

# HOUSE . . . . No. 2012

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By Mr. Patrone of Boston, petition of Charles L. Patrone for partisan elections in the city of Boston for offices of mayor, city council and school committee. Cities.

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## The Commonwealth of Massachusetts

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

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AN ACT PROVIDING FOR PARTISAN ELECTIONS IN THE CITY OF BOSTON FOR THE OFFICES OF MAYOR, CITY COUNCIL AND SCHOOL COMMITTEE.

*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. The city of Boston is hereby authorized  
2 and directed to provide for partisan elections in the city  
3 of Boston for the offices of mayor, city council and  
4 school committee in accordance with requirements  
5 therefor as set forth, defined and referred to in a plan  
6 known as Plan A of chapter four hundred and fifty-two  
7 of the acts of nineteen hundred and forty-eight.

1 SECTION 2. When Plan A is adopted, sections eleven  
2 to twenty, inclusive, and sections fifty-three to sixty-  
3 five, inclusive, shall become operative, subject to the  
4 provisions of section four. Under Plan A there shall be  
5 a mayor who shall be the chief executive officer of the  
6 city, a city council of nine members and a school com-  
7 mittee of five members; the city clerk and the city  
8 auditor shall have the powers, duties and tenures con-  
9 ferred and imposed upon them by law; and all elective  
10 officers shall be nominated by preliminary elections,  
11 and shall be elected at large.

1 SECTION 3. Beginning with the next regular municipal  
2 election following the adoption of Plan A, and at each  
3 second successive regular municipal election after a  
4 regular municipal election at which a mayor is elected,  
5 the mayor of the city shall be elected at large to hold  
6 office for the term of four years from the first Monday in  
7 January following his election and until his successor  
8 is chosen and qualified.

1 SECTION 4. If a vacancy occurs in the office of mayor  
2 within one hundred and ten days prior to a regular muni-  
3 cipal election other than an election for mayor, or within  
4 sixteen months after any regular municipal election, the  
5 city council shall forthwith order a special election of  
6 mayor to serve for the unexpired term, and if such  
7 vacancy occurs at any other time there shall be an elec-  
8 tion of mayor at the next regular municipal election  
9 for the term of four years; provided, that the foregoing  
10 provisions shall not apply if such vacancy occurs between  
11 the date of an election at which a new mayor is elected  
12 and the date he takes office. In the case of the decease,  
13 inability, absence or resignation of the mayor, and  
14 whenever there is a vacancy in the office from any cause,  
15 the president of the city council, while said cause con-  
16 tinues or until a mayor is elected, shall perform the duties  
17 of mayor. If he is also absent or unable from any cause  
18 to perform such duties, they shall be performed, until  
19 the mayor or president of the city council returns or is  
20 able to attend to said duties, by such member of the city  
21 council as that body may elect, and until such election  
22 by the city clerk. The person upon whom such duties  
23 shall devolve shall be called "acting mayor" and he  
24 shall possess the powers of mayor only in matters not  
25 admitting of delay, but shall have no power to make  
26 permanent appointments except on the decease of the  
27 mayor.

1 SECTION 5. Beginning with the next regular municipal  
2 election following the adoption of Plan A, and at each  
3 regular municipal election thereafter, there shall be

4 elected at large nine members of the city council, each  
5 for a term of two years from the first Monday in January  
6 following his election and until his successor is elected  
7 and qualified.

1 SECTION 6. Each member of the city council shall be  
2 paid an annual salary of five thousand dollars; and no  
3 other sum shall be paid from the city treasury for or on  
4 account of any personal expenses directly or indirectly  
5 incurred by or in behalf of any member of said council.

1 SECTION 7. Except as provided in this section, a  
2 vacancy in the city council shall be filled for the unex-  
3 pired term by a majority vote of the remaining members.  
4 If, under the foregoing provision, the remaining members  
5 fail to fill such vacancy within thirty days after they  
6 shall have been notified by the city clerk that such va-  
7 cancy exists, such vacancy in the city council shall be  
8 filled by the appointment of any qualified voter of the  
9 city by the mayor, or, if there is no mayor, by the mem-  
10 ber of the city council senior in length of service, or,  
11 if more than one have so served, then the member senior  
12 both in age and length of service.

1 SECTION 8. The city council shall be the judge of the  
2 election and qualifications of its members; shall elect  
3 from its members by vote of a majority of all the mem-  
4 bers a president who when present shall preside at the  
5 meetings thereof; and shall from time to time establish  
6 rules for its proceedings. The member eldest in years  
7 shall preside until the president is chosen, and in case of  
8 the absence of the president, until a presiding officer is  
9 chosen.

1 SECTION 9. Beginning with the next regular municipal  
2 election following the adoption of Plan A, and at each  
3 regular municipal election thereafter, there shall be  
4 elected at large five members of the school committee,  
5 each for a term of two years from the first Monday in  
6 January following his election and until his successor is



7 elected and qualified. The members of the school com-  
8 mittee shall meet and organize on the first Monday of  
9 January following their election.

1 SECTION 10. Every order, ordinance, resolution and  
2 vote relative to the affairs of the city, adopted or passed  
3 by the city council, shall be presented to the mayor for  
4 his approval. If he approves it he shall sign it; if he  
5 disapproves it he shall return it, with his written objec-  
6 tions, to the city council, which shall enter the objections  
7 at large on its records, and again consider it. If the  
8 city council, notwithstanding such disapproval of the  
9 mayor, shall again pass such order, ordinance, resolution  
10 or vote by a two thirds vote of all its members, it shall  
11 then be in force, but such vote shall not be taken for  
12 seven days after its return to the city council. Every  
13 such order, ordinance, resolution and vote shall be in  
14 force if not returned by the mayor within ten days after  
15 it has been presented to him. If the same involves a  
16 loan or the expenditure of money, the mayor may ap-  
17 prove some of the items in whole or in part and disapprove  
18 other of the items in whole or in part; and such items or  
19 parts of items as he approves shall be in force, and such  
20 items or parts of items as he disapproves shall be void.

1 SECTION 11. The provisions of this act shall apply to  
2 any special election held in the city of Boston to fill a  
3 vacancy in the office of mayor under Plan A, except that  
4 nomination papers for said office to be filled at such an  
5 election shall be issued by the board of election com-  
6 missioners on and after the day following the calling  
7 thereof. Every special municipal election shall be held  
8 on a Tuesday not less than ninety days nor more than  
9 one hundred and ten days after the date of the order  
10 calling such special election.

1 SECTION 12. The petition by the city council for action  
2 on loan orders presented by the mayor, under the pro-  
3 visions of the last sentence of section three of chapter

4 four hundred and eighty-six of the acts of nineteen hun-  
5 dred and nine, added by chapter two hundred and twenty  
6 of the acts of nineteen hundred and thirty-four, may be  
7 signed by three members of the city council, instead of  
8 by six members thereof as required by the provisions of  
9 said sentence.

10 PLAN D. — GOVERNMENT BY A CITY COUNCIL INCLUDING  
11 A MAYOR ELECTED FROM ITS NUMBER, A CITY MANAGER,  
12 AND A SCHOOL COMMITTEE, WITH ALL ELECTIVE BODIES  
13 ELECTED AT LARGE WITH PRELIMINARY ELECTIONS AND  
14 LIMITED VOTING.





