

TOWN OF WINCHENDON

OFFICE OF THE TOWN MANAGER

109 Front Street, Dept. 1, Winchendon, Massachusetts 01475-1758

Telephone: (978) 297-0085

Fax: (978) 297-1616

khickey@townofwinchendon.com

March 30, 2020

BY HAND

His Excellency Charlie Baker Governor of the Commonwealth State
House, Rm. 360
Boston, MA 02133

Re: Request for change of date for local elections

Dear Governor Baker:

Please accept this letter as a request, pursuant to Article II, Section 8, Paragraph 1, Clause (2) of the Amendments to the Massachusetts Constitution, as amended by Article LXXXIX, that you file legislation with the General Court on behalf of the Town of Winchendon. The purpose of the legislation is to authorize the postponement of the Town's annual election to a date later in the fiscal year, or, if necessary to protect the public health and safety, to a date in the first two months of the next fiscal year. Enclosed herewith please find a copy of the Board of Selectmen's vote to request the filing of special legislation as well as a proposed special act.

As you are well aware, the Commonwealth is in a State of Emergency. Cities and towns throughout the state have closed schools and public buildings, cancelled meetings and gatherings, and taken proactive steps to limit the opportunity for the transmission of the novel coronavirus COVID-19. We are experiencing an unprecedented interruption in our day-to-day lives, individuals all across the state have been told to work from home, public and private entities, including professional sports leagues, universities, school districts, cultural institutions and events, and more, have been cancelled, closed, or temporarily suspended, and the World Health Organization has identified the current crisis as a pandemic. For all the same reasons, and including that elections require participation by Town officials and staff, persons who work the polls for election day, many of whom fall into the category deemed most vulnerable to COVID-19, Department of Public Works assistance to set up and break down polling places, a Police Officer at each polling place, use of schools and other public buildings, as well as a substantial numbers of voters, there exists significant concern as to the safety of all those involved.

While there are various mechanisms for delaying the date of a town meeting, no similar authority exists with respect to elections scheduled pursuant to a charter or bylaw, or that have otherwise

been called. In most cases, the need for such rescheduling or postponing an election is created by an actual or anticipated snowstorm or other natural disaster. There is a general consensus, however, that it is important to provide regularity with respect to elections, and typically, the only option available to reschedule or postpone an election is pursuant to a court order addressing various issues. In this case, we are also facing an emergency, one that is not predictable or typical, and we are concerned that proceeding with our Annual Town Election at this time will force our staff, employees, and public safety personnel, as well as voters, to choose between doing their jobs or voting, respectively, and making the appropriate decision most protective of their health and wellbeing.

The calling and holding of elections is subject to an interlocking web of statutes, some found in G.L. c.39, some in G.L. c.51, and others in G.L. c.53 and c.54. Suffice it to say, however, that delaying the date of an election requires attention to many aspects of the conduct of election. For example, what date will appear on the ballots? What voting list will be used? When will voter registration close? How will absentee ballots be treated? Will voters that were ineligible to participate in an earlier election now be able to participate? Will early voting by mail be permitted? We have prepared a draft special act that addresses these issues to the best of our ability. While we are in unpredictable times, we have attempted to anticipate the various issues that require special permission from the General Court.

In our view, voters will not be harmed by this requested postponement authority. Instead, the special legislation will allow the Board of Selectmen, in consultation with the Town Clerk, Board of Health and public safety officials to ensure that persons who want to participate in the election can do so. The protections against fraud found in the election laws remain in place, and authorization of early voting by mail for this election will allow those who are still anxious about being in public places to participate in the election. The proposed legislation provides a reasonable time-frame for notice to be provided to the public of the date of the postponed election, and encourages voter participation by making a like change to the voter registration deadline.

In summary, swift approval of this act will ensure that the Town is able to respond appropriately to the current COVID-19 crisis, avoid the diversion of important municipal resources at this unsettled time, and protect the rights of the voters of the Town of Winchendon to participate fully in the selection of their elected representatives at the Annual Town Election. Please note that the Board of Selectmen is also supportive of the adoption of generally applicable legislation allowing towns to delay their annual town elections this year, or of any other relief that could be provided by executive order. To that end, we have also included a draft bill that could be used for more general authorization or for the basis of an executive order for such purposes.


For all these reasons, the Board of Selectmen of the Town of Winchendon, as well as the undersigned, respectfully request that you submit the enclosed special legislation on behalf of the Town.

Thank you for your willingness to consider the Town's important request and for your consideration in this important matter. If you need further information, please contact Town Manager Keith Hickey at 978 297-0085.


Respectfully submitted,



Audrey LaBrie, Chair
Winchendon Board of Selectmen



Barbara Anderson, Vice Chair
Winchendon Board of Selectmen



Wendy Stevens
Town Clerk

Hon. Ann Gobi
State Senator

Hon. Jonathan Zlotnik
State Representative

Thank you for your willingness to consider the Town's important request and for your consideration in this important matter. If you need further information, please contact Town Manager Keith Hickey at 978 297-0085.

Respectfully submitted,

Audrey LaBrie, Chair
Winchendon Board of Selectmen

Barbara Anderson, Vice Chair
Winchendon Board of Selectmen

Wendy Stevens
Town Clerk

Hon. Ann Gobi
State Senator

Hon. Jonathan Zlotnik
State Representative