

Chapter 694. AN ACT FURTHER REGULATING THE OPEN MEETING LAW.

Be it enacted, etc., as follows:

The fourth paragraph of section 23B of chapter 39 of the General Laws, as amended by chapter 333 of the acts of 1985, is hereby further amended by adding the following clause:–

(8) To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a prior preliminary screening.

Approved January 7, 1987.

Chapter 695. AN ACT RELATIVE TO THE ELECTION LAWS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 105 of chapter 41 of the General Laws, as amended by chapter 175 of the acts of 1985, is hereby further amended by inserting after the fourth sentence the following sentence:– Whenever two members are to be elected to the same term, the election shall be conducted for two distinct offices, one of which shall be identified on the ballot and on nomination papers with the title "trustee of soldiers' memorials non-veteran" and for which only candidates who are not veterans of any war shall be nominated.

SECTION 2. Section 6 of chapter 43A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:– They shall be submitted to the registrars of voters and shall be certified in the manner provided in section seven of said chapter fifty-three; provided, however, that any town meeting member, including any town meeting member in office under the provisions of a special statute under which such town is operating immediately prior to the taking effect therein of the standard form of representative town meeting government provided by this chapter, may become a candidate for election by giving written notice thereof to the town clerk not later than twenty-one days prior to the last day and hour for filing nomination papers.

SECTION 3. Chapter 51 of the General Laws is hereby amended by striking out the caption preceding section 50, as so appearing, and inserting in place thereof the following caption:– SUPPLEMENTARY REGISTRATION OF SPECIALLY QUALIFIED VOTERS.

SECTION 4. The first paragraph of section 1 of chapter 52 of the

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General Laws, as amended by section 12 of chapter 477 of the acts of 1985, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:– Members appointed by the state committee shall hold office for two years from the date of their appointment; provided, however, that in no event shall the terms of office of such members extend beyond the term of office of members who were elected at the presidential primaries.

SECTION 5. Section 22A of chapter 53 of the General Laws, as amended by section 20 of said chapter 477, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:– Registrars shall receipt in writing for each initiative or referendum petition submitted to and received by them, and shall deliver such petitions only on receiving written receipts therefor or other identification acceptable to the registrars.

SECTION 6. The seventh paragraph of section 34 of said chapter 53, as appearing in the 1984 Official Edition, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:– Against the name of each such candidate there shall be printed, if the candidate requests, a statement in not more than eight words setting forth the public offices which he holds or has held.

SECTION 7. Section 44 of said chapter 53, as so appearing, is hereby amended by striking out, in line 16, the words "and commissioners to apportion Suffolk county".

SECTION 8. The first paragraph of section 45 of said chapter 53, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:– The candidate may state, on one or more nomination papers, in not more than eight words, the public offices which he holds or has held.

SECTION 9. Chapter 54 of the General Laws is hereby amended by striking out section 34, as so appearing, and inserting in place thereof the following section:–

Section 34. A city or town may, by vote of a majority of the city council or by vote of a majority of the board of selectmen, at a meeting held at least one hundred and twenty days before the primary, preliminary election or election at which voting machines are to be used, determine upon and purchase, lease, or lease with an option to purchase, one or more voting machines approved as provided in section thirty-two, and order the use thereof at primaries, preliminary elections and elections of state, city or town officers in such city or town; and thereafter at all primaries and elections of state, city or town officers in that city or town, until otherwise ordered by the city council in a city and the selectmen in a town, said machines shall be used at primaries and preliminary elections and for voting for the officers to be elected at such elections and for taking the vote upon questions submitted to the voters. Notice of such determination to use voting machines, or to discontinue the use thereof, shall be sent to the state secretary by the city or town clerk within five days after such determination; provided, however, that no such discontinuance shall take place later than ninety

days prior to a state or presidential primary or state election, nor later than thirty days prior to a city or town primary, preliminary election or election at which it is to become effective.

A city or town may, by vote of a majority of the city council or by vote of a majority of the board of selectmen, at a meeting held not later than one hundred and twenty days prior to a state or presidential primary or state election, and not later than sixty days prior to a municipal primary, preliminary election or election at which an electronic voting system is first to be used, determine upon the use of, and may lease, purchase, or lease with an option to purchase, the marking units or automatic tabulating equipment necessary to any electronic voting system approved for use in the commonwealth in accordance with section thirty-two. Thereafter, at all primaries, preliminary elections and elections held in said city or town, until otherwise ordered by vote of the city council in a city or of the selectmen in a town, said electronic voting system shall be used in those polling places designated by the city council or board of selectmen.

Notice of determination to use an approved electronic voting system, or to discontinue its use, shall be sent to the state secretary by the city or town clerk within five days after such determination; provided, however, that no such discontinuance shall take place later than ninety days prior to a state or presidential primary or state election, nor later than thirty days prior to a city or town primary, preliminary election or election at which it is to become effective; and, provided further, that no such discontinuance shall prevent the state secretary from selecting appropriate voting machines and vote tally systems pursuant to section thirty-two.

SECTION 10. Section 35A of said chapter 54, as so appearing, is hereby amended by striking out the fourth sentence.

SECTION 11. Section 89 of said chapter 54, as appearing in section 3 of chapter 562 of the acts of 1985, is hereby amended by striking out the first sentence.

SECTION 12. Said section 89 of said chapter 54, as so appearing, is hereby further amended by striking out, in lines 5 to 7, inclusive, the words "The official absentee voting ballot and all other papers described in said section eighty-seven shall be delivered:–" and inserting in place thereof the following words:– The official absent voting ballot and other papers described in section eighty-seven shall be delivered as follows:–

SECTION 13. Subsection (b) of section 92 of said chapter 54, as appearing in section 4 of said chapter 562, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:– He shall then execute before said official the necessary affidavit on said envelope.

SECTION 14. Section 100 of said chapter 54, as amended by section 36 of chapter 477 of the acts of 1985, is hereby further amended by inserting after the fifth sentence the following sentence:– The city or town clerk shall by telephone authorize the presiding officer to issue such certificate if said clerk determines that a voter at the polling place

is entitled to it, and said presiding officer shall then similarly sign and issue such certificate.

SECTION 15. Said chapter 54 is hereby further amended by striking out the caption preceding section 103B, as appearing in the 1984 Official Edition, and inserting in place thereof the following caption:– ABSENT VOTING FOR SPECIALLY QUALIFIED VOTERS.

SECTION 16. Said chapter 54 is hereby further amended by striking out section 103F, as so appearing, and inserting in place thereof the following section:–

Section 103F. The state secretary may prescribe and determine the size of absent voting ballots for specially qualified voters, envelopes and instructions, the size of type to be used thereon and he may take such steps and do such things of an administrative nature as in his opinion are necessary to make effective any provision of law facilitating voting by absent voting ballot by such specially qualified voters at state elections and utilize fully any facilities afforded in connection with such voting.

SECTION 17. Section 103L of said chapter 54, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words ", and shall furnish said secretary with mailing lists of such residents before each biennial state election".

SECTION 18. Subsection (c) of section 103 O of said chapter 54, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words "federal service personnel" and inserting in place thereof the following words:– specially qualified voters.

SECTION 19. The second paragraph of section 105A of said chapter 54, as so appearing, is hereby amended by striking out the last sentence.

SECTION 20. The third paragraph of said section 105A of said chapter 54, as so appearing, is hereby amended by striking out, in line 21, the words "absentee ballots and".

SECTION 21. Section 107 of said chapter 54, as so appearing, is hereby amended by striking out, in line 5, the words ", other than paper,".

SECTION 22. Chapter 512 of the acts of 1986 is hereby amended by striking out section 3 and inserting in place thereof the following section:–

Section 3. Section 38 of chapter 51, as so appearing, is hereby amended by inserting after the fourth sentence the following sentence:– They may, for this purpose, require that such facts be presented to them in writing, signed under the penalties of perjury.

Approved January 7, 1987.

Chapter 696. **AN ACT PROVIDING FOR REIMBURSEMENT TO THE TOWNS OF THE WACHUSETT AND SUDBURY WATERSHED.**