



Town of Arlington
Legal Department

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To: Select Board
Cc: James Feeney, Town Manager
From: Michael C. Cunningham, Town Counsel
Date: January 4, 2023
Re: Ballot Question regarding the Town Clerk

Members of the Board, I write to summarize the actions taken to date regarding the placement of a question on the 2024 Annual Town Election Ballot for the possible conversion of the Town's elected Town Clerk from an elected to an appointed position. Further, I have included draft vote language for your consideration.

Statutory Authority

G.L. c. 41, §1B allows:

“[a]ny office or board, except the board of selectmen and the school committee... may become an appointed position... by a majority vote of the annual or special town meeting and acceptance by the voters of the town at the annual town elections; provided, however, that any vote by a special town meeting taken under the provisions of this section shall take place at least 60 days prior to the acceptance of the voters at the annual town election.”

Accordingly, as the language of the statute clearly indicates, if the voters at the 2024 Annual Town Election choose to convert the Town's elected Town Clerk from an elected position to an appointed position, it will do so in a manner that complies with state law.

Procedural History

On March 13, 2023, the Select Board voted 5-0 in support of favorable action of a warrant article that put the question of whether to convert to an appointed Town Clerk before the 2023 Annual Town Meeting. On April 26, 2023, by a favorable vote of 186-31, Town Meeting requested and authorized the Select Board to place the following question on the 2024 Annual Town Election Ballot:

“Shall the town vote to have its elected Town Clerk become an appointed Town Clerk of the town?”

Yes _____ No _____”

In accordance with the actions taken by the 2023 Annual Town Meeting and the enabling law set forth in G.L. c. 41, §1B, this matter is properly before this Board for its consideration.

Future Considerations

Although not before the Board at this time, it is noted that if a majority of the Town's voters at the 2024 Annual Town Election vote yes on the Town Clerk ballot question, future actions would be needed to implement the change. Specifically, the Town Bylaws and the Town Manager Act would require updates similar to amendments made following the conversion of the Treasurer position from elected to appointed in 2018.

Draft Vote language

The following is draft vote language for the Board's consideration:

VOTED:

That the Select Board directs the Town Clerk to place the following question on the 2024 Annual

Town Election Ballot:

“Shall the town vote to have its elected Town Clerk become an appointed Town Clerk of the town?”

Yes _____ No _____”