



Boards of Registrars & Election Commissions

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I. Introduction

This chapter of the *Election Resources Handbook* provides information on boards of registrars and boards of election commissioners. Throughout this chapter, the term “board of registrars” will be used, unless a distinction between the two types of boards is necessary.

Each city and town in Massachusetts has its own board of registrars, which oversees and supports election administration in that community. This chapter provides detailed information on the structure of the board and the duties of the registrars.

This publication addresses the requirements in state law. If your city or town has a charter that addresses the appointment or duties of registrars or election commissioners, you must consult your charter or your legal counsel for information specific to your community.

II. Board Membership

Membership

The board of registrars in most towns is a four-member board that includes the town clerk. In these towns, three registrars are appointed, while the clerk holds the fourth seat on the board. The clerk holds this seat whether they are elected or appointed, and also acts as clerk to the board.

Cities may choose to adopt a four-member board that excludes the city clerk. In these cities, all four members are appointed.

Cities and towns may also choose to have a board of election commissioners instead of a board of registrars. Typically called elections commissions, these boards are entirely appointed.

With the exception of an appointed clerk, all registrars must be registered voters of the city or town in which they serve.

Terms of Office

A registrar or election commissioner’s term begins on April 1 and lasts for either three or four years. They serve overlapping terms, with one term expiring each year.

In cities and towns that have three appointed registrars (not including the clerk), registrars serve 3-year terms.

In communities with an election commission and cities where the board of registrars does not include the clerk, the four commissioners or registrars serve 4-year terms.

Appointments should be made in February or March of each year, so that the new (or reappointed) registrar can be sworn-in on April 1.

Party Enrollment Requirements

A board of registrars or election commissioners should contain representatives of the two leading political parties. Ideally, the board should contain two Democrats and two Republicans, though the clerk may be Unenrolled.

No matter the party enrollment of the clerk, the board may contain no more than two members of the same political party.

A registrar's party enrollment is subject to a two-year "look back." A voter must be enrolled in a political party continuously for two years before they can meet the requirements to be a registrar representing that party.

- For instance, an Unenrolled voter can't register as a Republican one month before being appointed to a Republican seat on the Board of Registrars.

When determining if someone meets the party enrollment requirements to sit on the board of registrars, you must look at their current party enrollment and any previous party changes for the last two years.

References:

- Boards of registrars in certain cities and towns – G.L. c. 51 § 15
- Boards of registrars in certain cities – G.L. c. 51 § 17
- Boards of election commissioners – G.L. c. 51 § 16A
- Political representation on Boards of Registrars -- G.L. c. 51 § 18
- Two-year look-back on party enrollment – G.L. c. 4 § 12
- Registration requirement for registrars and assistant registrars – G.L. c. 51 § 25

III. Appointing Registrars

Appointing Authority

In towns, registrars are appointed by members of the select board or town council, who reference lists provided by local party committees.

In cities, registrars or commissioners are appointed by the mayor, with the approval of the city council. City charters may provide for a different process.

Appointing Registrars in a Town

In January or February, the select board or town council must send notice by certified mail to the local party chair(s), requesting a list of three qualified party members to be appointed to the seat held by the registrar whose term is expiring that April.

Lists only need to be solicited from a party if that party's members can hold the seat.

- For example, if there are already two Democratic registrars whose terms are not expiring, the Democratic Town Committee should not be asked to submit names.
- If there is no more than one member of each party among the remaining registrars, a member of either party could be appointed, so both parties can be asked for names.

In February or March, if lists have been provided from the local party committee(s), the select board or town council should vote to appoint someone from one of those lists to a three-year term that begins on April 1.

If the local party chairs do not provide lists within 45 days of the request, the select board or town council may appoint a registrar without regard to a list.

Appointing Registrars in a City

Unless the city's charter provides otherwise, registrars or election commissioners in a city must be appointed by the mayor, with the approval of the city council.

Unlike registrars in towns, registrars and election commissioners in cities do not need to be appointed from a list provided by a political party. The party balance must still be maintained, however.

In February or March of each year, the mayor must appoint a qualified voter who meets the party enrollment requirements to fill the seat that will expire on April 1 of that year. Before the registrar may be sworn-in, the appointee must be approved by the city council.

In cities in which the city clerk is a member of the board of registrars, 3 registrars must be appointed to 3-year terms, with 1 seat expiring each year, on April 1.

In cities in which the city clerk is not a member of the board of registrars, or which have an election commission instead of a board of registrars, 4 members must be appointed to 4-year terms, with one seat expiring each year, on April 1.

Filling Vacancies

If a seat on a board of registrars or election commission becomes vacant due to resignation or death, the seat must be filled by a voter of the same political party as the person who vacated the seat.

This requirement applies only to vacancies that occur during a registrar's term. It does not apply to those whose terms have simply expired.

The appointing authority may fill a vacant seat until the expiration of the original term. The person who fills the vacancy shall serve the remainder of the unexpired term, which will expire on April 1 of the appropriate year.

- In the event of a **temporary vacancy**, due to the absence of a registrar, the remaining members of the board may write to the appointing authority to request the appointment of a **temporary registrar**. A temporary registrar must still be of the same political party of the registrar who is absent.

Unequal Party Representation

Occasionally, a party change of a registrar or turnover in the office of the clerk may cause the board of registrars to have an unequal party balance.

If a new clerk is enrolled in a political party, and the clerk's party enrollment causes the board of registrars to have more than two members of the same party, one of the other two registrars representing that political party must vacate their seat. The one who has the least amount of time remaining in their term must be removed from the board, to make way for the clerk.

Any person may file a written complaint to the select board or mayor if they believe that there is unequal party balance on the board of registrars. After notice and hearing, the appointing authority must remove a registrar who changed their party and caused there to be more than 2 registrars in of the same party.

The removal of a registrar due to unequal party balance will result in a vacancy, which must be filled in the same manner as other vacancies; however, in this case, the person filling the vacancy must be of a different political party as the person who previously held the seat.

Assistant Registrars

The board of registrars may appoint assistant registrars for a term of one year, beginning on April 1. The registrars may also appoint temporary assistant registrars to assist with registering voters and compiling the annual street list.

If an assistant registrar is not regularly employed by the city or town in which they are appointed, they must be a registered voter of the town.

Registrars may choose to delegate their authority to one or more assistant registrars. Assistant registrars must equally represent political parties.

The registrars may remove an assistant registrar at any time, and fill the vacancy caused by the removal.

References:

- Boards of registrars in certain cities & towns – G.L. c. 51 § 15
- Boards of registrars in certain cities – G.L. c. 51 § 17
- Boards of election commissioners – G.L. c. 51 § 16A
- Political representation on Boards of Registrars -- G.L. c. 51 § 18
- Unequal representation on Boards of Registrars – G.L. c. 51 § 19
- Vacancies on the board of registrars -- G.L. c. 51 § 20
- Appointing temporary registrars -- G.L. c. 51 § 20
- Two-year look-back on party enrollment – G.L. c. 4 § 12
- Registration requirement for registrars & assistant registrars – G.L. c. 51 § 25

IV. Prohibited Appointments & Conduct

Those appointed as registrars and assistant registrars are prohibited from holding most public offices. They are also prohibited from holding certain political offices.

Elections and Appointments

An appointed registrar or assistant registrar may not:

- Hold an elected office
- Hold an office appointed by the mayor
- Hold an office appointed by the town manager
- Hold an office appointed by the city manager
- Hold an office appointed or elected under the government of the United States
- Hold an office appointed or elected under the Commonwealth

A registrar who accepts any of the above positions must be deemed to have vacated the office of registrar. A person who holds any of the above offices is not eligible to serve as a registrar.

Appointments generally require someone to be sworn to their duties. A government employee generally is not considered to hold an appointed office unless their position is created by statute, executive order, or some other legal authority, and the appointee is sworn-in to the position.

Notwithstanding the above restrictions, an appointed registrar or assistant registrar may:

- Be a justice of the peace
- Be a notary public
- Serve on a home rule charter commission
- Serve as a town meeting member
- Hold an office in the national guard
- Hold an appointed office while serving as a registrar in a town with fewer than 2,000 residents
- Run for elected office

While a registrar may take any of these actions without vacating their seat, they should not assume that holding one of these positions or running for office would not present a conflict of interest.

Any registrar accepting an appointed position, planning to run for office, or considering involvement in a political campaign should contact the State Ethics Commission to

request an opinion on whether doing so would conflict with their duties. The State Ethics Commission may require the registrar to recuse themselves in certain situations.

Political Offices

A registrar, election commissioner, town clerk, or city clerk may not:

- Be the chair of a political committee
- Be the treasurer of a political committee
- Be a principal officer of a political committee

A registrar, election commissioner, or city or town clerk may:

- Be a member or associate member of a political committee
- Be the chair of their own political committee
- Be a principal officer (other than treasurer) of their own political committee

References:

- Registrars prohibited from holding certain offices – G.L. c. 51 § 25
- Registrars & clerks prohibited from holding certain political offices – G.L. c. 55 § 5

V. Duties of Registrars

Under the General Laws, registrars have a number of responsibilities. Most duties of the registrars pertain to voter registration, street listings, signature certification, and certain post-election duties.

Registrars do not work as poll workers. Poll workers in most cases are appointed positions. As discussed in the previous section, registrars cannot accept most appointed positions.

Registrar Responsibilities Overview

The duties of registrars vary by city and town. This is because most boards of registrars delegate at least some of their functions to assistant registrars, who are typically employees of the clerk's office.

While registrars may delegate many of these administrative tasks to the assistant registrars and the clerk, they cannot delegate actions that require meetings or votes of the registrars, including the judging of recounts, conduct of post-election audits, and counting of Federal Write-in Absentee Ballots (FWABs) and ballots received from outside the United States.

The list below includes the primary duties of the board of registrars, as dictated by the Massachusetts General Laws.

Under state law, registrars are responsible for:

Voter Registration

- Registering voters
- Maintaining the voter list by updating names, addresses, and party enrollment, making corrections, and removing voters who are deceased or have moved
- Rejecting incomplete voter registration forms
- Sending acknowledgement and rejection notices to voters
- Considering objections to voter registrations and voter qualifications
- Issuing confidential voter certificates

Annual Street Listing

- Compiling the annual street listing
- Sending confirmation notices to inactive voters

Nomination Papers & Petitions

- Accepting nomination papers from candidates and reviewing the candidate information on each sheet
- Certifying voter names on nomination papers and petitions
- Certifying candidate voter registration and enrollment for candidates who reside in their city or town
- Considering objections to nomination papers and ballot question petitions for local elections

Election Officers

- Requesting lists of potential poll workers from party committees, reviewing said lists, and making recommendations to the appointing authority
- Appointing election officers, if the appointing authority fails to do so

Voting

- Receiving and reviewing applications for early and absentee ballots
- Investigating the qualifications of specially qualified voters
- With other election officers, overseeing and administering in-person early voting
- Preparing and maintaining early voting lists
- Designating alternative or additional early voting sites, if necessary
- Posting notice of early voting dates, times, and locations

- Requesting in-person early voting for local elections, at their discretion
- Coordinating with the select board or city council to detail police officers or constables to polling places and (in their discretion) early voting sites
- Administering supervised absentee voting at designated healthcare facilities

Tabulation

- Counting Federal Write-in Absentee Ballots (FWABs) and ballots received from voters outside the United States after Election Day
- Administering post-election audits and reporting results of the audit to the Secretary
- Overseeing and judging recounts

Responsibilities of the Clerk

While many of the duties of administering elections are shared by the clerk and the other registrars, state law authorizes the clerk to perform certain tasks, without the involvement of the registrars.

The following duties are the sole responsibility of the clerk:

- Overseeing and training poll workers
- Filling poll worker vacancies within 3 weeks of an election
- Administering the oath of office to election workers
- Preparing ballots for local elections
- Sending ballots to early and absentee voters
- Receiving early and absentee ballots and accepting or rejecting those ballots
- Taking care and custody of the ballot boxes and ballot tabulators
- Testing voting equipment
- Overseeing central tabulation of ballots
- Receiving ballots, tally sheets, and other materials returned from polling places on Election Night
- Investigating and counting provisional ballots
- Certifying state election results to the Secretary of the Commonwealth

References:

- Voter registration, street lists, and voter lists – G.L. c. 51 §§ 1F-8, 11, 14-14B, 26, 28, 32-37, 38-41, 42C-42D, 42F-51A, 55-63, 65-66
- Nomination papers and petitions – G.L. c. 53 §§ 6-7A, 9-10, 18A, 22A, 46, 48
- Poll workers – G.L. c. 54 §§ 11B-13, 14, 20, 23, 71A
- Early voting – G.L. c. 54 § 25B
- Police – G.L. c. 54 § 72

- Absentee voting – G.L. c. 54 §§ 89-91B, 93, 94, 95
- Post-election audits – G.L. 54 § 109A
- Recounts – G.L. c. 54 § 135
- Objections to nomination papers – G.L. c. 55B §§ 6-7
- Ballot boxes and tabulators – G.L. c. 54 §§ 28-31, 33, 33E, 66
- Provisional Ballots – G.L. c. 54 § 76C
- Tallying and certifying results – G.L. c. 54 §§ 105, 105A, 107, 111-112