and checkoff list, and rules for observers. Ballots
shall be counted immediately after the close of the election
under the supervision of the election committee.
Notwithstanding the provisions of this section if the number
of persons nominated and members of the corporation does not
exceed the number of vacancies to be filled at an annual elec-
tion, the secretary of the corporation may at said election cast
one vote for each of said nominees, and each of said nominees
shall be declared elected as a member of the corporation, and
the provisions relative to the method and hours of balloting on
said election day, use of check off list, observers, and counting
of ballots shall not be enforced.