

SENATE No. 537

[Senate, No. 537. — Substituted by amendment by the Senate (Campbell) for House Bill No. 1639.]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Two.

AN ACT RELATIVE TO THE FILLING OF VACANCIES IN THE CITY COUNCIL AND SCHOOL COMMITTEE OF THE CITY OF BOSTON.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 452 of the acts of 1948 is
2 hereby amended by striking out section 15, as appear-
3 ing in section 1 of chapter 376 of the acts of 1951, and
4 inserting in place thereof the following: —

5 *Section 15.* If at any time a vacancy occurs in the
6 city council from any cause, the city clerk shall forth-
7 with notify the city council thereof; and within fif-
8 teen days after such notification, the remaining city
9 councillors shall choose, as city councillor for the un-
10 expired term, whichever of the defeated candidates
11 for the office of city councillor at the regular municipal
12 election at which city councillors were elected for the
13 term in which the vacancy occurs, who are eligible
14 and willing to serve, received the highest number of
15 votes at such election, or, if there is no such defeated

16 candidate eligible and willing to serve, a registered
17 voter of the city duly qualified to vote for a candidate
18 for the office of city councillor. If at a regular mu-
19 nicipal election there is a failure to elect a city coun-
20 cillor, or if a person elected city councillor at such an
21 election resigns or dies before taking office, the city
22 clerk shall, as soon as conveniently may be after the
23 remaining city councillors-elect take office, notify the
24 city council of such failure to elect, resignation or
25 death; and within fifteen days after such notification
26 the members thereof shall choose, as city councillor
27 for the unexpired term, whichever of the defeated
28 candidates for the office of city councillor at such
29 election, who are eligible and willing to serve, received
30 the highest number of votes at such election, or, if
31 there is no such defeated candidate eligible and will-
32 ing to serve, a registered voter of the city duly quali-
33 fied to vote for a candidate for the office of city coun-
34 cillor. If in any of the aforesaid events a choice is not
35 made as hereinbefore provided within fifteen days
36 after the notification of the city council by the city
37 clerk, the choice shall be made by the mayor, or, if
38 there is no mayor, by the city councillor senior in
39 length of service, or, if there be more than one such,
40 by the city councillor senior both in age and length
41 of service. For the purposes of section seventeen D,
42 votes of the city council under this section shall be
43 deemed to be votes electing officials.

1 SECTION 2. Said chapter 452 is hereby further
2 amended by striking out section 19, as appearing in
3 section 1 of said chapter 376, and inserting in place
4 thereof the following:—

5 *Section 19.* If at any time a vacancy occurs in the

6 school committee from any cause, the mayor, the
7 president of the city council and the remaining school
8 committeemen, meeting in joint convention, shall,
9 within fifteen days after the vacancy arises, choose,
10 as school committeeman for the unexpired term, which-
11 ever of the defeated candidates for the office of school
12 committeeman at the regular municipal election at
13 which school committeemen were elected for the term
14 in which the vacancy occurs, who are eligible and
15 willing to serve, received the highest number of votes
16 at such election, or, if there is no such defeated candi-
17 date eligible and willing to serve, a registered voter of
18 the city duly qualified to vote for a candidate for the
19 office of school committeeman. If at a regular mu-
20 nicipal election there is a failure to elect a school
21 committeeman, or if a person elected school com-
22 mitteeman at such an election resigns or dies before
23 taking office, within fifteen days after the remaining
24 school committeemen-elect take office, such school
25 committeemen and the then mayor and the then presi-
26 dent of the city council shall meet in joint convention
27 and choose, as school committeeman for the unexpired
28 term, whichever of the defeated candidates for the
29 office of school committeeman at such election, who
30 are eligible and willing to serve, received the highest
31 number of votes at such election, or, if there is no
32 such defeated candidate eligible and willing to serve,
33 a registered voter of the city duly qualified to vote for
34 a candidate for the office of school committeeman.

1 SECTION 3. This act shall take effect upon its
2 passage.

