

ANDERSON KREIGER

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MEMORANDUM

To: Lisa Wong, Town Manager
Town of Winchester

From: Mina S. Makarious
Anderson & Kreiger LLP

Re: Filling of Vacancy on Board of Registrars

Date: April 8, 2020

It is our understanding that prior to April 1, 2021, the Town of Winchester's (the "Town's") Board of Registrars consisted of four members: the Town Clerk (who is not an enrolled member of any political party), sitting *ex officio*, two members nominated by the Town's Republican Party Committee, and one member nominated by the Town's Democratic Party Committee. The term of one of the Republican members expired as of April 1, creating the vacancy to be filled.

Filling of vacancies on the Board of Registrars is governed by G.L. c .51, § 15, which provides in relevant part (emphasis added):

As the terms of the several registrars expire, and in case a vacancy occurs in the board of registrars of voters, the **selectmen or the appointing authority** shall so appoint their successors that **as nearly as possible** the members of the board shall **represent the two leading political parties**, as defined in section one of chapter fifty; provided, that a city or town clerk need not be enrolled in a political party; and provided further, that **in no case shall an appointment be made as to cause a board to have more than two members, including the city or town clerk, of the same political party**. Every such appointment shall be made in a town by the selectmen or the appointing authority from a **list to be submitted to them by the town committee of the political party from the members of which the position is to be filled, containing the names of three enrolled members of such party resident in the town**, selected by a majority vote at a duly called meeting, at which a quorum is present, of such committee; and every member of a board of registrars of voters shall serve until the expiration of his term and until his successor has qualified; provided, however, if the chairman of the town committee has not submitted such list to the selectmen or the appointing authority within forty-five days after a notification to said chairman by certified mail, the selectmen or the appointing authority shall make said appointment without reference to such a list.

Section 15 requires that the Select Board make appointments to the Board of Registrars in such a manner as to approximate the distribution of registered voters among leading political parties in

the Town. Accordingly, when seeking nominations to fill a single vacancy on the Board of Registrars, the Select Board must solicit nominations from the party necessary to meet this goal. Based on data provided by the Town Clerk, it appears that 29% of the Town's registered voters are Democrats, and 11% are Republicans. With the current vacancy on the Board of Registrars, the Board of Registrars will have one registered Republican, one registered Democrat, and the Clerk, who is unenrolled. Accordingly, to reflect the nearly 3-1 ratio of registered Democrats to Republicans in the Town, the Select Board should seek nominations from the Town's Democratic Party Committee to fill the vacancy.

The Select Board's appointee may not hold any federal, state, or local elected office, or any office directly appointed by the Select Board. G.L. c. 51, § 25. However, G.L. c. 51, § 25 expressly provides that a Town Meeting member, even though an elected Town official, may serve on the Board of Registrars.