

By Mr. Hickey of Cambridge, petition of Timothy W. Hickey and George L. Sacco, Jr., for legislation to provide that the member of the city council receiving the largest number of votes in a Plan E election shall be mayor. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Nine.

AN ACT PROVIDING THAT THE MEMBER OF THE CITY COUNCIL RECEIVING THE LARGEST NUMBER OF VOTES IN A PLAN E ELECTION SHALL BE MAYOR.

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 97 of chapter 43 of the General Laws, as inserted
2 by section 15 of chapter 378 of the acts of 1938, is hereby
3 amended by striking out the second paragraph and inserting
4 in place thereof the following paragraph:—

5 The city council, elected as aforesaid, shall meet at ten
6 o'clock in the forenoon of the first Monday of January fol-
7 lowing the regular municipal election, and the members of
8 the city council shall severally make oath, before the city
9 clerk or a justice of the peace, to perform faithfully the duties
10 of their respective offices, except that any member-elect not
11 present shall so make oath at the first regular meeting of the
12 city council thereafter which he attends. For the purposes of
13 organization, the city clerk shall be temporary chairman until
14 the mayor or vice-chairman has qualified. The member receiv-
15 ing the largest number of votes in the regular municipal elec-
16 tion shall be mayor and shall make oath to faithfully perform
17 the duties of said office; provided, however, that no mayor
18 may serve for more than two successive years. If a member
19 who has served as mayor for the preceding term receives the
20 highest number of votes in the municipal election the mem-
21 ber receiving the next highest number of votes shall be mayor
22 and shall qualify as aforesaid. The city council shall, by a

23 majority vote of all the members elected, elect a vice-chairman
24 from its own members and the person so elected shall likewise
25 make oath to faithfully discharge the duties of that office and
26 may so make oath at the meeting at which he is elected. The
27 organization of the city council shall take place as aforesaid,
28 notwithstanding the absence, death, refusal to serve or non-
29 election of one or more of the members; provided, that a
30 majority of all the members elected to the city council are
31 present and have qualified. If the office of mayor or vice-chair-
32 man becomes vacant, the city council shall, by a majority vote
33 of all the members elected, elect one of its members to fill such
34 office for the unexpired term; provided that no such vacancy
35 shall be filled so long as there is any vacancy in the council.