



Town of Natick
Town Clerk's Office
13 East Central Street
Natick, MA 01760
508-647-6430

MEMORANDUM

TO: Select Board
CC: J. Errickson, J. Marshall, K. North, L. Shaw
FROM: D. Packer
DATE: April 19, 2022
RE: Potential Special Election

Ms. Adelman-Foster recently resigned as a member of the Select Board and the only mechanism for filling that seat is via a special election. The term for the seat vacated by Ms. Adelman-Foster is up in March 2023 and will be one of the offices voted in the March 2023 Annual Town Election.

Currently the Board has two options: the first is to hold a special election and the other is to leave the seat vacant until the next regularly scheduled election. MGL chapter 41, §10 details the requirements for filling this vacancy (<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section10>). In addition to setting the process for filling a vacancy on the Select Board it **requires** the Board to call a special election if a petition with 200 certified signatures is submitted to them by the Town Clerk.

The information below details key information regarding a special election:

- There is no requirement that the election be held on a Tuesday, however the dates in the chart below will include a Tuesday election and will be based on the Board voting at a regularly scheduled Wednesday meeting.
- The Town Charter requires that any local election process include the timing for a preliminary election. In other words there must be a preliminary election if the number of nomination papers filed exceeds twice the number of people to be elected (i.e. 3 people file nomination papers for one open seat).
- The calendar for any election (including a special) must take into account the possibility of a preliminary election.
- The preliminary election must be scheduled 28 days prior to any regular or special election (*Town Charter Article 3, Section 3-1(d)(2)*).

- Nomination papers are due to the Board of Registrars 49 days before the preliminary election date (*Town Charter Article 3 Section 3-1 (d) (4) and G.L. c. 53, §61*)
- Nomination papers must be available for at least 15 days.
- The chart below will detail the earliest possible date for a special assuming that the Board vote at their next regularly scheduled meeting which is May 4th. They may call an election at any meeting as long as it is legally posted.

May 4	Select Board votes to call a special election
May 5	Nomination papers available in the Town Clerk's office
May 24	5PM, last day and hour to submit nomination papers to the Registrars of Voters
June 7	5 PM, last day and hour for the Registrars of Voters to file certified nomination papers to the Town Clerk (35 th day preceding the date of the Preliminary Special Election) (<i>G.L. c. 53, §10, Town Charter, Article 3-1 (d) (4)</i>)
June 9	5:00 PM. Last day and hour for filing withdrawal of, or objections to, nomination papers for Preliminary Town election with Town Clerk. Must be in writing and notarized. (<i>G.L. c. 55B, §7</i>)
June 28	Preliminary election if required. Polls will be open 7AM-8PM
July 26	Special Town Election

There are two election dates already set for the fall:
 Tuesday, September 6th (day after Labor Day): State Primary
 Tuesday, November 8: State Election

It is not possible to put this vacancy on either of those ballots but it is possible to run 2 elections on the same day, however it is definitely not easy. This requires that there are two check-in tables. A voter may choose to take only one of the ballots and the not the other.

Nomination papers for the 2023 Annual Town Election will be available December 1st.

