



**Town of Arlington
Legal Department**

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To: Select Board

Cc: Adam Chapdelaine, Town Manager
Board of Registrars

From: Douglas W. Heim, Town Counsel

Date: June 11, 2020

Re: Notice for Appointment of a New Member of the Board of Registrars

I write to advise that the Board or the Select Board Office issue a notice to the Arlington Republican Town Committee to appoint a new member to the Board of Registrars following the resignation of long-time member Adele Kraus. Under c. 51 sec. 15, the Select Board appoints registrars for terms of three years,¹ from lists of potential nominees provided by the two main political parties in the Town, unless the parties fail to provide a list upon notice from the Board. The Board consists of three appointed persons and the Town Clerk as a member ex-officio, and

¹ According to the schedule of appointments, Ms. Kraus' now vacant seat is set for a two-year term to expire in 2022. There is provision for providing a temporary registrar to fill a vacancy under c. 51 sec. 20, but such appointments can only be filled by members of the same party as the vacating member, which for reasons set forth herein is not feasible without violating the clear intent of c. 51 sec. 15 and 18.

is required to “appoint their successors that as nearly as possible the members of the board shall represent the two leading political parties...”

While Ms. Kraus served on the Board of Registrars as a registered Democrat, sec. 15 of Chapter 51 mandates “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.”² At present, remaining appointed members include one Democrat and one Republican. However, to my understanding the Clerk-elect is a registered Democrat, which as of the date she assumes office presents the Board of Registrars with two (2) Democrats and one (1) Republican member. Accordingly, the Board must request a list from the Town Republican Committee under c. 51. In the event that a list is not provided within forty-five (45) days, the Board may make an appointment without reference to a list, but it must still comply with c. 51 sec. 15 and 18.

I look forward to any questions the Board may have.

² Section 18 further emphasizes: “In the original and in each succeeding appointment and in filling vacancies, registrars of voters shall be so appointed that the members of the board shall represent the two leading political parties, *and in no case shall an appointment be so made as to cause a board to have more than two members, including the city or town clerk, of the same political party.*” Emphasis added.