

HOUSE No. 43

[Pin Slip]

The Commonwealth of Massachusetts

House of Representatives, [Journal Date]



In the Year Two Thousand Eleven

1 **Ordered**, The special committee of the House to examine the returns of votes for
2 Representative in the several Representative Districts of the Commonwealth, reports, on the
3 residue, that the accompanying Order relative to a special election for the Sixth Worcester
4 District, ought to be adopted.

5 For the committee,

6 MICHAEL J. MORAN

7 EUGENE L. O'FLAHERTY

8 GEORGE N. PETERSON, JR.

9 On November 2, 2010, elections for Representative were held throughout the Commonwealth of
10 Massachusetts. On December 10, 2010 the Governor and Council met to examine and tabulate
11 the November 2, 2010 election results as prescribed by the Constitution and Laws of the
12 Commonwealth. The Sixth Worcester District election results were not examined or included in
13 the tabulation of results transmitted to the State Secretary under Chapter 54, Section 115 of the
14 General Laws.

15 As prescribed by Chapter 54, Section 116, the Governor and Council certify the results
16 transmitted by the State Secretary. One hundred and fifty nine representative districts were
17 examined and certified by the Governor and Council and the Governor issued a summons to

18 those who appeared to be elected to meet on January 5, 2011 as evidence of their qualification to
19 serve in 187th General Court. On January 5, 2011, the Secretary of the Commonwealth laid
20 before the Honorable House of Representatives the return of votes cast for Representative at the
21 election held in the Commonwealth on November 2, 2010. The House of Representatives was
22 informed by the state secretary on January 5, 2011 that the returns for the Sixth Worcester
23 District had not been certified by the Governor and Council.

24 The returns of votes for Representatives were referred to a special committee consisting of
25 Representatives Moran of Boston, O'Flaherty of Chelsea, and Peterson of Grafton to examine
26 the election results. Mr. Moran of Boston submitted an in-part report for the special committee
27 that one-hundred and fifty nine persons had been duly elected.

28 Furthermore, there was no claim of qualification to election by any candidate for the Sixth
29 Worcester District as prescribed by Chapter 3, Section 4 since the election results were in doubt
30 and contested ballots were being adjudicated in Worcester Superior Court. No decision from the
31 court was available on January 5, 2011 for review and consideration as evidence by the special
32 committee to determine a duly elected representative for the Sixth Worcester District. Therefore
33 under Amended Article LXIV of the Constitution, Geraldo Alicea of Charlton continued to
34 represent the Sixth Worcester District until a successor is chosen and qualified.

35 Upon final examination of all available evidence, the special committee concludes that the
36 election is a tie vote and that there was failure to elect a Representative for the Sixth Worcester
37 District.

38 The special committee recommendation to the House of Representatives is to declare a failure to
39 elect pursuant to Chapter 54 Section 141 of the General Laws and order a new election to be held
40 for Representative for the Sixth Worcester District. Therefore be it

41 Ordered, That the Speaker issue a precept giving notice that there was a failure to elect for the
42 Sixth Worcester District and appointing a time for an election.