

HOUSE No. 1417

Bill accompanying the petition of James S. Whiting and others for legislation to amend the charter of the city of Quincy. Cities. January 16.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Thirteen.

AN ACT

To amend the Charter of the City of Quincy.

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. Section five of chapter three hundred and
2 forty-seven of the acts of eighteen hundred and eighty-
3 eight is hereby amended by inserting before the word
4 "at", in the first line thereof, the following:—

5 a. No ballot used at any annual or special city elec-
6 tion in the city of Quincy, or at any preliminary elec-
7 tion or caucus held therein for nominations, shall have
8 printed thereon any party or political designation or
9 mark, and there shall not be appended to the name of
10 any candidate any such party or political designation
11 or mark or anything showing how he was nominated or
12 indicating his views or opinions.

13 *b.* In place of the joint party caucus now required by
14 law to be held in said city for the nomination of candi-
15 dates for elections to its city offices the city clerk shall
16 call a caucus of all legal voters of each ward on the same
17 date.

18 Said caucus shall be held not less than three weeks
19 prior to the date now fixed by law for holding the an-
20 nual municipal election in said city.

21 *c.* Any person who is qualified to vote for a candidate
22 for mayor, councilman or member of the school com-
23 mittee, and who is a candidate for nomination for such
24 office may have his name, as such candidate, printed
25 on the official ballots to be used at a caucus for nomina-
26 tions: *provided*, that he shall, at least ten days prior to
27 such caucus for nomination, file with the city clerk a
28 statement in writing of his candidacy, and at the same
29 time shall file therewith a petition of at least twenty-
30 five voters of the city qualified to vote for a candidate
31 for such office, requesting that the name of such person
32 shall be printed on the official ballot for said caucus. No
33 acceptance by a candidate for nomination named in such
34 petition shall be necessary for its validity or its filing,
35 and the petition need not be sworn to.

36 *d.* On the first day, not being Sunday or a legal holi-
37 day, following the expiration of the time for filing the
38 above described statements and petitions, the city clerk
39 shall cause to be published in one or more newspapers
40 published in the city the names and residences of the
41 candidates for nomination who have duly filed the above
42 mentioned statements and petitions, and the offices and
43 terms for which they are candidates for nomination, as
44 they are to appear on the official ballots to be used at
45 the caucus for nomination. The city clerk shall there-
46 upon prepare the ballots to be used at such caucus for

47 nominations and shall cause them to be printed, and the
48 ballots so prepared shall be official ballots and the only
49 ballots used at such caucus for nominations.

50 *e.* The name of each person who has filed a statement
51 and accompanying petition as aforesaid, and his resi-
52 dence and the title and term of the office for which he
53 is candidate for nomination shall be printed on said
54 ballots, and the names of no other candidates shall be
55 printed thereon. Blank spaces shall be left at the end
56 of each list of candidates for nomination for the differ-
57 ent offices, equal to the number to be nominated there-
58 for, in which the voter may insert the name of any per-
59 son not printed on the ballot for whom he desires to vote
60 for nomination for such office. There shall be printed
61 on said ballots such directions as will aid the voter; for
62 example, "vote for one", "vote for two", and the like.

63 *f.* Voters qualified to vote at a city election shall be
64 qualified to vote at the said caucus for nominations.

65 *g.* The election officers shall immediately, upon the
66 closing of the polls at the caucus for nomination, count
67 the ballots and ascertain the number of votes cast in
68 the voting places where they officiate, for each person
69 for nomination for each office, and shall make return
70 thereof to the city clerk forthwith upon blanks to be
71 furnished as in city elections.

72 *h.* On the first day, not being Sunday or a legal holi-
73 day following such caucus for nominations, the city
74 clerk shall canvass said returns, so received from the
75 election officers, and shall forthwith determine the re-
76 sult of such canvass and publish the same in one or more
77 newspapers published in said city.

78 *i.* The two persons receiving at a caucus for nomina-
79 tions the highest number of votes for nomination for an
80 office shall be the candidates and the only candidates for

81 that office whose names shall be printed on the official
82 ballots to be used at the annual or special city election
83 for the making of nominations for which such caucus
84 for nominations was held, and if two or more persons are
85 to be elected to the same office at such annual or special
86 city election, the several persons, to a number equal to
87 twice the number so to be elected to such office, receiving,
88 at such caucus for nominations the highest number of
89 votes for nomination for that office, or all such persons
90 if less than twice the number of those so to be elected,
91 shall be the candidates, and the only candidates, for that
92 office whose names shall be printed on the official bal-
93 lots to be used at such annual or special city election.

94 *j.* No acceptance of a nomination made at a caucus
95 for nominations shall be necessary for the validity of
96 such nominations.

97 And said section five is further amended by inserting
98 after the word "vacancies", in the last line thereof, the
99 following:—

100 1. Except as otherwise provided in this act, the laws
101 of the commonwealth governing annual city elections,
102 special elections of city officers and special elections in
103 cities shall, so far as they may be applicable, govern
104 such elections in said city, — so that the said section
105 shall read as follows:—

106 *a.* No ballot used at any annual or special city elec-
107 tion in the city of Quincy, or at any preliminary elec-
108 tion or caucus held therein for nominations, shall have
109 printed thereon any party or political designation or
110 mark, and there shall not be appended to the name of
111 any candidate any such party or political designation
112 or mark or anything showing how he was nominated or
113 indicating his views or opinions.

114 *b.* In place of the joint party caucus now required by

115 law to be held in said city for the nomination of candi-
116 dates for elections to its city offices the city clerk shall
117 call a caucus of all legal voters of each ward on the
118 same date.

119 Said caucus shall be held not less than three weeks
120 prior to the date now fixed by law for holding the an-
121 nual municipal election in said city.

122 *c.* Any person who is qualified to vote for a candidate
123 for mayor, councilman or member of the school commit-
124 tee, and who is a candidate for nomination for such
125 office may have his name, as such candidate, printed on
126 the official ballots to be used at a caucus for nominations
127 provided that he shall, at least ten days prior to such
128 caucus for nominations, file with the city clerk a state-
129 ment in writing of his candidacy, and at the same time
130 shall file therewith a petition of at least twenty-five
131 voters of the city qualified to vote for a candidate for
132 such office, requesting that the name of such person shall
133 be printed on the official ballot for said caucus. No
134 acceptance by a candidate for nomination named in
135 such petition shall be necessary for its validity or its
136 filing, and the petition need not be sworn to.

137 *d.* On the first day, not being Sunday or a legal holi-
138 day, following the expiration of the time for filing the
139 above described statements and petitions, the city clerk
140 shall cause to be published in one or more newspapers
141 published in the city the names and residences of the
142 candidates for nomination who have duly filed the above
143 mentioned statements and petitions, and the offices and
144 terms for which they are candidates for nomination, as
145 they are to appear on the official ballots to be used at the
146 caucus for nominations. The city clerk shall thereupon
147 prepare the ballots to be used at such caucus for nomina-
148 tions and shall cause them to be printed, and the ballots

149 so prepared shall be official ballots and the only ballots
150 used at such caucus for nominations.

151 *e.* The name of each person who has filed a statement
152 and accompanying petition as aforesaid, and his resi-
153 dence and the title and term of the office for which he
154 is candidate for nomination shall be printed on said
155 ballots, and the names of no other candidates shall be
156 printed thereon. Blank spaces shall be left at the end
157 of each list of candidates for nomination for the differ-
158 ent offices, and equal to the number to be nominated
159 therefor, in which the voter may insert the name of
160 any person not printed on the ballot for whom he de-
161 sires to vote for nomination for such office. There shall
162 be printed on said ballots such directions as will aid the
163 voter; for example, "vote for one", "vote for two",
164 and the like.

165 *f.* Voters qualified to vote at a city election shall be
166 qualified to vote at the said caucus for nominations.

167 *g.* The election officers shall immediately, upon the
168 closing of the polls at the caucus for nominations, count
169 the ballots and ascertain the number of votes cast in the
170 voting places where they officiate, for each person for
171 nomination for each office, and shall make return
172 thereof to the city clerk forthwith upon blanks to be
173 furnished as in city elections.

174 *h.* On the first day, not being Sunday or a legal holi-
175 day, following such caucus for nominations, the city
176 clerk shall canvass said returns, so received from the
177 election officers, and shall forthwith determine the re-
178 sult of such canvass and publish the same in one or
179 more newspapers published in said city.

180 *i.* The two persons receiving at a caucus for nomina-
181 tions the highest number of votes for nomination for an
182 office shall be the candidates and the only candidates for

183 that office whose names shall be printed on the official
184 ballots to be used at the annual or special city election
185 for the making of nominations for which such caucus for
186 nominations was held, and if two or more persons are
187 to be elected to the same office at such annual or special
188 city election, the several persons, to a number equal to
189 twice the number so to be elected to such office, receiv-
190 ing, at such caucus for nominations the highest number
191 of votes for nomination for that office, or all such per-
192 sons if less than twice the number of those so to be elected,
193 shall be the candidates, and the only candidates, for that
194 office whose names shall be printed on the official bal-
195 lots to be used at such annual or special city election.

196 *j.* No acceptance of a nomination made at a caucus
197 for nominations shall be necessary for the validity of
198 such nominations.

199 *k.* At such municipal election the qualified voters
200 shall give in their votes by ballots in the several wards
201 for mayor, councilmen and members of the school com-
202 mittee then to be elected, and the person receiving the
203 highest number of votes for any office shall be deemed
204 and declared to be elected to such office; and whenever
205 two or more persons are to be elected to the same office,
206 the several persons, up to the number required to be
207 chosen, receiving the highest number of votes shall be
208 deemed and declared to be elected. If it shall appear
209 that there is no choice of mayor, or if the person elected
210 mayor shall refuse to accept the office, or shall die
211 before qualifying, or if a vacancy in said office shall
212 occur subsequently and more than three months pre-
213 vious to the expiration of the municipal year, the city
214 council shall forthwith cause warrants to be issued for
215 a new election, and the same proceedings shall be had
216 in all respects as are hereinbefore provided for the

217 election of mayor, and shall be repeated until the elec-
218 tion of the mayor is completed. If the full number of
219 members of the city council has not been elected, or if
220 a vacancy in the office of councilman shall occur subse-
221 quently and more than three months previous to the
222 expiration of the municipal year, the council shall forth-
223 with cause a new election to be held to fill the vacancy
224 or vacancies.

225 *l.* Except as otherwise provided in this act, the laws of
226 the commonwealth governing annual city elections, special
227 elections of city officers and special elections in cities
228 shall, so far as they may be applicable, govern such elec-
229 tions in said city.

1 SECTION 2. Section nine of chapter three hundred
2 and forty-seven of the acts of eighteen hundred and
3 eighty-eight is hereby repealed, and in place thereof
4 the said section nine shall read as follows:— The city
5 council shall consist of nine members, and shall be
6 elected from the inhabitants of the city as followe: At
7 the first municipal election held under this act, three
8 members at large of the city council shall be elected by
9 the qualified voters of the entire city, one to serve for
10 the term of three years, one for the term of two years
11 and one for the term of one year, beginning with the
12 first Monday in January next ensuing, and thereafter
13 one member at large of said city council shall be elected
14 in like manner at each annual municipal election to
15 serve for the term of three years, beginning with the
16 first Monday in January next ensuing, in place of the
17 member whose term then expires. At said first election
18 six members from wards of said city council shall be
19 elected by the qualified voters in the several wards re-
20 spectively, one such member being elected in each ward,

21 two of such members for the terms of three years, two
22 for terms of two years, and two for terms of one year,
23 beginning with the first Monday in January next en-
24 suing. The city council of Quincy directly after the
25 acceptance of this act shall determine by lot which
26 wards of said city shall elect members as aforesaid for
27 three years, two years and one year respectively, and
28 shall give public notice of their determination within
29 four days after the acceptance of this act. At each
30 subsequent annual municipal election, the qualified
31 voters in each ward which has elected a member from
32 wards of the city council, whose term of office then ex-
33 pires, shall elect in his place a member of said city
34 council to serve for the term three years as aforesaid.
35 In case of a tie vote for a member of the city council,
36 the mayor and city council for the ensuing year, sitting
37 jointly, shall elect by plurality vote a member of the said
38 council from the candidates whose votes were tied, to
39 serve until the next annual city election, at which a mem-
40 ber of the city council shall be elected for the unexpired
41 term, if any.

42 The salary of each member of the city council shall
43 be five dollars per meeting he attends, not exceeding
44 one hundred and fifty dollars annually.

1 SECTION 3. Section twenty-six of chapter three hun-
2 dred and forty-seven of the acts of eighteen hundred
3 and eighty-eight is hereby amended by inserting after
4 the words "the mayor shall hold office for the", the
5 words:—term of two years,—so as to read as fol-
6 lows:—*Section 26.* The executive powers of the city
7 shall be vested solely in the mayor and may be exer-
8 cised by him either personally or through the several
9 officers and boards of the city in their departments, and
10 under his general supervision and control.

11 In case of a vacancy in any office to which appoint-
12 ment is made by the mayor, he may personally perform
13 the duties thereof, but he shall not be entitled to receive
14 any salary or pay attached thereto.

15 The mayor shall hold office for the term of two years
16 beginning with the first Monday in January following
17 his election, unless sooner removed, and until his suc-
18 cessor is elected and qualified.

1 SECTION 4. This act shall be submitted to the legal
2 voters of said city for their acceptance at a special elec-
3 tion to be held on the first Tuesday in October next,
4 and if accepted by a majority of the voters voting
5 thereon shall go into effect at once. The matter shall
6 be submitted to the voters on the ballot at said election
7 as follows:—

8 “ Shall the provisions of chapter of
9 the acts of the year nineteen hundred and thirteen rela-
10 tive to amending the city charter at Quincy be ac-
11 cepted? ”