



Vacancy of Elected Position: Joint Election Policy

SELECT Board

Town of Boxborough, MA

Intent and Purpose

On occasion, due to resignations or lack of candidates for elections, it is necessary for an **elected** Board/Committee and the Select Board to jointly elect a member of that Board/Committee to serve until the next Annual Town Election in May.

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MGL Chapter 41, Section 11

- Vacancy is defined as the resignation of an elected official or a failure to elect.
- The law does not apply to: Select Board members and the Town Clerk, if elected.
- The resignation is effective the date delivered to the Town Clerk.
- The Board/Committee must notify the Select Board, in writing, within 30 days of the resignation or lack of election. If this is not done, only the Select Board may participate in the election of the new member.
- There must be seven days' notice prior to the Select Board Meeting at which the election will take place.
- The election must be done in a joint meeting between the two Boards and/or Committee.
- The election must be by roll call vote.
- A majority of those eligible to vote must vote for the successful candidate.
- All phases of the process must follow the Open Meeting Law.

Definition: Fair and Open

The application process will be carried out by the Board/Committee where a vacancy exists.

1. Application process should be public:
 - a. Announced in an Open Meeting
 - b. Notices posted in the appropriate places (Town Hall, etc.)
2. Application process must be clear:
 - a. How to apply
 - b. Where to send the application
 - c. Cut-off date for applications

Definition: Joint Election

1. If there are more than three candidates, the Board/Committee, with the vacancy, may conduct a preliminary screening of no less than three finalist candidates. The Select Board must be provided with more than one candidate to interview.
2. Joint interviews of the candidates/finalists must be held at a joint meeting of the two Boards and/or Committees.
3. The process for voting, including breaking of a tie, shall be voted by both Boards **before** the interviews take place.

Policy

The Select Board requires that the election:

- Be fair and open, and appear to be fair and open.
- Be joint between the two Boards, unless the notice exceeds the 30-day written requirement.

This policy revokes and replaces all previous policies on this topic including the undated policy entitled "Policy on Joint Elections".