

UPDATE – Anticipated Legislation Concerning Postponement of Local and State Elections March 19, 2020

As you are all aware, many towns, and some cities, have local elections this spring. Other municipalities are part of Massachusetts House and Senatorial districts that have special state elections scheduled to be held on March 31, 2020. Understandably, many municipalities have been concerned about how to manage such elections at this time because of the quickly evolving COVID-19 pandemic. With federal, state and local declarations of states of emergency, and in light of the closures of schools, city and town halls, senior centers, libraries and other state and local public buildings, as well as the limiting of office hours and implementation of skeleton staffing, the hurdles required to run an election at this time are significant.

While many municipalities have swiftly moved to authorize the filing of special legislation, or even court action, to address elections issues, questions persist regarding the next practical steps necessary to address the safety of municipal officials, public safety officers, poll workers and voters. Many municipalities have taken a “wait and see” approach, knowing that there remains time to address elections to be held later in the spring. We know, as well, that many of you have been reaching out to your state legislative delegation, as well as the Governor’s office, to voice your concerns.

Late this afternoon, Senate President Karen Spilka issued a press release bringing welcome news to those of you struggling with how to address this issue. Senator Spilka noted, appropriately, that, “The ability to hold elections is fundamental to the continued functioning of our democracy”, while also recognizing that the Senate “must protect the health and safety of the public during this unprecedented global pandemic.” She indicated further that:

The Senate will therefore take action on Monday to give cities and towns needed flexibility to address this situation, including temporarily postponing municipal elections. It will also ensure that there are robust mail and absentee voting options and protections to maximize voter participation when elections do occur.

Finally, she indicated that the Senate is also “working with stakeholders to postpone certain special Senate state elections previously scheduled for March 31, 2020.”

While there are certainly many details that must be ironed out, the action taken today is a significant step towards allowing municipalities to notify voters of their plans, and to allow redirection of important resources to

other areas of need. House Speaker Robert DeLeo issued a statement late this afternoon, as well, and it would seem reasonable to expect that the House will take similar action when it reconvenes on Monday. In the meantime, in considering what there is to do “right now”, municipalities in districts where special elections are scheduled for March 31, 2020 may wish to communicate their positions on this important issue to their legislative delegation and leadership.

We will continue to keep you updated on additional legislative developments on this issue, and will provide an update as soon as there is information to share.

Please contact Managing Attorney Lauren F. Goldberg (lgoldberg@k-plaw.com) at 617-654-1757 with questions concerning election issues.

Also, a reminder that we have established a **Coronavirus “hotline”**, at coronavirusinfo@k-plaw.com. A dedicated team of our attorneys is available through this “hotline” e-mail address to answer the most frequently-asked legal questions arising from COVID-19. One of these designated attorneys will respond promptly to your inquiries. In some instances, you may be referred to your primary, land use, or labor contact, and you should of course feel free to contact these attorney(s) directly with COVID-19 related questions.

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