

Example Baseline Cambridge Charter in Modern Format

(This is what a possible modernized Cambridge charter could look like if the Committee incorporated Cambridge's current Plan E format into a modernized format. There are some provisions that may vary from what Cambridge currently has in place – some noted in blue text,- but this generally encompasses the existing governmental structure under Plan E).

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PREAMBLE

This is optional and is an opportunity to lay out value statements.

Current Cambridge charter does not have a preamble

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1 **ARTICLE 1**

2 INCORPORATION; SHORT TITLE; DEFINITIONS

3 SECTION 1-1: INCORPORATION 

4 The inhabitants of the city of Cambridge within the territorial limits
5 established by law, shall continue to be a municipal corporation, a body
6 corporate and politic, under the name "City of Cambridge."

7 SECTION 1-2: SHORT TITLE

8 This instrument shall be known and may be cited as the City of Cambridge
9 Charter ("Charter").

10 SECTION 1-3: DIVISION OF POWERS 

11 The government of the city and the general management and control of all
12 its affairs shall, except as otherwise provided in this chapter, be vested in a
13 city council, which shall exercise its powers in the manner hereinafter set
14 forth, except that the city manager shall have the authority hereinafter
15 specified.

16 SECTION 1-4: POWERS OF THE CITY 

17 Subject only to express limitations on the exercise of any power or function
18 by a municipal government in the constitution or General Laws, it is the
19 intention and the purpose of the voters of Cambridge, through the adoption
20 of this charter, to secure for themselves and their government all of the
21 powers it is possible to secure as fully and as completely as though each
22 power were specifically and individually enumerated in this charter.

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SECTION 1-5: CONSTRUCTION

The powers of the city of Cambridge under this charter are to be construed liberally in favor of the city and the specific mention of any particular power is not intended to limit the general powers of the city as stated in section 1-4.

SECTION 1-6: INTERGOVERNMENTAL RELATIONS

Subject only to express limitations in the constitution or General Laws, the city of Cambridge may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the commonwealth or any of its agencies or political subdivisions, or with the United States government or any of its agencies.

SECTION 1-7: DEFINITIONS

As used in this charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

- (a) "Charter", this charter and any adopted amendments to it.
- (b) "City", the city of Cambridge.
- (c) "City agency", any multiple member body, any department, division or office of the city of Cambridge.
- (d) "City officer or department head", a person having charge of a city office or department.

- 1 (e) "City website", a site established and maintained by the city as its online
2 repository of municipal information, whether on the internet or accessed
3 through another comparable technology.
- 4 (f) "Days" - business days, not including Saturdays, Sundays, and legal
5 holidays; provided, however, that when the time set is at least seven
6 days, every day shall be included.
- 7 (g) "Emergency", a sudden, generally unexpected occurrence or set of
8 circumstances demanding immediate action or response.
- 9 (h) "Elected at large", elected by and from all the voters of the city.
- 10 (i) "Full city council", the entire authorized membership of the city council,
11 notwithstanding any vacancy which might exist.
- 12 (j) "Full multiple member body", the entire authorized membership of a
13 multiple member body, notwithstanding any vacancy that exists.
- 14 (k) "Full school committee", the entire authorized membership of the school
15 committee, notwithstanding any vacancy that exists.
- 16 (l) "general laws", laws enacted which apply alike to all cities and towns, to
17 all cities, or to a class of 2 or more cities, or to a class of cities and towns of
18 which Cambridge is a member.
- 19 (m) "General Laws", the General Laws of the Commonwealth of
20 Massachusetts, a codification and revision of statutes enacted on December
21 22, 1920, and including all amendments thereto subsequently adopted.

1 (n) "Initiative measure", a measure proposed by the voters through the
2 initiative process provided under this charter.

3 (o) "Local newspaper", a newspaper of general circulation within Cambridge
4 with either a weekly or daily circulation.

5 (p) "Majority vote", when used in connection with a meeting of a multiple
6 member body, shall mean a majority of those present and voting, unless
7 another provision is made by ordinance or by such body's own rules;
8 provided, however, that General Laws related to any vote to meet in
9 executive session shall always require a majority of the full multiple member
10 body.

11 (q) "Measure", any ordinance, order or other vote or proceeding adopted, or
12 which might be adopted, by the city council or the school committee.

13 (r) "Multiple member body", any council, commission, committee,
14 subcommittee or other body consisting of 2 or more persons, whether
15 elected, appointed or otherwise constituted, but not including the city
16 council, the school committee or an advisory committee appointed by the
17 mayor.

18 (s) "Officer", "officers" and "administrative officers", when used without
19 further qualification or description, any person or persons in charge of any
20 department or division of the city. The said words when used in contrast
21 with a board or members of a board, or with division heads, shall mean any
22 of the persons in sole charge of a department of the city.

- 1 (t) "Ordinance", a vote or order of the city council entitled "ordinance" and
2 designed for the permanent regulation of any matter within the jurisdiction
3 of the city council as laid down in this charter.
- 4 (u) "Organization or reorganization plan", a plan submitted by the mayor to
5 the city council which proposes a change in the organization or the
6 administrative structure of the city administration or organization or a
7 change in the way in which municipal services are delivered.
- 8 (v) "Proportional representation", any proportional representation method of
9 election authorized by sections ninety-three to one hundred and sixteen,
10 inclusive.
- 11 (w) "Quorum", a majority of all voting members of a multiple member body
12 unless some other number is required by law or by ordinance.
- 13 (x) "Recall", an election to remove an elected official from office before the
14 expiration of the term for which elected.
- 15 (y) "Referendum measure", a measure adopted by the city council or the
16 school committee that is protested under the referendum procedures of this
17 charter.
- 18 (z) "Regular municipal election", the annual or biennial election of municipal
19 officers for which provision is made in this chapter.
- 20 (aa) "Remove from the city" or "remove from a ward", when a person ceases
21 to be domiciled within the territorial limits of the city or a ward.
- 22 (bb) "Voters", registered voters of the city of Cambridge.

- 1 (cc) "Year", a calendar year, unless otherwise specified.

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1 ARTICLE 2

2 LEGISLATIVE BRANCH

3 SECTION 2-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

4 (a) Composition - There shall be a city council consisting of 9 members
5 which shall exercise the legislative powers of the city. They shall be
6 nominated and elected by and from the voters at large by proportional
7 representation.

8 (b) Term of Office - The term of office for councilors shall be 2 years each,
9 beginning on the first Monday in the January at ten o'clock in the morning of
10 the first Monday of January following the regular municipal election.

11 (c) Eligibility - Any registered voter shall be eligible to hold the office of
12 councilor-at-large.

13 SECTION 2-2: MAYOR AND VICE-MAYOR, ELECTION; TERM; POWERS

14 (a) Election and Term - The city clerk shall be temporary chair until the
15 mayor or vice-mayor has qualified. A majority vote of all the members
16 elected shall elect a mayor and a vice-mayor who shall be sworn to perform
17 the duties of the office faithfully. The organization of the city council shall
18 take place provided that a majority of all the members elected to the city
19 council are present and have qualified. If the office of mayor or vice-chair
20 becomes vacant, the city council shall in like manner elect one of its
21 members to fill such office for the unexpired term; provided, that no such
22 vacancy shall be filled so long as there is any vacancy in the council.

1 (b) Powers and Duties – The mayor, if present, shall preside at the meetings
2 and may vote. In the absence of the mayor, the vice-mayor of the city
3 council shall preside and, in the absence of both, a temporary mayor shall be
4 chosen, who shall serve during the absence of both the mayor and the vice-
5 mayor. The mayor shall be recognized as the official head of the city for all
6 ceremonial purposes and shall be recognized by the courts for the purpose
7 of serving civil process and by the governor for military purposes. In time of
8 public danger or emergency, as determined by the city council, the mayor
9 may, with its consent, take command of the police, maintain order and
10 enforce the laws; and have all the authority and powers conferred upon
11 mayors by sections eighteen and nineteen of chapter thirty-three. The
12 mayor shall be chair of the city council and chair of the school committee.
13 The mayor shall have no power to veto but shall have the same powers as
14 any other member of either such body to vote on measures before it. The
15 mayor shall perform such other duties consistent with the office and with
16 sections ninety-three to one hundred and sixteen, inclusive, as may be
17 imposed by the city council.

18 (c) Appointment Power of the Mayor - As provided in G.L. c.43, s. 25 and
19 102, the Mayor may appoint secretaries, stenographers, clerks, telephone
20 operators and messengers for their office and may remove such appointees
21 without a hearing and without making a statement of the cause of their
22 removal. The Civil Service law shall not apply to these appointments.

1 (d) Absence or Disability of the Mayor - During the absence or disability of
2 the mayor, or during the time such office is vacant, the duties of mayor shall
3 be performed by the vice-mayor. If there shall be neither a mayor nor a
4 vice-mayor, the member of the council senior in length of service, or, if
5 more than one have so served, then the member senior both in age and
6 length of service shall perform the duties of mayor until a new mayor has
7 qualified.

8 SECTION 2-3: PROHIBITIONS

9 (a) Holding Other City Position – No member of the city council shall, during
10 the term for which he was chosen, either by appointment or by election of
11 the city council or of either branch thereof, be eligible to any office the
12 salary of which is payable by the city.

13 SECTION 2-4: COMPENSATION

14 The members of the city council shall receive compensation for their services
15 as set by ordinance, and they shall receive no other compensation from the
16 city. No ordinance increasing or reducing the compensation of councilors
17 shall take effect during the year in which such increase or reduction is voted,
18 and no change in such salaries shall be made between the election of a new
19 council and the qualification of the new council.

20 SECTION 2-5: GENERAL POWERS

1 The city council shall have and exercise all the legislative powers of the city,
2 except as such powers are reserved by this chapter to the school committee
3 and to the qualified voters of the city.

4 SECTION 2-6: EXERCISE OF POWERS; QUORUM; RULES

5 (a) Exercise of Powers - Except as otherwise provided by General Laws or by
6 this charter, the legislative powers of the city council may be exercised in a
7 manner determined by the city council.

8 (b) Quorum – A majority of all the members elected to the city council shall
9 constitute a quorum. All final votes of the city council on questions involving
10 the expenditure of city funds, or upon the request of any member any vote
11 of the city council, shall be by roll call vote and shall be entered on the
12 records. Except as otherwise provided by General Laws or by this charter,
13 the affirmative vote, taken by a roll call vote, of a majority of members of
14 the city council shall be required to adopt any ordinance, order, resolution or
15 vote, except that the affirmative vote of a majority of the members present
16 shall be sufficient to adjourn any meeting of the city council.

17 (c) Rules of Procedure - The city council shall adopt rules regulating the
18 procedures of the city council, which shall include, but not be limited to, the
19 following rules:

20 (i) The city council shall fix suitable times for its regular meetings. Except in
21 the cases of executive sessions authorized by section twenty-one of chapter
22 thirty A, all meetings of the city council shall be open to the press and to the

1 public, and the rules of the city council shall provide that citizens and
2 employees of the city shall have a reasonable opportunity to be heard at any
3 such meeting in regard to any matter considered;

4 (ii) special meetings of the city council shall be held at the call of the mayor,
5 or the vice-mayor of the city council, or any three members, for any
6 purpose; provided, however, that notice of the meeting shall state the time
7 of holding such meeting and be signed by the person or persons calling the
8 same, and delivered in hand to each member of the city council, or left at
9 their usual dwelling place, at least twelve hours before the time of such
10 meeting.

11 (iii) meetings of the city council may also be held at any time when all the
12 members of the city council are present and consent thereto.

13 (iv) all sessions of the city council and of every committee or subcommittee
14 of the council shall, at all times, be open to the public, unless otherwise
15 specified by law; and

16 (v) a full, accurate, up-to-date account of the proceedings of the city council
17 shall be maintained by the city clerk.

18 SECTION 2-7: ACCESS TO INFORMATION

19 (a) In General - The city council may make investigations into the affairs of
20 the city and into the conduct and performance of any city agency.

21 (b) Information Requests - The city council at any time may request from
22 the city manager, specific information on any municipal matter within its

1 jurisdiction, and may request the city manager to be present to answer
2 written questions relating thereto at a meeting upon providing at least one
3 week's written notice to the city manager. The city manager shall personally,
4 or through the head of a department or a member of a board, attend such
5 meeting and publicly answer all such questions. The person so attending
6 shall not be obliged to answer questions relating to any other matter. The
7 city manager may attend and address the city council in person or through
8 the head of a department, or a member of a board, upon any subject.

9 10 SECTION 2-8: EMERGENCY MEASURES

11 No ordinance shall be regarded as an emergency measure unless the
12 emergency is plainly designated as an emergency measure and shall contain
13 statements declaring that an emergency exists and describing the scope and
14 nature of the emergency in clear and specific terms. A preamble which
15 declares and defines the emergency shall be separately voted on and shall
16 require the affirmative vote of 2/3 of the full city council. An emergency
17 measure may be passed with an amendment or rejected at the meeting at
18 which it is introduced. No measure making a grant, renewal or extension,
19 whatever its kind or nature, or a franchise or special privilege shall be
20 passed as an emergency measure. Except as provided by the General Laws,
21 such grant, renewal or extension shall be made by ordinance. An emergency

1 measure shall become effective upon adoption or at such later time as it
2 may specify.

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4 SECTION 2-10: CHARTER OBJECTION 

5 On the first occasion that the question on adoption of a measure is put to
6 the city council, if a single member present objects to the taking of the vote,
7 the vote shall be postponed until the next meeting of the city council,
8 whether regular or special.

9

10 SECTION 2-11: FILLING OF VACANCIES

11 Except as provided in this section, a vacancy in any elective body shall be
12 filled in the manner provided in section thirteen of chapter fifty-four  A. If,
13 under said section, no regularly nominated candidate of the city council or
14 school committee remains, the vacancy shall be filled for the unexpired term
15 by a majority vote of the remaining members, except that if the remaining
16 members fail to fill such vacancy within thirty days after they shall have
17 been notified by the city clerk that such vacancy exists, such vacancy shall
18 be filled by the appointment of any qualified voter of the city by the mayor,
19 or, if there is no mayor, by the vice-mayor, or if there is no mayor or vice-
20 mayor, by the member of the council or of the school committee, as the
21 case may be, senior in length of service, or, if more than one have so
22 served, then the member senior both in age and length of  service.

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SECTION 2-12: EVALUATION OF THE CITY MANAGER

Annually the City Council shall prepare and deliver to the City Manager a written review of the City Manager’s performance in a manner provided by ordinance.



1 ARTICLE 3

2 EXECUTIVE BRANCH

3 SECTION 3-1: CITY MANAGER: QUALIFICATIONS; TERM OF OFFICE;
4 COMPENSATION; PROHIBITIONS

5 The city council shall appoint a city manager who shall be sworn to the
6 faithful performance of the duties and who shall be the chief administrative
7 officer of the city and shall be responsible for the administration of all
8 departments, commissions, boards and officers of the city, except that of the
9 city clerk, city auditor, any official appointed by the governor or elected
10 official.

11 (a) Qualifications and Eligibility - The city manager shall be appointed on the
12 basis of administrative and executive qualifications only and need not be a
13 resident of the city or commonwealth when appointed. No member of the
14 city council shall during their term of office be chosen as city manager, and
15 no person who has within two years been elected to or served in any elective
16 office in the city or in the county in which the city is located shall be chosen
17 as city manager.

18 (b) Terms of Office and Compensation - The city manager shall hold office
19 during the pleasure of the city council and shall receive such compensation
20 as it shall fix by ordinance.

21 (c) Removal - Before the city manager may be removed, the city manager
22 may request a written statement of the reasons alleged for removal and

1 shall have the right to be heard publicly thereon at a meeting of the city
2 council prior to the final vote on the question of the removal. Pending and
3 during such hearing the city council may suspend the city manager from
4 office. The action of the city council in suspending or removing the city
5 manager shall be final, it being the intention of this provision to vest all
6 authority and fix all responsibility for such suspension or removal in the city
7 council.

8 (d) Temporary Vacancy - In case of the absence, disability or suspension of
9 the city manager, the city council shall designate the head of some
10 department to perform the duties of city manager during such absence,
11 disability or suspension, and, in case the office of city manager becomes
12 vacant, the city council shall designate the head of some department to
13 serve as acting city manager until a new city manager is appointed.

14 (e) Prohibitions – The city manager shall receive no other compensation
15 from the city other than the salary than that affixed by City Council.

16

17 SECTION 3-2: GENERAL POWERS

18 Except as otherwise specifically provided in this chapter, it shall be the duty
19 of the city manager to act as chief conservator of the peace within the city;
20 to supervise the administration of the affairs of the city; to see that within
21 the city the laws of the commonwealth and the ordinances, resolutions and
22 regulations of the city council are faithfully executed; and to make such

1 recommendations to the city council concerning the affairs of the city as the
2 city manager may to seem desirable; to make reports to the city council
3 from time to time upon the affairs of the city; and to keep the city council
4 fully advised of the city's financial condition and its future needs.

5

6 SECTION 3-3: APPOINTMENTS AND REMOVALS BY THE CITY MANAGER 

7 (a) Department Heads, Officers and  Employees

8 Such officers and employees as the city council, with the advice of the city
9 manager, shall determine are necessary for the proper administration of the
10 departments, commissions, boards and offices of the city for whose
11 administration the city manager is responsible shall be appointed, and may
12 be removed, by the city manager. The city manager shall report every
13 appointment and removal made by him to the city council at the next
14 meeting thereof following such appointment or removal.

15 The city manager may authorize the head of a department, commission or
16 board, or the holder of an office, for whose administration the city manager
17 is responsible, to appoint and remove subordinates in such department,
18 commission, board or office. All appointments by, or under the authority of,
19 the city manager, if subject to chapter thirty-one and the rules and
20 regulations made under authority thereof, shall be made in accordance with
21 the provisions of the Civil Service Law. All other appointments as aforesaid

1 shall be on the basis of executive and administrative ability and training and
2 experience in the work to be performed.

3 (b) City Council Ratification of Boards and Commissions – The city manager
4 shall refer to the City Council and simultaneously file with the Clerk the
5 name of each person the city manager desires to appoint or reappoint as a
6 member of a board or commission. Appointment of a member of a board or
7 commission made by the city manager will be effective upon a majority vote
8 of the city council, which vote shall occur within 60 days after
9 the date on which notice of the proposed appointment was filed with the City
10 Clerk. The appointment may be approved or rejected by a majority of the
11 full City Council before 60 days. An appointment or reappointment shall take
12 effect if the City Council fails to act within those 60 days.

13 (c) Interference by City Council Prohibited – Except as provided in section
14 (b) of this Article, neither the city council nor any of its committees or
15 members shall direct or request the appointment of any person to, or their
16 removal from, office by the city manager or any of their subordinates, or in
17 any manner take part in the appointment or removal of officers and
18 employees in that portion of the service of said city for whose administration
19 the city manager is responsible.

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1 ARTICLE 4

2 SCHOOL COMMITTEE

3 SECTION 4-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

4 (a) Composition – The school committee shall consist of the mayor, who
5 shall be the chairman, and six members elected at large by proportional
6 representation.

7 (b) Term of  Office – The term of office for elected school committee
8 members shall be 2 years each, beginning on the first Monday in the January
9 succeeding the elected school committee member’s election.

10
11 SECTION 4-2: SCHOOL COMMITTEE ORGANIZATION AND DUTIES

12 (a) Organization - The committee shall organize annually on the first
13 Monday in January and shall elect one of its members as vice chairman, who
14 shall preside at all meetings of the committee at which the mayor is not
15 present.

16
17 SECTION 4-3: PROHIBITIONS

18 No member of the school committee shall hold any other compensated office
19 or position in the school department.

20
21 SECTION 4-4: COMPENSATION 

1 The city council may, by ordinance, establish the compensation for the
2 elected members of the school committee.

3

4 SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

5 The general management and conduct of the public schools of the city and
6 of the property pertaining thereto shall be vested in the school committee.

7 The school committee shall have general management and all powers which
8 are conferred on school committees by the General Laws and the additional
9 powers and duties provided by charter, ordinance or otherwise and not
10 inconsistent with the General Laws. The powers and duties of the school
11 committee shall include:

12 (i) selecting and removing a superintendent of the schools who shall be
13 charged with the administration of the school system, except as provided in
14 section forty-one of chapter seventy-one, and may, under chapter thirty-
15 one, appoint, suspend or remove at pleasure such subordinate officers or
16 assistants, including janitors of school buildings, as it may deem necessary
17 for the proper discharge of its duties and the conduct of its business; it shall
18 define their terms of service and their duties, and shall fix their
19 compensation.

20 (ii) making all policies for the management of the public school system and
21 for conducting the business of the school committee as deemed necessary or
22 desirable; and

1 (iii) adopting and overseeing the administration of an annual operating
2 budget for the school department, subject to appropriation by the city
3 council;
4 (iv) providing ordinary maintenance of all school buildings and grounds,
5 unless a central municipal maintenance department, which may include
6 maintenance of school buildings and grounds, is established, and
7 (v) providing further that no site for a school building shall be acquired by
8 the city unless the approval of the site by the school committee is first
9 obtained and no plans for the construction of or alterations in a school
10 building shall be accepted, and no work shall be begun on the construction
11 or alteration of a school building, unless with the approval of the school
12 committee and the city manager. The city manager shall notify the school
13 committee in writing prior to or at the time of each change in plans after
14 work is begun, but such approval is not required to make ordinary repairs.

15
16 **SECTION 4-6: FILLING OF VACANCIES**

17 Except as provided in this section, a vacancy in any elective body shall be
18 filled in the manner provided in section thirteen of chapter fifty-four **A.** If,
19 under said section, no regularly nominated candidate of the city council or
20 school committee remains, the vacancy shall be filled for the unexpired term
21 by a majority vote of the remaining members, except that if the remaining
22 members fail to fill such vacancy within thirty days after they shall have

1 been notified by the city clerk that such vacancy exists, such vacancy shall
2 be filled by the appointment of any qualified voter of the city by the mayor,
3 or, if there is no mayor, by the vice-mayor, or if there is no mayor or vice-
4 mayor, by the member of the council or of the school committee, as the
5 case may be, senior in length of service, or, if more than one have so
6 served, then the member senior both in age and length of service.

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1 ARTICLE 6

2 FINANCIAL PROCEDURES

3 SECTION 6-1: FISCAL YEAR

4 The fiscal year of the city shall begin on July 1 and shall end on June 30,
5 unless another period is required by the General Laws.

6
7 SECTION 6-2: SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE

8 The city manager shall prepare and submit to the city council budgets as
9 required of the mayor by section thirty-two of chapter forty-four and, in
10 connection therewith, may require all departments, commissions, boards
11 and offices of the city, to submit estimates of the amounts necessary for
12 their expenses.

13
14 SECTION 6-3: EXPENDITURES IN EXCESS OF APPROPRIATIONS

15 Except as otherwise provided by law, no official of the city of Cambridge
16 shall knowingly or intentionally expend in a fiscal year sums in excess of the
17 appropriations, awards, grants or gifts duly made in accordance with law or
18 involve the city in any contract for the future payment of money in excess of
19 these appropriations, awards, grants or gifts. It is the intention of this
20 section that section 31 of chapter 44 of the General Laws shall be strictly
21 enforced. Any official who violates this section shall be personally liable to

1 the city for any amounts so expended to the extent that the city does not
2 recover these amounts from the person to whom the sums were paid.

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1 ARTICLE 7

2 ELECTIONS

3 SECTION 7-1: DATE OF REGULAR MUNICIPAL ELECTION

4 The regular municipal election shall take place on the Tuesday next following
5 the first Monday of November in every odd numbered year, and all members
6 of the city council, the school committee and any board of trustees or other
7 officers referred to in section ninety-five, and no others, shall be elected at
8 each such election.

9
10 SECTION 7-2: NOMINATION FOR ELECTED OFFICE

11 (a) Signature Requirements: Any registered voter of the city who is eligible
12 for election to any elective municipal body shall be entitled to have their
13 name printed as a candidate therefor on the official ballot to be used at the
14 regular municipal election; provided, that at least twenty-eight days prior to
15 such election there shall be filed with the city clerk a statement in writing of
16 their candidacy, signed by them, and with such statement the petition of not
17 less than fifty nor more than one hundred registered voters of the city,
18 whose signatures shall have been certified as required by law.

19 (b) Form of Nomination Petition: Said statement and petition shall be in
20 substantially the following form:

21 Statement of Candidate I (), on oath declare that I reside at (number,
22 if any) on (name of street) in the city of ; that I am a voter therein,

1 qualified to vote for a candidate for the hereinafter mentioned office;
2 that I am a candidate for the office of (name of office) to be voted for
3 at the regular municipal election to be held on Tuesday, the day of ,
4 nineteen hundred and ; and I request that my name be printed as
5 such candidate on the official ballot for use at said election. (Signed)
6 Commonwealth of Massachusetts ss. Subscribed and sworn to at () on
7 this day of , 20_____ and before me, (Signed) Justice of the Peace.
8 (or Notary Public).

9 (c) Petition Accompanying Statement of Candidate: The petition may be on
10 more of more papers and need not be sworn to, and shall have the following
11 form:

12 Whereas (name of candidate) is a candidate for the office of (state the
13 office), we, the undersigned, voters of the city of , duly qualified to
14 vote for a candidate for said office, do hereby request that the name of
15 said (name of candidate) as a candidate for said office be printed on
16 the official ballot to be used at the regular municipal election to be
17 held on the Tuesday of , 20_____.

18 (d) Invalidity: Any nomination papers bearing more than the maximum
19 number of signatures permitted thereby shall be invalid. No voter may sign
20 the nomination papers of more than one candidate for election as a member
21 of any elective municipal body; and if a voter signs nomination papers of

1 more than one such candidate the signature shall be invalid on all such
2 papers except the one first acted upon by the registrars of voters.

3

4 SECTION 7-3: FORM OF BALLOT

5 There shall be a separate form of ballot for each body to be elected, and
6 each such separate form of ballot shall be of a different and clearly
7 distinguishable color from that of any other form of ballot prepared and
8 furnished at the public expense for use at the same election. On such ballots
9 for use in electing members of any elective body there shall be printed the
10 following directions to voters, the first sentence under the heading to be
11 printed in prominent bold faced type:

12 Do not use X marks. Mark your choices with numbers only.
13 Put the figure 1 opposite your first choice; the figure 2 opposite your
14 second choice; the figure 3 opposite your third choice; and so on. Mark
15 as many choices as you please. Do not put the same figure opposite
16 more than one name. If you spoil this ballot, tear it across once,
17 return it to the election officer in charge of the ballots and get another
18 from him.

19

20 SECTION 7-4: NON-PARTISAN ELECTIONS

1 All elections for city offices shall be non-partisan and election ballots shall be
2 printed without any party mark, emblem or other political designation, or
3 anything indicating the views or opinions of the candidate.

4

5 SECTION 7-5: WARDS

6 The territory of the city shall be divided into 9 wards by the city clerk to
7 consist of nearly an equal number of inhabitants as it is possible to achieve
8 based on compact and contiguous territory, bounded as far as possible by
9 the center line of known streets or ways or by other well-defined limits. Each
10 ward shall be composed of voting precincts established under the General
11 Laws. The city council shall review these wards to ensure uniformity in the
12 number of inhabitants at least once every 10 years.

13

14 SECTION 7-6: COUNTING OF BALLOTS

15 As soon as the polls have closed, the election officials at each polling place
16 shall seal the ballot box without opening it, and in such manner that ballots
17 cannot be removed therefrom or inserted therein without breaking the seal,
18 and shall deliver such ballot box at once, as the city clerk may direct, to the
19 central counting place, together with the voting lists, a record of the ballot
20 box register, a record of the number of ballots given out, the ballots spoiled
21 and returned, and the ballots not given out, all of which shall be enclosed in
22 an envelope, and the election officials shall certify thereon as to the identity

1 of the contents thereof. At the central counting place, the ballot boxes shall
2 be opened and the number of ballots found therein recorded and compared
3 with the records sent from the polling places. Any discrepancies discovered
4 shall be recorded and dealt with according to the principles laid down by the
5 general election laws, so far as such principles may be applicable. The
6 ballots for the city council shall be counted first and the ballots for the school
7 committee shall be counted second. Ballots cast for other purposes than the
8 election of members to elective bodies shall be counted at the central
9 counting place in accordance with the laws otherwise applicable to the
10 counting thereof. No information regarding the state of the balloting shall be
11 disclosed before the close of the polls.

13 SECTION 7-7: APPLICATION OF STATE GENERAL LAWS

14 Except as otherwise expressly provided in this charter and authorized by
15 law, all city elections shall be governed by the General Laws relating to the
16 right to vote, the registration of voters, the nomination of candidates, voting
17 places, the conduct of preliminary, regular and special city elections, the
18 submission of charters, charter amendments and other propositions to the
19 voters, the counting of votes, the recounting of votes and the determination
20 of results.

21

1 ARTICLE 8

2 VOTER PARTICIPATION MECHANISMS

3 SECTION 8-1: INITIATIVE PETITIONS

4 (a) Definition: A petition conforming to the requirements hereinafter
5 provided and requesting the city council to pass a measure, except an order
6 granted under section seventy or seventy-one of chapter one hundred and
7 sixty-four or chapter one hundred and sixty-six, or requesting the school
8 committee to pass a measure, therein set forth or designated, shall be
9 termed an initiative petition, and shall be acted upon as hereinafter
10 provided. In this and the eight following sections, "measure" shall mean an
11 ordinance, resolution, order or vote passed by a city council, or a resolution,
12 order or vote passed by a school committee, as the case may be.

13 (b) Commencement and Form: Signatures to initiative petitions need not be
14 all on one paper. The papers constituting a petition shall be filed in the office
15 of the city clerk, with the endorsement thereon of the names and addresses,
16 including street and number of residence, of three persons designated as
17 filing the same, but all the papers need not be filed at the same time. The
18 petition shall be considered filed whenever the designated persons notify the
19 board in writing that the filing is complete.

20 (c) Certification of Signatures Optional: Before receiving such notice, the
21 registrars of voters may, but shall not be required to, certify signatures on
22 the papers already filed.

1 (d) Action by Registrars: Within five days after the filing of said petition the
2 registrars of voters shall ascertain by what number of registered voters the
3 petition is signed, and what percentage that number is of the total number
4 of registered voters and shall attach thereto their certificate showing the
5 result of such examination.

6 (e) Action by City Clerk: The city clerk shall forthwith transmit the said
7 certificate with the said petition to the city council or to the school
8 committee, according as the petition is addressed, and at the same time
9 shall send a copy of said certificate to one or more of the persons designated
10 on the petition as filing the same.

11 (f) Process for Objections: When such certificate has been so transmitted,
12 said petition shall be deemed to be valid unless written objections are made
13 thereto by a registered voter of the city within forty-eight hours after such
14 certification by filing such objections with the city council or the school
15 committee, and a copy thereof with the registrars of voters. Section seven of
16 chapter fifty-five B shall apply to such objections, and the board of
17 registration of voters shall transmit a copy of its decision to the city council
18 or school committee.

19 (g) Action on Petition: If any initiative petition is signed by registered voters
20 equal in number to at least fifteen per cent of the whole number of
21 registered voters:

1 (1) the city council or the school committee shall, within twenty days
2 after the date of the certificate of the registrars to that effect, pass
3 said measure without alteration, subject to the referendum vote
4 provided by this chapter, or

5 (2) the city clerk shall call a special election to be held on a Tuesday
6 fixed by said clerk not less than thirty nor more than forty-five days
7 after the date of qualification, and shall submit the proposed measure
8 without alteration to a vote of the registered voters of the city at that
9 election; provided, however, that if any city election is otherwise to
10 occur within ninety days after the date of qualification, the city clerk
11 may, at their discretion, omit calling the special election and submit
12 the proposed measure to the voters at such approaching election.

13 (h) Initiative Petitions Not Properly Signed: If an initiative petition is signed
14 by registered voters equal in number to at least eight per cent but less than
15 fifteen per cent of the total number of registered voters, and said measure is
16 not passed without alteration within twenty days by the city council or the
17 school committee, as provided in the preceding section, such proposed
18 measure, without alteration, shall be submitted by the city clerk to a vote of
19 the registered voters of the city at the next regular municipal election which
20 occurs at least thirty days after the date of qualification.

21 (i) As used in this section and section thirty-nine, "date of qualification" shall
22 mean the twentieth day after the date of the certificate of the registrars, or

1 the day on which the city council or school committee finally decides not to
2 pass the measure without alteration, whichever day occurs first.

3 (j) Form of Ballot: The ballots used when voting upon a proposed measure
4 under this shall contain only a fair, concise summary of the measure, as
5 determined by the city solicitor, which shall follow the question, "Do you
6 approve of a measure summarized below?"

7 (k) Taking Effect: A proposed measure under this section shall become
8 effective if it shall be approved by registered voters of the city equal in
9 number to one third of the whole number thereof and also by a majority of
10 the voters voting on such measure.

11

12 SECTION 8-2: REFERENDUM PETITIONS

13 (a) Petition, Effect on Final Vote: If, within twenty days after the final
14 passage of any measure, except a revenue loan order, by the city council or
15 by the school committee, a petition signed by registered voters of the city,
16 equal in number to at least twelve percent of the total number of registered
17 voters, and addressed to the city council or to the school committee,
18 protesting against such measure or any part thereof taking effect, is filed
19 with the city clerk, the same shall be suspended from taking effect; and the
20 city council or the school committee, as the case may be, shall immediately
21 reconsider such measure or part thereof.

1 (b) Submission to Electorate: If such measure or part thereof is not entirely
2 rescinded within twenty days after the date of the certificate of the
3 registrars, the city clerk shall submit the same, by the method herein
4 provided, to a vote of the registered voters of the city, either at the next
5 regular city election not less than thirty days after said twentieth day, or at a
6 special election which the city council may, in its discretion, call for the
7 purpose, and such measure or part thereof shall forthwith become null and
8 void unless a majority of the registered voters voting on the same at such
9 election vote in favor thereof.

10 (c) Certain Initiative Provisions to Apply - The petition described in this
11 section shall be termed a referendum petition and section 8-1 shall apply to
12 the procedure in respect thereto, except that the words "measure or part
13 thereof protested against" shall for this purpose be understood to replace
14 "measure" in said section wherever it may occur, and "referendum" shall be
15 understood to replace the word "initiative" in said section.

16

17 SECTION 8-3: INELIGIBLE MEASURES

18 None of the following shall be subject to the initiative or the referendum
19 procedures:

20 (1) proceedings relating to the internal organization or operation of the city
21 council or of the school committee;

22 (2) an emergency measure adopted under the charter;

- 1 (3) the city budget or the school committee budget as a whole;
- 2 (4) any appropriation for the payment of the city's debt or debt service;
- 3 (5) an appropriation of funds to implement a collective bargaining
- 4 agreement;
- 5 (6) proceedings relating to the appointment, removal, discharge,
- 6 employment, promotion, transfer, demotion or other personnel action;
- 7 (7) any proceedings repealing or rescinding a measure or part of it which is
- 8 protested by referendum procedures;
- 9 (8) any proceedings providing for the submission or referral to the voters at
- 10 an election; and
- 11 (9) resolutions and other votes constituting ordinary, routine matters not
- 12 suitable as the subject of a referendum petition.

13

14 **SECTION 8-4: SUBMISSION OF OTHER MATTERS TO VOTERS**

15 The city council may on its own motion and shall at the request of the school

16 committee, if a measure originates with that body and pertains to affairs

17 under its jurisdiction, submit to the voters at a regular city election for

18 adoption or rejection a measure in the same manner and with the same

19 force and effect as are provided for submission by initiative or referendum

20 petitions.

21

22 **SECTION 8-5: CONFLICTING PROVISIONS**

1 If 2 or more measures passed at the same election contain conflicting
2 provisions, only the 1 receiving the greatest number of affirmative votes
3 shall take effect.

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1 ARTICLE 9

2 GENERAL PROVISIONS

3
4 SECTION 9-1: CHARTER CHANGES

5 This charter may be replaced, revised or amended in accordance with any
6 procedure made available under the state constitution or by the General
7 Laws.

8
9 SECTION 9-2: PERIODIC REVIEW OF CHARTER

10 Not later than July 1, in each year ending in a 2, the City Council shall
11 provide for a review to be made of the city charter by a special committee to
12 be established by ordinance. All members of the special committee shall be
13 voters of the city not holding elective office. The special committee shall file
14 a report with the City Council within 1 year of its appointment
15 recommending any changes to the city charter which it deems necessary or
16 desirable, unless an extension is authorized by vote of the City Council.
17 Action on any proposed charter changes shall be as authorized by the
18 Massachusetts constitution or general laws

19 SECTION 9-3: POLITICAL SOLICITATION PROHIBITED

20 No employee of any department, board or commission of the city shall,
21 directly or indirectly, solicit or receive, or in any manner be concerned in
22 soliciting or receiving any assessment, subscription or contribution for any

1 political party, for any candidate for city office or for any political committee
2 organized on behalf of such candidate. This section shall not prevent such
3 persons from being members of political organizations or committees. The
4 soliciting or receiving of any gift, payment, contribution, assessment,
5 subscription or promise of money or other thing of value by a non-elected
6 political committee organized to promote the candidacy for city office of an
7 employee of any department, board or commission of the city shall not be
8 deemed to be a direct or indirect solicitation or receipt of such contribution
9 by such person, provided, however, that no such gift, payment, contribution,
10 assessment, subscription or promise of money or other thing of value may
11 be solicited or received on behalf of such a person from any person or
12 combination of persons if such person so employed knows or has reason to
13 know that the person or combination of persons has an interest in any
14 particular matter in which the person so employed participates or has
15 participated in the course of such employment or which is the subject of
16 their official responsibility.

17 (b) Penalties: A person who violates any provision of this section shall be
18 punished by a fine of not more than five hundred dollars or by imprisonment
19 for not more than six months, or both such fine and imprisonment, and upon
20 final conviction thereof the office or position in the service of the city held by
21 such person shall be vacated and such person shall not be eligible for an
22 office or position, elective or otherwise, in the service of the city.

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SECTION 9-4: REFERENCES TO GENERAL LAWS

All references to General Laws contained in the charter refer to the General Laws of the commonwealth and are intended to refer to and to include any amendments or revisions to such chapters or sections or to the corresponding chapters and sections of any rearrangement, revision or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

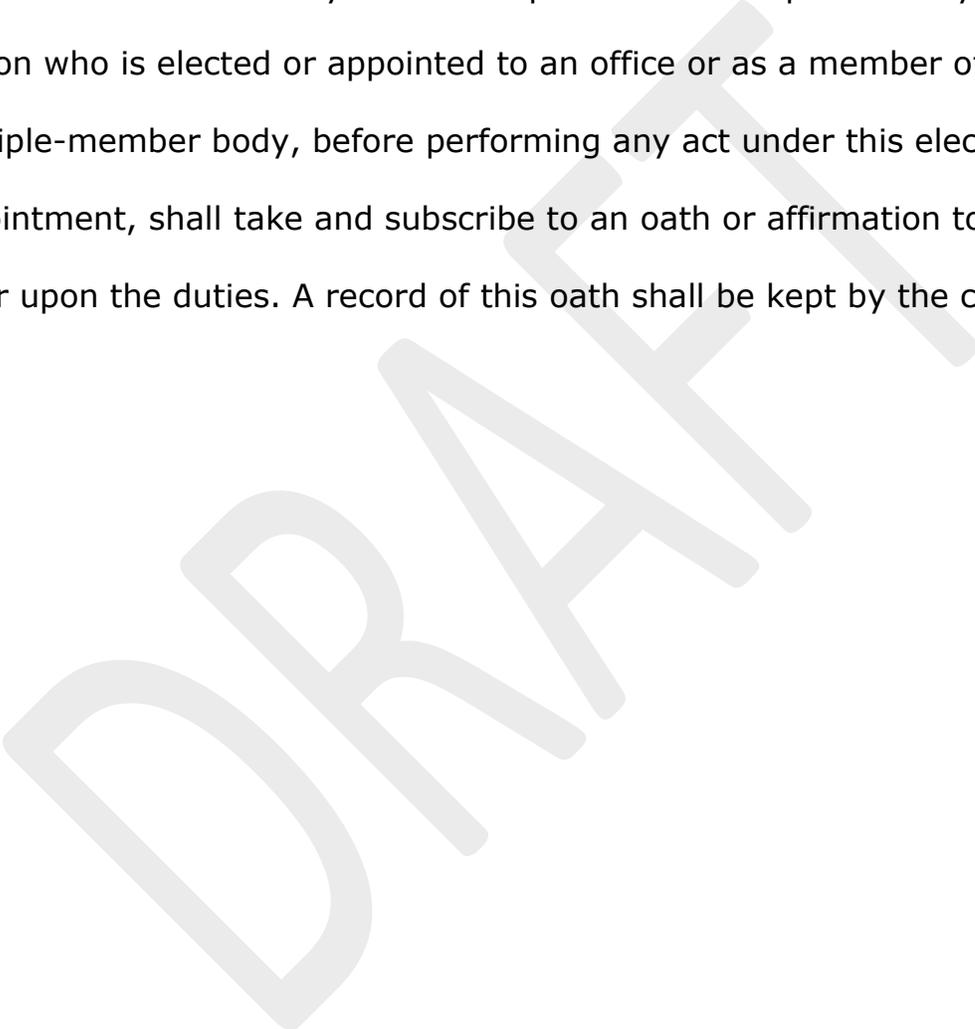
SECTION 9-5: OATHS OR AFFIRMATIONS

Section 17. On the first Monday in January following a regular municipal election, at ten o'clock in the forenoon, the mayor-elect if elected by the people, the councilors-elect, and the assessors-elect if elected by the people, shall meet and be sworn to the faithful discharge of their duties. The oath may be administered by the city clerk or by a justice of the peace, and a certificate thereof shall be entered in the journal of the city council. At any regular council meeting thereafter the oath may be administered in the presence of the city council to the mayor, or to any councilor absent from the meeting on the first Monday in January; provided, that, under Plan E, the oath may be so administered to the mayor and vice-chairman at the same meeting at which they are respectively elected.

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SECTION 9-6: CERTIFICATE OF ELECTION OR APPOINTMENT

Every person who is elected or appointed to an office or as a member of a multiple-member body shall receive a certificate of that election or appointment from the city clerk. Except as otherwise provided by law, every person who is elected or appointed to an office or as a member of a multiple-member body, before performing any act under this election or appointment, shall take and subscribe to an oath or affirmation to qualify to enter upon the duties. A record of this oath shall be kept by the city clerk.



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ARTICLE 10: TRANSITION PROVISIONS SECTION

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This section is completed once the substance of the Charter has been

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determined.

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