

# MMA

Massachusetts  
Municipal  
Association

[MEMBERS](#)[ADVOCACY](#)[NEWS](#)[RESOURCES](#)[EVENTS](#)[ABOUT MMA](#)

MAR

16

2020

MUNICIPAL GOVERNMENT

## Legislation would address municipal government challenges due to COVID-19

[Home](#) → [News](#) → [Municipal Government](#)

Gov. Charlie Baker yesterday announced that his administration will file a package of legislation to help address challenges to municipal governance resulting from the ongoing COVID-19 outbreak, including potential delays in holding town meetings and adopting municipal budgets for fiscal 2021.

The legislation would:

- Amend the existing statute that authorizes town moderators



Gov. Charlie Baker, joined by Lt. Gov. Karyn Polito, announces a three-week suspension of school operations for educational purposes at all public and private elementary and secondary (K-12) schools in the Commonwealth and a series of new guidance and legislation in response to COVID-19 at the State House on March 15, 2020. [Photo: Joshua Qualls/Governor's Press Office]

to postpone town meetings by 30 days during a “public safety emergency” by adding “public health emergency” as a reason that permits postponement.

- Permit town select boards to postpone town meetings beyond the statutory June 30 deadline (end of fiscal year) when the governor has declared a state of emergency and conditions prevent the completion of a town meeting.
- Permit select boards, at local option, to temporarily adopt lower quorum rules.
- Permit continued month-to-month spending into fiscal 2021 by towns based on the prior fiscal year budget with approval of the Division of Local Services during a state of emergency. The month-to-month authorization would continue so long as a state of emergency prevents the adoption of a budget. Cities have similar authority under existing state law.
- Permit towns to access their free cash balance for fiscal 2021 spending with approval of the Division of Local Services. This would be based on the July 2019 certified balance and could continue until a fiscal 2021 budget is adopted.
- Permit municipal spending from revolving funds at the level set by their fiscal 2020 appropriation until a fiscal 2021 budget is adopted.
- Authorize a three-year amortization period for deficit spending incurred as a result of the COVID-19 crisis. The default rule would require a fiscal 2021 tax rate to provide for one-year amortization, and this change would follow the 2015 precedent for snow removal costs.

### **School and other closures**

Gov. Baker also announced a three-week suspension of school operations for educational purposes at all public and private elementary and secondary (K-12) schools in the Commonwealth beginning Tuesday, March 17, as well as a number of other emergency actions.

"We know that a lot of the measures we are putting into place, including mandatory school closures and prohibiting gatherings of 25 people or more, will cause disruption in people's day-to-day lives," Gov. Baker said. "With the steps we are taking today, we can ensure residents can still access key state services while taking necessary precautions to limit the spread of COVID-19."

The suspension of educational programming would not necessarily affect the availability of school buildings for the provision of food or other essential non-educational services. The administration will provide additional guidance as the end of the closure approaches.

The administration said it is "critical" that students and their families, as well as school staff, stay home as much as possible and strictly follow social distancing guidelines.

School staff are urged to plan for "how best to equitably provide alternative access to student learning opportunities during this period and potentially beyond." School personnel are also urged to find ways to ensure, to the greatest extent possible, that families have access to essential non-academic services for their children – particularly special education and food services.

The Department of Elementary and Secondary Education will work with school districts to develop strategies and resources to sustain learning and vital services throughout this closure period. The DESE has received a partial waiver from the U.S. Department of Agriculture providing greater flexibility regarding food service in certain districts with higher concentrations of low-income students, and the department is pursuing additional waivers for the remaining schools and districts.

All non-emergency state employees working in Executive Branch agencies were told not to report to their workplaces on March 16 and 17. The administration is working to expand alternative work arrangements for the executive branch workforce and develop plans to continue to provide essential state government services.

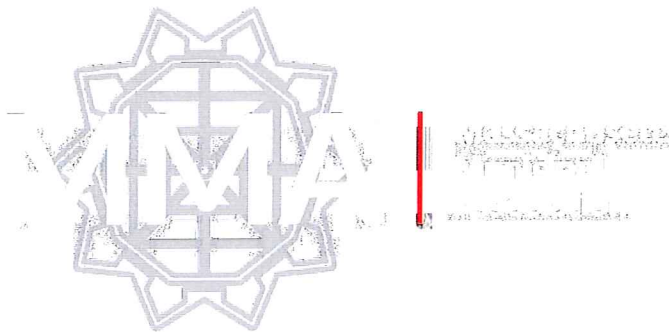
All commercial insurers, self-insured plans, and the Group Insurance Commission are required to cover medically necessary telehealth services related to COVID-19 testing

and treatment. Insurers must do so without requiring cost-sharing of any kind, such as copays and coinsurance, for testing and treatment. Additionally, insurers cannot require prior authorization for these services.

The latest information and guidance regarding COVID-19 is available at [mass.gov/COVID19](https://www.mass.gov/COVID19).

- [Download An Act to Address Challenges in Town Governance Resulting from COVID-19](#)

Written by [John Ouellette, Publications & Digital Communications Manager](#)



One Winthrop Square,  
Boston, Massachusetts  
02110



(617) 426-7272



Email Us

MEMBERS    ADVOCACY    NEWS    RESOURCES    EVENTS    ABOUT MMA  
MUNICIPAL JOBS    MUNICIPAL MARKETPLACE    CONTACT US

© 2020, MASSACHUSETTS MUNICIPAL ASSOCIATION. [TERMS OF USE](#)

✦ Design and development by Viv Web Solutions



An Act granting authority to postpone 2020 municipal elections in the commonwealth and increase voting options in response to the declaration of emergency to respond to COVID-19.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide for the rescheduling of elections as a result of the declaration of emergency to respond to COVID-19 and to increase voting options, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

SECTION 1. (a) Notwithstanding section 9 of chapter 39, sections 26 and 28 of chapter 51 and chapters 53 and 54 of the General Laws or any other general or special law or by-law to the contrary, any city or town with any municipal caucus or annual or special municipal election scheduled between the effective date of this act and May 30, 2020, may postpone such municipal caucus or municipal election in accordance with this act.

The select board, town council, board of registrars or city council of the city or town may vote on any day prior to the date of their scheduled municipal caucus or municipal election to postpone the municipal caucus or municipal election to a date certain on or before June 30, 2020. Such rescheduled caucus or election shall be held in accordance with all applicable election laws except as otherwise provided in this act.

(b) The select board, town council or city council of a city or town postponing a municipal caucus or municipal election pursuant to this act shall, following consultation with the local election official and the chief operating officer of the municipality as to logistics and feasibility, vote to reschedule the municipal caucus or municipal election. A copy of this act, the vote of the select board, town council or city council and a sample ballot shall be placed on the official municipal website not later than 20 days before the date to which the rescheduled caucus or election has been postponed. Notice of such action shall be provided to the public in other ways reasonably calculated to enable eligible voters to learn of the rescheduled election date and to cast ballots therein. The notice may include, but shall not be limited to, a “reverse-911” call, municipal list-serve notifications, advertisement on local cable television or issuance of a press release sent to local news media.

(c) Consistent with section 107 of chapter 41 of the General Laws, an incumbent elected official whose term would have expired at a municipal annual town election if the election was not postponed pursuant to this act shall continue to serve in the official’s position until a successor is elected and qualified.

(d) If this act does not take effect until after the date of a scheduled municipal caucus or municipal election during the state of emergency declared by the governor pursuant to executive order 591, Declaration of a State of Emergency to Respond to COVID-19, 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 2. The last day to register to vote for any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19 shall be 10 days before the date to which the rescheduled election has been postponed; provided, however, that the board of registrars shall hold a registration session on that date not less than

from 2 PM to 4 PM and from 7 PM to 8 PM. The voting list to be used at such rescheduled election shall include all eligible voters registered as of that date.

SECTION 3. The caucus or election materials, including, but not limited to, absentee and official ballots, prepared for a municipal caucus or any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19 and bearing that date shall be used for the rescheduled caucus or election to the extent practicable. If additional ballots are required to be printed, the ballots shall be identical in form to those prepared for the original caucus or election.

SECTION 4. Absentee ballots cast in connection with the original election date for any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19, whether returned before the original election or otherwise, and received by the local election official before the close of polls on the date of the rescheduled election, shall be processed in accordance with applicable law; provided, however, that any voter who chooses to vote in person on the date of the rescheduled election may do so if their absentee ballot has not yet been counted. Completed applications to vote by absentee ballot in the rescheduled election shall be accepted by the board of registrars until 12:00 noon on the last business day before the rescheduled election.

For an election held on or before June 30, 2020 any person taking precaution related to COVID-19 in response to a declared state of emergency or from guidance from a medical professional, local or state health official, or any civil authority shall be deemed to be unable by reason of physical disability to cast their vote in person at a polling location.

SECTION 5. (a) Notwithstanding section 25B of chapter 54 of the General Laws or any other general or special law to the contrary, any eligible voter may vote early by mail for any annual or special municipal or state election held on or before June 30, 2020.

(b) Any qualified voter wanting to early vote by mail may file with their local election official an application for an early voting ballot. Any form of written communication evidencing a desire to have an early voting ballot be sent for use for voting at an election shall be given the same effect as an application made in the form prescribed by the state secretary. Local election officials shall send early voting by mail ballots to those who have applied as soon as ballots are available. No application shall be deemed to be seasonably filed unless it is received in the office of the local election official before noon on the last business day before the date on which the rescheduled election is held.

(c) Local election officials may use absentee ballots for those voters requesting to vote early by mail in municipal elections. An early voting ballot along with an envelope bearing an affidavit as set forth in section 25B of chapter 54 of the General Laws shall be provided to each qualified voter who participates in early voting by mail.

(d) The local election officials shall cause to be placed on the voting lists opposite the name of a qualified voter who participates in early voting the letters "EV" designating an early voter.

(e) The counting of early voting ballots shall be consistent with section 25B of chapter 54 of the General Laws and implemented regulations to the extent practicable. All envelopes

referred to in this section shall be retained with the ballots cast at the election and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots.

(f) All early voting ballots voted by mail shall be received by the town clerk before the hour fixed for closing the polls on the date on which the rescheduled election is held. Early voting ballots cast under the authority of this section shall be processed at the polls in a manner consistent with that set forth in said section 25B of said chapter 54.

