

A PUBLIC MEETING OF THE CAMBRIDGE CHARTER REVIEW COMMITTEE

February 28, 2023, @ 5:30 p.m.
REMOTE ONLY – VIA ZOOM

Pursuant to Chapter 20 of the Acts of 2022 adopted by Massachusetts General Assembly and approved by the Governor, this meeting will be REMOTE ONLY via ZOOM.

The zoom link is: <https://cambridgema.zoom.us/j/83253118929>

Meeting ID: 832 5311 8929

One tap mobile +13092053325,,83253118929# US

Agenda Items – Tuesday, February 28, 2023

- I. Roll Call 5:30 PM
- II. Introduction by Chair, Kathy Born
- III. Meeting Materials Submitted to the Committee to be placed on file
 - Communications from Committee Members
 - Communications from Council Members
 - Communications from the Public
 - Other Meeting Materials
- IV. Public Comment 5:40 PM
 - Members of the public are invited to share their ideas or comments with the committee.
- V. Chief Executives Panel - 6 PM
 - **Facilitator:** Anna **Goal:** Discussion and Q&A with:
Alex Morse current Manager of Provincetown and former Mayor of Holyoke,
Joe Curtatone former Mayor of Somerville, and
Eileen Donoghue former Manager and Mayor of Lowell and former State Senator
- VI. Recap and Project Timeline - 7 PM
 - **Facilitator:** Anna. **Goal:** Recap panel discussion and review project timeline.

**MINUTES OF THE CAMBRIDGE
CHARTER REVIEW COMMITTEE**
TUESDAY, JANUARY 31, 2023

COMMITTEE MEMBERS

Kathleen Born, Chair
Kaleb Abebe
Jessica DeJesus Acevedo
Mosammat Faria Afreen
Nikolas Bowie
Kevin Chen
Max Clermont
Jennifer Gilbert
Kai Long
Patrick Magee
Mina Makarios
Lisa Peterson
Ellen Shachter
Susan Shell
Jim Stockard

The Cambridge Charter Review Committee held a meeting on Tuesday, January 31, 2023. The meeting was called to order at approximately 5:30p.m. by the Chair of the Committee, Kathleen Born. Pursuant to Chapter 20 of the Acts of 2022 adopted by Massachusetts General Assembly and approved by the Governor, this meeting was remote via zoom.

At the request of the Chair, Clerk of Committees Erwin called the roll.

Kaleb Abebe – Absent
Jessica DeJesus Acevedo – Present
Mosammat Faria Afreen – Present
Nikolas Bowie – Present
Kevin Chen – Present
Max Clermont – Present
Jennifer Gilbert – Present
Kai Long – Present
Patrick Magee – Absent*
Mina Makarios – Present
Lisa Peterson – Absent
Ellen Shachter – Present
Susan Shell – Present
Jim Stockard – Present
Kathleen Born – Present
Present – 12, Absent – 3. Quorum established.

*Member Patrick Magee was marked present at 5:38p.m.

Chair Born opened the meeting with the Adoption of the Minutes from the January 17, 2023 and November 22, 2022 Charter Review Committee meetings. Member Jim Stockard made a motion to adopt both minutes, and the motion was seconded by member Kevin Chen.

Clerk of Committees Erwin called the roll.

Kaleb Abebe – Absent

Jessica DeJesus Acevedo – Yes

Mosammat Faria Afreen – Yes

Nikolas Bowie – Yes

Kevin Chen – Yes

Max Clermont – Yes

Jennifer Gilbert – Yes

Kai Long – Yes

Patrick Magee – Yes

Mina Makarious – Yes

Lisa Peterson – Absent

Ellen Shachter – Yes

Susan Shell – Yes

Jim Stockard – Yes

Kathleen Born – Yes

Yes – 13, No – 0, Absent – 2. Motion passed.

Chair Born noted that there were nine written communications that were received from the public (Attachments A-I). Chair Born recognized member Ellen Shachter who made a motion to adopt the written communications and place them on file, the motion was seconded by member Jim Stockard.

Clerk of Committees Erwin called the roll.

Kaleb Abebe – Absent

Jessica DeJesus Acevedo – Yes

Mosammat Faria Afreen – Yes

Nikolas Bowie – Yes

Kevin Chen – Yes

Max Clermont – Yes

Jennifer Gilbert – Yes

Kai Long – Yes

Patrick Magee – Absent

Mina Makarious – Yes

Lisa Peterson – Absent

Ellen Shachter – Yes

Susan Shell – Yes

Jim Stockard – Yes

Kathleen Born – Yes

Yes – 12, No – 0, Absent – 3. Motion passed.

The Chair, Kathleen Born opened Public Comment.

Young Kim, 17 Norris Street, Cambridge, MA, offered comments on ways the Charter Review Committee could help change the City government.

Robert Winters, shared that he would like to see in the Charter Review process a redress of grievances and offered to volunteer to the Charter whenever he is needed.

Lee Farris, shared they attended the public forum and asked if there would be a summary or discussion given to the Committee. She commented that she asked the forum to be more informative in the future.

Anna Corning introduced Elizabeth Corbo and Michael Ward from The Collins Center who did an overview of a memo (Attachment J) they submitted to the Charter Review Committee. After their presentation they made themselves available to Committee members for any questions or concerns.

Member Nikolas Bowie questioned if other cities have changed rules to allow City Council to increase certain aspects of the budget. Elizabeth Corbo responded by sharing that in many municipalities the executive branch is responsible for assembling the budget.

Member Ellen Shachter shared concerns about transparency and free cash and asked for clarity regarding budget discussions with Department Heads and City Manager. Michael Ward was able to provide a response, sharing that there could be ways the City break downs the budget when it comes to free cash.

Member Jim Stockard shared the importance of the City Council having goals when it comes to the budget and referenced the interviews he had done with two former City Managers regarding the budget and offered thoughts on how the process could improve.

Member Mina Makarios echoed comments made by member Jim Stockard about having goals. They shared concerns about the budget process regarding the City Council and public participation and how the Committee should be bold about what the Committee wants from the legislature.

Member Susan Shell noted that she agreed with all the comments made from Committee members who spoke before her.

The Chair, Kathy Born spoke on the importance of goal setting and structure, and how specific the charter could be structured.

Anna Corning introduced Charles Maquardt, Chair of the Election Commission, who was joined by his team member Assistant Director Lesley Waxman, and Commissioners Larry Ward, Ethridge King, and Victoria Harris. Lesley Waxman did a presentation titled “Presentation to the Charter Review Committee” (Attachment K). Members from the Election Commission made themselves available to Committee members for any questions or concerns.

After the Election Commissions presentation, members from the Charter Review Committee offered questions and concerns around the City of Cambridge elections. Topics that were brought up were statutory requirements regarding areas and wards, proportional representation, voter information that is provided through the City on candidates, odd and even number election years and the possibility of having an election during an even numbered year, how voters are informed about how the voting system works, and voter turnout.

The Chair, Kathleen Born recognized member Jim Stockard who made a motion to extend the meeting by fifteen minutes. The motion was seconded by member Susan Shell.

Clerk of Committees Erwin called the roll.

Kaleb Abebe – Absent

Jessica DeJesus Acevedo – Yes

Mosammat Faria Afreen – Yes

Nikolas Bowie – Yes

Kevin Chen – Yes

Max Clermont – Yes

Jennifer Gilbert – Yes

Kai Long – Yes

Patrick Magee – Yes

Mina Makarious – Yes

Lisa Peterson – Absent

Ellen Shachter – Yes

Susan Shell – Yes

Jim Stockard – Yes

Kathleen Born – Yes

Yes – 13, No – 0, Absent – 2. Motion passed.

The discussion continued with members offering questions and concerns regarding elections. Topics that were brought up were ways the City could get more voters out on election days, rank choice voting, accessibilities that Cambridge is providing for voters who need it at the polls, mail in voting, and having institutes be accountable for their students and registration.

Members from the Election Commission shared the importance of having youth being involved with the voting process, and had students helping at the polls at the last election. They plan on continuing to have youth be involved and stressed the importance of having voters start voting when they are eligible to do so. The team noted that they do student outreach with college students and stressed how it important it is to engage and support registration efforts across the City.

The Meeting was adjourned at approximately 7:47p.m.

The Charter Review Committee received nine written communications, Attachments A-I
Attachment J – Memorandum from The Collins Center Charter Project Team
Attachment K – Presentation titled, “Presentation to the Charter Review Committee”

Clerk’s Note: The video for this meeting can be viewed at:

https://cambridgema.granicus.com/player/clip/431?view_id=1&redirect=true&h=689502f35cf7fb77ff48a2e9d91d60aa

Supporting ranked choice, at-large council members

Guillaume Bouchard <guillaume.bouchard04@gmail.com>

Sun 2/12/2023 11:44 AM

To: Cambridge Charter Review Committee <CharterReviewCommittee@Cambridgema.gov>

Hi,

Please do not take a step back in Cambridge's democracy. Stick to our current system of elections using ranked choice, at-large council members. No ward-based nonsense. One person, one vote.

Guillaume Bouchard
Riverside resident

Please keep the current ranked choice at large elections for City

Becky Sarah <bsarah@gmail.com>

Wed 2/1/2023 8:37 PM

To: Cambridge Charter Review Committee <CharterReviewCommittee@Cambridgema.gov>

City Councilors should work together for the whole city. There's nothing good to come of pitting the various wards and neighborhoods against each other.

Please keep the current system.

Becky Sarah
14 Whittier St.

Council/Manager Balance and Council Term Length

James Mahoney <j.j@mahoney.com>

Tue 2/14/2023 4:56 PM

To: Cambridge Charter Review Committee <CharterReviewCommittee@Cambridgema.gov>

Dear Committee,

As you know (and probably the rest of the universe does, too), Cambridge has a very vocal, highly visible, very progressive cohort, which is well-represented on the City Council. But despite their thinking so, that cohort does not represent the entire spectrum of city residents, and may not actually even represent the majority of the citizenry beyond the core that votes in city elections.

Many of the progressive policies and ideas are laudable, but the vigorous pursuit of them is very often not clearly thought-through. The result is that unintended consequences seem to frequently crop up as these policies are implemented. It is also not unusual for proponents to dismiss or disregard known downsides of some substantial initiatives because of their view that the ends justify any means.

Separately, but related, the two-year term for Councillors means that the Council make-up changes frequently. So though there is relative consistency over multiple terms, single-issue groups are able to disproportionately influence and staff the Council.

For these reasons, and because the Manager typically serves over many election cycles, I believe we need a pragmatic, middle-of-the-road Manager who can keep her/his eye on the overall picture and trends, and can temper some of the more aggressive initiatives while advancing City and Council objectives. To put it another way, we need the Manager to be a voice of reason, balancing desires and goals with practical realities and the overall health of the city.

I believe that the City has been fortunate in this regard over at least the past four City Managers, and with the current Manager.

For these reasons, I strongly believe that the current balance between the Council and the Manager is best for the City, and should be retained in the revised Charter that you are working on.

Additionally, I think the two-year Councillor term also benefits the City in that the voters have regular opportunity to register their support or lack of it for members of the Council. While reasonable arguments can be made for four-year terms, including staggered incumbencies, that is a long time for the City to endure special-interest packing of the Council, or ineffectual members.

Thank you for your consideration, and also for the work you are doing on the Charter review.

James Mahoney
234A Walden Street
02140

617.945.9280

A chronology of the 1972 conflict over Proportional Representation in Cambridge

Robert Winters <Robert@rwinters.com>

Tue 2/21/2023 2:41 PM

To: Cambridge Charter Review Committee <CharterReviewCommittee@Cambridgema.gov>

A chronology of the 1972 conflict over Proportional Representation in Cambridge

Senate Next? House Votes To Kill PR

Cambridge Chronicle, March 2, 1972

In a legislative surprise, the House of Representatives passed a bill Tuesday afternoon that would abolish the proportional representation method of voting, unique in this country to Cambridge. The bill, passed on a voice vote, now goes before the Massachusetts Senate next week. Representative Thomas (Hap) Farrell, of Worcester, and former Representative Charles McGlue, of Boston, submitted the bill. Last year, a similar bill passed the House but was defeated in the Senate. Cambridge Representative Thomas H. D. Mahoney said the question of retaining or abolishing PR was for the city to decide under the Home Rule amendment. Four times in the past, Cambridge voters have opted to retain PR when the matter has appeared on the city ballot.

PR Wobbles on Last Legs on the Hill

Cambridge Chronicle, March 9, 1972

Cambridge's unique Proportional Representation system of voting was wobbling on its last legs on Beacon Hill this week after receiving all but the final death blow from the State Legislature. The Senate Tuesday voted 18-10 not to reconsider its earlier vote to abolish PR. Monday, the Senate had given initial approval of the move to kill PR on a 17-8 vote. The bill, which was passed by the House last week, now goes to the Senate's Committee on Bills for a Third Reading where it will be checked for form. From there, it will go back to the Senate floor for approval. Then, the bill goes back to the House for enactment and returns to the Senate for final enactment. The bill is expected to be on Governor Sargent's desk for his signature sometime this week. Supporters of the bill to abolish PR, including Senators Francis X. McCann and Denis L. McKenna, charged that PR voting violates the U.S. Supreme Court's "one man, one vote" rule. Opponents of the bill said that the issue was for Cambridge residents to decide under the Home Rule amendment to the State Constitution. Senate debate on the bill was highlighted by the surprising opposition of legislators representing areas outside Cambridge. Senator Irving Fishman, Democrat, of Newton, argued that passage of the bill would violate Home Rule. Senator John Parker, Republican of Taunton, said no Cambridge residents had co-sponsored the bill. But Senators McCann, McKenna and Mario Umama supported the bill. McKenna told the Chronicle he questioned whether PR is constitutional. "The Supreme Court has called for one man one vote, but you don't get this under PR," he said. He said, however, "I don't like pushing this down the throats of residents and if PR is constitutional the City Council should have the final say on whether PR is used."

Let Cambridge Decide

Cambridge Chronicle Editorial, March 9, 1972

If the Legislature, as is expected, gives its final approval to the bill to abolish Proportional Representation voting, we hope that Governor Sargent will veto it. We feel that this would be an appropriate and logical step for the Governor since there are questions of whether, under the Home Rule amendment, the Legislature should pass a bill which tells one city how to elect its municipal officials. Although the bill calls for the repeal of the general law allowing PR and is not, in its wording, aimed specifically at Cambridge, this is the only city which will be affected by its passage. Cambridge is the only city in the country which uses PR to elect City Council and School Committee officials. Retaining this system should be left up to the citizens in Cambridge and not the State Legislature. In both the House and Senate votes on the PR issue during the past two weeks, many legislators were absent. That's understandable. Why should legislators from Saugus, or Fall River or any community outside Cambridge care what method of voting is used in this city? We are not arguing the concept of PR itself here. At this point in the discussion of the Legislature's action, we feel the issue is not whether PR is good or bad, but rather who should decide on its merits. Five times since PR was first adopted by the city in 1941 Cambridge voters have approved this system in local referendums. The last referendum, in 1965, resulted in a 2,536 margin in favor of keeping PR. We feel it may well be time for another referendum,

and we would support a movement to put PR before Cambridge voters once again either in a special election or the next municipal election. The Council could vote to put PR on the ballot. Failing that, six percent of the registered voters could sign a petition to have PR on the ballot in the next municipal election. Twelve per cent would be needed to hold a special election on the question of PR. The point is it's the option of Cambridge voters to decide the fate of PR since this is the only city which has it.

Compromise Sought In PR Repeal Bill; Referendum is Key

Cambridge Chronicle, March 16, 1972

Cambridge residents may still get a chance to vote on whether they want to retain Proportional Representation voting in spite of assaults against PR on Beacon Hill.

Representative Thomas H.D. Mahoney Tuesday got the blessing of House Speaker David Bartley to submit a compromise amendment to the bill to repeal PR which would hinge the effective date of bill on a local referendum.

Under Mahoney's amendment, the repeal would not take effect until approved by voters in a referendum here.

Mahoney said that Representative Thomas Farrell, of Worcester, who submitted the bill to repeal PR, had tentatively agreed to the compromise.

"I am not arguing the merits of PR," Mahoney told his House colleagues Tuesday. "It is conceivable that the system has outlived its usefulness. The issue is who should make the decision to keep it (PR) or abandon it. In my opinion, the time may well be here that a popular referendum should be held... it is the option of the voters of Cambridge to decide the fate of PR since this is the only city which uses this method of election."

Mahoney hopes to submit his amendment to the House next Monday.

The House last Monday voted to enact the repeal of PR into law. Mahoney, however, moved reconsideration of the vote.

Reconsideration will be voted on Monday, and if it passes Mahoney will submit his amendment. Between 11am and 1pm Tuesday, Mahoney button-holed about 40 representatives to get their support to pass reconsideration so he could submit his amendment.

Mahoney said that "abolition of PR is not your (the House) prerogative" because of the Home Rule amendment to the State Constitution.

"This should be left up to the citizens of Cambridge not the Legislature," he said.

Representative Charles Flaherty, also of Cambridge, told the Chronicle Tuesday that he would "have no problem" supporting Mahoney's amendment "as long as I can be sure that the amendment requires a referendum and that citizens would not have to petition to get PR on the ballot".

Flaherty originally supported the repeal of PR when it first reached the House floor February 29.

"I have opposed PR voting since I have been in the House," Flaherty said, "and I base my opposition on philosophical grounds."

He said the majority of the voters don't understand PR and that PR can "dilute" the effect of votes. "In some instances, a minority can rule the majority under PR," he said.

In the Senate, Senator Francis X. McCann told the Chronicle Tuesday that if the language of the amendment is clear, "if it doesn't leave an opening where at a later date someone could claim the amendment was a violation of Home Rule," he would vote for it if it reached the Senate.

He said he would have to read the amendment first, however. McCann originally supported the repeal of PR when the bill reached the Senate floor last week. To be sent to the Governor, the bill would have to be voted on again in the Senate, this time for enactment.

Mahoney's amendment may be on the bill when it reaches the Senate floor.

The Amendment is Needed

Cambridge Chronicle Editorial, March 16, 1972

We support Representative Thomas H. D. Mahoney's efforts to strike a compromise in the Legislature's moves to repeal Proportional Representation voting.

Mahoney's amendment requiring Cambridge voters' approval via a referendum before the repeal of PR could take effect should gain wide support in both the House and Senate.

Legislators will be hard pressed to justify a vote opposing such a requirement, especially if they ever want to proclaim the peoples' right to make decisions on issues which affect them.

The amendment is perhaps the safest way to assure that the decision on retention or abolition of PR will be left up to Cambridge voters.

To allow the repeal to be passed without the referendum requirement, hoping for either a Gubernatorial veto or court decision in favor of a PR referendum is to play a risky game. Neither the veto nor the favorable court decision are assured. The amendment to be offered by Mahoney does assure Cambridge will have the deciding voice on the fate of PR.

As Mahoney said on the House floor, interfering with the affairs of one city will place the Home Rule amendment in jeopardy. Cambridge will be the victim this time, but any of the other cities or towns in the Commonwealth could be the victim the next time.

House Okays PR Compromise

BY PAUL E. TEAGUE

Cambridge Chronicle, March 23, 1972

The Massachusetts House Monday okayed an amendment to the bill repealing Proportional Representation voting which would hinge the effective date of repeal on a local referendum.

The amendment, submitted by Rep. Thomas H.D. Mahoney and passed on a voice vote, says that the repeal bill will be submitted to the voters "in the next biennial state election in which voting by PR is in effect" (next November).

The question on the ballot would read: "Shall an act passed by the general court in the year 1972 entitled 'An Act to prevent the election of certain city and town officers by proportional representation or preferential voting be accepted'?"

If the majority of the votes on that question are "yes", then repeal would take effect, "but not otherwise".

The amended bill now goes to the Senate, where it should be voted on next Monday. It will then go to Governor Sargent for his signature.

Last week, the House had voted to enact the repeal bill without the stipulation of a local referendum, but Mahoney, with the blessing of Speaker David Bartley, moved reconsideration so he could submit the compromise amendment.

The House Monday voted to reconsider its action, Mahoney offered his amendment, and it passed.

"I am not concerned with the merits of PR at this time, Mahoney told the House". "I am concerned with the question of who should decide on abolishing or retaining PR. I believe it is up to Cambridge voters".

Meanwhile, the battle over PR flared on at least two other fronts.

The city council Monday voted 5-4 to oppose the repeal of PR (see story elsewhere in the Chronicle).

The council majority was seen as opposed also to Mahoney's amendment calling for a referendum.

Councillor Robert Moncreiff said that under Home Rule the only two ways PR could be repealed were through a locally elected charter commission or a special act of the legislature on petition of the council or the voters.

But the counsel for the House of Representatives said, in an opinion delivered to Mahoney, that "the General Court may repeal any general law relative to proportional representation which it had previously enacted without first obtaining the prior approval of any city."

In another development, the Cambridge Civic Association sent a letter to its members asking them to write Governor Sargent urging him to veto the PR repeal bill.

The letter said, in part, “in a sudden display of machine politics, Senators McCann, McKenna, Councilmen Clinton and Sullivan, and a few cronies, have quietly rushed through the Legislature a bill abolishing PR voting in Cambridge. This self-serving band of old line Cambridge politicians and courthouse hangers-on, having lost control of city government in last November’s election, are trying to re-write the election laws, to recoup their losses.”

The letter also said the CCA board of directors had written to the Governor urging his veto.

“Regardless of your own view on PR”, the letter said to members, “basic changes in the election laws should come only after thorough study of alternatives, wide public debate and local referendum – not by precipitous legislative action”.

The letter was dated March 10, before Mahoney had submitted his amendment to the House.

MAIL from our readers
On Proportional Representation
Cambridge Chronicle, April 6, 1972

Editor, Chronicle:

I wish to thank Representative Thomas H.D. Mahoney for his single-handed, successful fight to keep the choice of voting system up to the people of Cambridge. Our other legislators originally wanted to abolish PR without a referendum.

A proportion is a share. If we do not have proportional representation we will have UNproportional representation and some group will have more than its share. The at large system for the House elections was abolished by the U.S. Congress in 1842 because it does not guarantee that a majority of the voters will elect a majority of the representatives. The same is true of the ward system. In good faith, we cannot go back to those systems. The issues cut across ward lines and we must have a system which represents the majority and minority fairly.

The thing some people are forgetting is that no organization elected anyone. It was the voters of Cambridge who chose five from the CCA slate and four others for council and three from the CCA slate and three others for school committee. So many white voters voted for blacks that two were elected to the council. When the first choice votes were counted, the five CCA slate members now on the council were in the top nine, and three CCA slate members in the school committee race were in the top six.

There is really no mystery about PR, it’s just a lot of preliminary elections in which only one candidate is eliminated at a time. Your number two choice, three, four, and so on, marked on your ballot with numbers, saves you a trip back to the polls if your favorite is eliminated.

The votes Sullivan didn’t need helped elect Danehy, Vellucci, and Clinton. If they had been left in Sullivan’s pile they would have been wasted and the result of the election might have been different.

At the end after all the little preliminaries, members of the CCA slate had 13,793 votes, the independents 11,856. The school committee ended with 12,591 for the CCA slate and 12,641 for independents.

With PR, a majority of the votes elected a majority of the councillors.

BYRLE BRENLY
 1039 Mass. Ave.

PR Bill And NASA Acres Are Discussed on the Hill
Cambridge Chronicle, April 6, 1972

The bill to repeal Proportional Representation voting, complete with an amendment requiring a local referendum, was in the Senate Consul as of press time this week.

It was expected that the Senate would pass the bill and send it back to the House for final enactment this week so it would be ready for Governor Sargent’s signature.

The original amendment calling for a local referendum, sponsored by Rep. Thomas H.D. Mahoney, was changed by the House Committee on Bills in a Third Reading, but the changing only affected the way the referendum question would be worded.

The amended bill requires this question to be on the ballot here in the November state election: “Shall the elective officers of this city be nominated by preliminary election and elected by ordinary plurality

voting? Yes or No.”

A majority of yes votes would kill PR. A majority of No votes would mean the city keeps PR.

PR Bill Is Vetoed By Sargent

Cambridge Chronicle, May 11, 1972

Gov. Francis Sargent this week vetoed the bill passed by the legislature which called for a local referendum on proportional representation voting here.

In his veto message. Gov. Sargent said the bill was “unwarranted and probably unconstitutional interference with home rule.” He said further the bill as passed “violated the spirit and probably the letter of the home rule amendment.”

Introduced in the house this spring the bill called for a local referendum to ask voters the question, “Shall the city adopt a plurality method of voting?” PR opponents here gave active support to the legislation.

PR Bill Is Dead

Cambridge Chronicle, May 11, 1972

The bill requesting a local referendum here on PR (proportional representation) voting is, for all practical purposes, dead.

Senate President Kevin Harrington’s office says the President has no plans to remove the bill from the table, where it has been since it was sent to the Senate several weeks ago. That effectively kills the bill for this year.

Originally passed by both House and Senate, the PR bill backed by opponents of Cambridge’s unique PR system was vetoed by Gov. Francis Sargent, who said it interfered with home rule.

Legal fights due on PR

Cambridge Chronicle, July 13, 1972

Supporters of the city’s Proportional Representation system of voting were scrambling this week to put together lawsuits challenging a referendum on PR which is scheduled to be on the September ballot here.

In a swift vote at noon on Saturday, the State Senate voted 24-12 to override Governor Sargent’s veto of a bill which requires the referendum.

The Senate vote came as a last minute surprise during the Legislature’s drive toward Prorogation. The House had overrode the veto May 16, but Senate President Kevin Harrington said at that time he had no intention of calling for a Senate vote.

PR supporters will charge that the referendum violates the Home Rule amendment to the State Constitution. That amendment, they say, protects cities and towns from interference in such matters by the state.

The original bill to kill PR was voted by the House on February 29. The Senate followed with a quick initial approval of the bill.

But Representative Thomas H.D. Mahoney got the blessing of House Speaker David Bartley to amend the bill with a requirement for a referendum. He said at the time the merits of PR were not at issue, but that it was important that Cambridge voters make the decision on abolishing the system of voting.

The city council March 20 voted 5-4 to oppose the PR bill and referendum on the grounds that it violated Home Rule.

Governor Sargent vetoed the bill on the same grounds in early May, but the House overrode his veto May 16.

Mahoney said the controversial bill against PR was not his idea, “but since the bill was there and the House and Senate seemed bound to pass it, I added the referendum to ensure a local voice on the matter. To simply hope the courts would rule against the original bill to abolish PR was too chancy”.

Cambridge has had PR since 1941. There have been five referendums on PR, and each time voters have decided to keep the system. The last referendum was in 1965, and the margin in favor of PR was 2,536.

MAIL from our readers
On PR bill

Cambridge Chronicle, July 20, 1972

Editor, Chronicle:

I am writing concerning the article about the "legal fights due on PR" appearing on the front page of the July 13 Chronicle.

Rep. Mahoney's statement implied that he was basically against the bill and that his amendment just made it less bad. If this is the case, why did he ask the Governor to sign what he considered a bad bill?

HARLEY R. VICTOR
37 Lee St.
City Republican Chairman

Former city leaders rally on both sides of PR fight

Cambridge Chronicle, September 28, 1972

The question of whether to keep Proportional Representation (PR) voting or throw it out may not appear on the ballot in this city in November if legal efforts of some former city officials are successful.

If those efforts are not successful, however, another group, including four former mayors, the president of the Chamber of Commerce and the first chairman of the Cambridge Advisory Committee will wage a campaign to convince voters to drop the controversial I voting system.

Monday morning, Attorney Michael Callahan went before Supreme Judicial Court Justice Paul Reardon to present the case for getting the PR question off the ballot.

He was representing former City Councillors Don Belin, and Connie Wheeler, former School Committeeman Gus Solomons, Professor Edwin C. Newman, husband of Mary Newman, state Secretary of Manpower Affairs, and attorney Gerald Berlin.

They are contending that the law passed by the State Legislature which puts the PR question on the ballot is invalid "since it applies only to Cambridge despite its general soundings". They say it could only be adopted by a special law procedure which requires a request from the city council or the Governor.

(The law putting a PR question on the ballot was passed by the Legislature last Spring. Originally it outlawed PR, but was amended by Rep. Thomas H.D. Mahoney to include a local referendum on the question. The bill, with the amendment, was vetoed by Governor Sargent, but both the House and Senate overrode his veto.)

Callahan told the Chronicle a hearing by the full bench of the SJC would probably be held next week. He said he was hoping for a decision before the ballots are printed by the Secretary of State.

Meanwhile, the second group of former city officials formed the "Committee to Make Every Vote Count" to convince voters that plurality voting is better than PR.

This group consists of former Mayors Edward A. Crane, Joseph A. DeGuglielmo, Daniel J. Hayes Jr., Edward J. Sullivan and Advisory Committee Chairman George A. McLaughlin, Sr., all of whom are co-chairmen. Don S. Greer, president of the chamber, is treasurer.

Crane and DeGuglielmo were endorsed by the Cambridge Civic Association while on the council, and DeGuglielmo was chairman of a Committee to Save Cambridge by keeping PR when a similar question appeared on the ballot in 1965. McLaughlin was one of the co-founders of the move to adopt the city manager — Plan E charter form of government in 1938-40. Plan E at that time included PR.

In a statement announcing their effort to get plurality voting for Cambridge the committee members said:

"We now have an exhausted government in Cambridge and an exhausting tax rate, exhausted rent payers and exhausted property owners because of the 10 to 12 percent exhausted ballots which have robbed us of representation and total lack of leadership.

"In 1971 there were 30,400 ballots cast with more than 3000 exhausted ballots which could not be tallied for anyone.

"We wind up after each election with a 5-4 fractionalized city council as the result of this confusion.

"For eight long months this year the fractionalized council struggled just to settle the city manager issue.

"This set a new record for frustration and time wasted which could have been better used to provide leadership for a city so badly in need of corrective measures for the benefit of all our citizens.

"A Yes vote for plurality voting will guarantee that all the councillors and school committee members will have to answer to every voter rather than to a personal constituency.

"We want to eliminate the confusing transferable vote and substitute the American way of counting in Cambridge.

"We support a strong city manager form of government and the system will be more responsive to the will of the citizens when the electorate has nine effective votes for the city council and six effective votes for school committee."

[Photo caption] AMONG FORMER city leaders involved in the PR issue are, top left, Former City Manager and City Councillor Joseph DeGuglielmo; top right, former Councillor Edward A. Crane; former Councillor Cornelia Wheeler, bottom left, and former School Committeeman Gus Solomons, bottom right.

PR voting: Two different views

Cambridge Chronicle, October 5, 1972

(Editor 's note: The Chronicle publishes below two separate views on Proportional Representation voting which were received in the news office this week. We do not necessarily agree with the conclusion drawn in either of the two articles.)

Let's keep it

By BYRLE BRENLY

Cities all over the country are frustrated and searching for acceptable solutions to problems. They have many different kinds of charters and voting systems. The fault lies in things that are common to all cities. These are the things we must identify and correct. Changing our voting system will not bring us the money we need to get decent housing, fix our streets, build our schools, and pay for our skating rinks.

The "Committee To Make Every Vote Count" has complained about a 10 to 12 per cent exhausted vote under PR. They want plurality voting. That's very strange because the exhausted vote in last year's plurality election in Boston was 52 per cent. That means plurality voting is worse than PR. That can't be their real reason.

If we end up with a 5-4 city council under plurality voting what will they blame then? All cities are divided. Cambridge is just more evenly divided than most. Voting for the plurality system won't change that.

The four former mayors on the committee against PR know full well that any citizen of Cambridge can file a "corrective measure" with the city council.

Why would a councillor have to answer to all of the voters, or even to a majority of them, if he doesn't need a majority to win?? Plurality voting allowed three candidates to win in Boston last time who were supported by less than a third of the voters. All of the present Boston councillors are minority councillors!

One man - one vote does not mean one man — nine votes. It means that councillors should each represent the same number of people. PR does that best. In Boston, one councillor has a 93,000 vote constituency while another has a 60,000 vote constituency. There's nothing one man - one vote about the plurality system.

It doesn't bother me that the first person in modern times to suggest that people use PR was a Mr. Andrae in Denmark. Who invented plurality voting? Was he an American? What's his name? Or her name?

We will go back to the polls in November to finish the election of state representatives and state senators. If our favorite candidate lost in September we must transfer our vote to someone else. If we

had been able to mark our ballots with numbers, 1 for first choice, 2 for second choice, and so on, we wouldn't have to do it all over again. That's all a transferable vote is, not very confusing is it?

Votes that count for losers are not very effective votes. In plurality voting in Boston last year 40 percent of the votes were for losers. In PR voting in Cambridge last year more than 90 percent of the votes were for winners. PR clearly has a much larger percentage of effective votes.

Incidentally, any city can choose a plan E type of government, including PR, by using a charter commission, unless the courts rule otherwise. None of the "alphabet charters" can be adopted by the old 10% petition and referendum method at this time. Section 96 of Plan E has not been repealed. It is the section which says "the city council shall be elected at large by proportional representation (PR)".

(Ms. Breny was a candidate for city council in 1969.)

Let's get rid of it

By GEORGE A. McLAUGHLIN, SR.

Many of us who worked to establish the City Manager Plan E Charter in 1938 and 1940 in Cambridge have now realized what devastation PR has brought to our Plan E government.

Even the Cambridge Chronicle, which has from the start been a strong supporter of Plan E, and still may be, said editorially in 1970 that our city is "a municipality of loose ends and unfinished business." The editor added: "Of course the fundamental reason why things are at sixes and sevens is that our City Council lacks the kind of majority (whether CCA or coalition) that is needed to make the City Manager plan tick." Then the editor chides the voters for a city policy which "sometimes led to confusion of voices and a delay in acting on community needs."

The editor was wrong on one point. It is not "sixes and sevens" that divides the city but the many city councils of fours and fives.

For example, take the election of mayors to demonstrate what the customary 5-4 fractionalized council has done. It took 309 ballots and weeks to elect John D. Lynch as mayor. It took 1321 ballots and many more months to elect Michael J Neville mayor. It took 189 ballots to elect John J. Foley and 49 ballots for Alfred E. Vellucci.

And this year it took 8 long months for the city council to end its struggle on the City Manager. And all the while Cambridge community needs, citizen needs and business needs suffered from the weak system which left Councillors staring at one another.

More than one million voters in Lowell, Quincy, Worcester, Medford, Gloucester and Revere in this State and 36 other communities in the United States abolished PR and adopted the American way of counting votes. They had given the transferable voting system a fair chance to bring stability to their local governments. Today Cambridge stands alone in the entire country with the transferable voting system. Just as PR failed elsewhere, it has failed in Cambridge.

I speak for Edward A. Crane, Joseph A. DeGuglielmo, endorsed by the CCA when they were in city government, and for Daniel J. Hayes and Edward J. Sullivan who ran as independents when in city government. All four are former mayors who have reason to be concerned with the devastating results of a fractionalized city government. Don S. Greer, President of the Chamber of Commerce, and I are working with the four former mayors to put together a team of citizens which seek to take advantage of the chance given to Cambridge by the Legislature to vote YES for plurality voting on Question 10 on the Cambridge ballot on Nov. 7.

We support a strong City Manager Plan E form of government. A divided city government, fractionalized by the present PR system of voting, can only bring continued high costs, higher taxes, further confusion and instability. We want every voter to help elect all nine city councillors and all six school committee members rather than have their votes count for only one city councillor and one school committee member, if his ballots are not exhausted before the election count is completed.

A YES vote for plurality voting, when Cambridge citizens get a chance to vote, will guarantee that all city councillors and all school committee members will have to answer to every voter rather than to their personal constituency.

Next Thursday evening in the Hotel Commander at 8 o'clock the voters of Cambridge are invited to join the effort to "Make Every Vote Count." The meeting is open to the public.

(Mr. McLaughlin is a member of the Committee to Make Every Vote Count.)

MAIL from our readers

Wants PR out

Cambridge Chronicle, October 5, 1972

Editor, Chronicle:

Having publicly advocated charter reform in Cambridge for several years, both as a candidate for city council and as a private citizen (and as recently as July 20), I was very pleased to see in last week's Chronicle an editorial urging that it "is important ... to re-assess the present system" (Plan E).

The most immediate question we face in terms of charter reform is that of Proportional Representation, because a referendum question on PR will be on the ballot this November. PR does have its good points, but it is no doubt in part responsible for the present situation, in which our city government has virtually ceased to function as an effective servant of the people of this community.

The first step toward having a city government which does a good job is to vote against PR in November, and I strongly urge all residents who are dissatisfied with the state of affairs in this city to vote out PR. Then we can go to work to rebuild a city government which serves the needs of the people of Cambridge, a city government which is more than merely an arena for the games of windbag politicians, whether old-style or so-called new-style.

200 years ago Americans searched for, and fought for, a new way to govern themselves. That is what we need today, a new way to govern ourselves, a way which gets things done. And the place to start is by voting out PR.

STEVE NELSON
104 Kinnaird St.

PR question out; '73 is new target

Cambridge Chronicle, October 12, 1972

The State's Supreme Judicial Court, in an order last Friday, threw the referendum question on Proportional Representation voting (PR) off the ballot this year.

The Court issued an order to Secretary of State John F. X. Davoren not to print the question on the ballots to be used in the November 7 election here.

Plans to have the question put on the ballot next year have already gotten underway, however.

The Committee to Make Every Vote Count, composed of four former mayors, the former head of the Cambridge Advisory Committee and the president of the Cambridge Chamber of Commerce, will hold a public meeting Oct 26 at 8pm at the Hotel Commander to map a campaign to kill PR.

In other action, however, the Cambridge League of Women Voters, long a supporter of PR, reaffirmed its support at a series of memberships meetings recently.

League members agreed that in spite of their dissatisfaction with the operation of Cambridge government "PR is the voting system that gives the most accurate representation to minority groups at the same time it ensures majority rule," according to Nancy R. Evans, city government chairman of the League.

The Supreme Court case to get the PR question off the ballot was brought by former City Councillors Don Belin and Connie Wheeler, former School Committeeman Gus Solomons, Professor Edwin C. Newman, husband of State Secretary of Manpower Affairs Mary Newman and attorney Gerald Berlin.

They contended that the State law putting the question on the ballot was "invalid" because it applied only to Cambridge "despite its general soundings".

That law was passed by the Legislature last spring. Originally it simply outlawed PR, but was amended by Rep. Thomas H.D. Mahoney to include a local referendum. Mahoney said at the time his concern was not with the merits of PR but with reserving the right to decide its fate with Cambridge voters.

Governor Sargent vetoed the bill, with the amendment, but the Senate and House overrode his veto.

The Committee to Make Every Vote Count was formed in early September to mobilize support to dump PR in favor of plurality voting if the question remained on the ballot.

Committee members include former Mayors Daniel Hayes, Edward A. Crane, Joseph DeGuglielmo and Edward J. Sullivan, former Advisory Committee Chairman George A. McLaughlin and Chamber President Don S. Greer.

Speaking for the Committee, Hayes said the members were “disappointed that voters will not have an opportunity to vote on PR this year”.

Hayes expressed surprise that the group which has “stressed power to the people” in the past took action to deprive voters of the right to decide the PR question on the November ballot.

“At a time when an estimated 40,000 will go to the polls in Cambridge, the PR supporters decided to go to court to deprive them of the right to vote on the question.”

The former North Cambridge city councillor said the current voting system has fractionalized the nine member Council and six member School Committee into a group “who represent neighborhoods rather than the entire city.”

Hayes said that fractionalization was the cause of the delay in electing a city manager and a new school superintendent.

Mail from our readers

League supports PR

Cambridge Chronicle, October 12, 1972

Editor, Chronicle:

At a series of recent membership meetings the Cambridge League of Women Voters reaffirmed its support of proportional representation in Cambridge. League members agreed that in spite of their dissatisfaction with the operation of Cambridge government, PR is the voting system that gives the most accurate representation to minority groups at the same time that it insures majority rule. PR guarantees minority groups - racial, ethnic, or ideological - representation but not control over the governing body. PR prevents a minority of the voters from winning a majority of seats on the council.

On the other hand, at-large plurality voting makes it possible for a bare majority to sweep all of the seats on the council or even for a minority of the voters to capture a majority of the seats. Although plurality voting might give us a council that could easily reach agreement, such agreement could be bought at the price of many groups and points of view being excluded from the debate.

The experience of cities such as Cincinnati and Worcester which have switched from PR to at-large plurality voting shows that under plurality voting it becomes increasingly difficult for new candidates to win, for incumbents to be unseated, and for minority groups to be represented.

We believe that PR is not the cause of our problems in Cambridge; it simply reflects quite accurately the different forces and points of view that actually exist in the city. Most cities - with diverse populations and interest groups - whatever their form of government or voting system — are similarly dissatisfied with the operation of their government since all segments of the population are not being served equally; taxes are rising at all levels of government and taxpayer dissatisfaction is growing.

We therefore object to any view which attempts to simplify the debate over city government by pinning the blame on PR and which purports to solve our problems simply by getting rid of our present voting system. Instead we urge Cambridge citizens to look at our total structure of government - PR, council-manager form, the state-mandated authorities and procedures, as well as the personalities and forces at work in our community — before attempting to diagnose our problems and prescribe a solution to them.

NANCY R. EVANS

City Government Chairman

League of Women Voters of Cambridge

Citation: 362 Mass. 530

Parties: G. D'ANDELOT BELIN & others vs. SECRETARY OF THE COMMONWEALTH.

County: Suffolk

Hearing Date: October 4, 1972

Decision Date: October 19, 1972

Judges: TAURO, C.J., REARDON, QUIRICO, BRAUCHER, & KAPLAN, JJ.

Statute 1972, c. 596, requiring that a question regarding a change to plurality voting be placed on the ballot to be used at the biennial state election in any city or town with proportional representation voting but in fact, when enacted, applicable only to the city of Cambridge, is a special act "relating to cities and towns" and not a general law applicable "to a class of not fewer than two" cities and towns, and thus violates art. 89 of the Amendments to the Massachusetts Constitution in that it was enacted neither on a petition filed or approved by the voters or the city council nor by the two-thirds vote of each branch of the General Court following a recommendation of the Governor.

PETITION for a writ of mandamus filed in the Supreme Judicial Court for the county of Suffolk on September 21, 1972.

The case was reserved and reported by Reardon, J.

Acheson H. Callaghan, Jr. (Barry R. Furrow & Jeffery Swope with him) for the petitioners.

Walter H. Mayo, III, Assistant Attorney General, for the Secretary of the Commonwealth.

George A. McLaughlin & Edward J. Lonergan, amici curiae, submitted a brief.

Charles H. McGlue was present but did not argue.

REARDON, J. The petitioners, residents, taxpayers, and duly registered voters in Cambridge, have petitioned for a writ of mandamus. The facts are not in dispute.

Cambridge has a Plan E form of government conformable to G. L. c. 43, Sections 93-116, as amended, and is the only city or town in the Commonwealth where officers are elected by proportional representation or preferential voting. The respondent was in the process of preparing a question contained in St. 1972, c. 596, Section 3, to be placed on the official ballot for the November 7, 1972, biennial State election in Cambridge. The question described in Section 3 will not appear on the ballot in any other city or town in the Commonwealth. Statute 1972, c. 596, which was enacted over the veto of the Governor, provides as follows:

"SECTION 1. Section one hundred and fifteen of chapter forty-three of the General Laws is hereby repealed."

"SECTION 2. Chapter fifty-four A of the General Laws is hereby repealed."

"SECTION 3. The state secretary shall cause the following question to be placed on the official ballot to be used at the biennial state election in each city in which voting by proportional representation or preferential voting is in effect: --

'Shall the elective officers of this city be nominated by preliminary election and elected by ordinary plurality voting?' YES. NO."

"The state secretary shall cause the following question to be placed on said ballot in each town in which voting by proportional representation or preferential voting is in effect: -- 'Shall the elective officers of this town be elected by ordinary plurality voting?' YES. NO."

"If a majority of the votes in answer to such question by any such city or town is in the affirmative elective officers in such city or town shall thereafter be nominated and elected in the manner provided in said question."

"If a majority of the votes in answer to said question is in the negative those elective officers who, on the date of said election, were elected by proportional representation or preferential voting shall continue to be so elected."

Statute 1972, c. 596, was not enacted (1) on a petition filed or approved by the voters or by the city council of Cambridge, or (2) by a two-thirds vote of each branch of the General Court following a recommendation by the Governor.

The contention of the petitioners is that because St. 1972, c. 596, was enacted in violation of art. 89 of the Amendments to the Constitution of the Commonwealth (the home rule amendment), it has no force and effect, and the respondent is under a duty not to place the question described in Section 3 therein on the official ballot in Cambridge for the biennial State election to be held on November 7, 1972.

Section 1 of art. 89 provides, "It is the intention of this article to reaffirm the customary and traditional liberties of the people with respect to the conduct of their local government, and to grant and confirm to the people of every city and town the right of self-government in local matters, subject to the provisions of this article and to such standards and requirements as the general court may establish by law in accordance with the provisions of this article" (emphasis supplied).

The provisions limiting the power of the Legislature are to be found in Section 8 of the article. On its face it is plain that St. 1972, c. 596, can be classified as a law "in relation to cities and towns" and therefore subject to the restrictions of Section 8. If it be a special law, it is unconstitutional since it was not enacted on a petition filed or approved by the voters or by the city council of Cambridge or by a two-thirds vote of each branch of the General Court following a recommendation of the Governor.

If on the other hand c. 596 can be viewed as a general law applicable "to a class of not fewer than two" cities and towns, there being no obstacle in art. 89 to the enactment of such laws, it is constitutional.

The basic issue thus is whether St. 1972, c. 596, by its terms applicable to a class of "all" cities having proportional representation but in fact only to Cambridge, is to be characterized as a general law applicable to a class of not fewer than two or as a special law within the meaning of Section 8 of art. 89.

In Opinion of the Justices, 356 Mass. 775, we stated that legislation for a multi-purpose stadium, tunnel and an arena was, in most of its aspects, regional legislation having some State-wide effect and was not to be considered as a law "in relation to cities and towns," and therefore was not subject to the requirements for either general or special laws specified in Section 8. We there noted, "We do not interpret the words 'to act in relation to cities and towns' as precluding the Legislature from acting on matters of State, regional, or general concern, even though such action may have special effect upon one or more individual cities or towns. If the predominant purposes of a bill are to achieve State, regional, or general objectives, we think that, as heretofore, the Legislature possesses legislative power, unaffected by the restrictions in art. 89, Section 8. On the other hand, in instances where the primary purpose of a major and severable portion of a bill, otherwise enacted for State, regional, or general purposes, is to legislate 'with respect to . . . [the] local government,' or 'local matters,' of a particular city or town, it may be necessary to consider whether in the particular circumstances that severable major portion complies with Section 8 of art. 89. pp. 787-788.

In our view the last quoted sentence is fully applicable to c. 596, Section 3. That section provides for a question to be placed on a municipal ballot which, if approved by the voters in Cambridge, will alter the method by which the city council and the school committee are elected in that city. It is directly and solely concerned with altering a crucial feature of municipal government. If the words "in relation to cities and towns" are to be given any meaning they must be applicable to this statute. Therefore, c. 596, Section 3, must be subject to the requirements of art. 89, Section 8.

We thus consider whether c. 596, Section 3, applies alike "to all cities, or to all towns, or to all cities and towns, or to a class of not fewer than two." That c. 596, Section 3, is phrased in general terms, and is, arguably, potentially applicable to cities in addition to Cambridge at some indefinite future time, is not sufficient to meet the test which Section 8 of art. 89 establishes. When enacted, c. 596, Section 3, was applicable in fact only to Cambridge. That it was phrased in general or specific terms does not control under Section 8, which prescribes a clear and simple test of minimum applicability. In Opinion of the Justices, 357 Mass. 831, we pointed out relative to an act affecting the towns of Southwick and West Springfield that it met the test of a general law within the meaning of the first sentence of art. 89, Section 8, and, hence, did not need to be enacted in accordance with the special procedures for special laws there defined. That case involved two towns, a situation quite different from that which confronts us here.

We said in *Mayor of Gloucester v. City Clerk of Gloucester*, 327 Mass. 460, 464, "No municipality has any vested right in its form of local government. All such matters are subject to the paramount authority of the Legislature, which may change, and even abolish, at will." However, the relevance of this and other cases decided prior to 1966 has been considerably diminished, if not erased. The adoption of art. 89 "effected substantial changes in the legislative powers of the General Court and the cities and towns." Opinion of the Justices, 356 Mass. 775, 787.

In sum, art. 89 was adopted by the people to prevent precisely the type of legislation which is represented by St. 1972, c. 596, Section 3.

It is for this reason that, by our order dated October 6, 1972, we have directed the issuance of a peremptory writ of mandamus commanding the respondent not to print the question contained in St.

1972, c. 596, Section 3, on the official ballot for the biennial State election of Cambridge.

Note on Gaspard D'Andelot Belin

Guy D. Belin (May 30, 1918 – April 15, 2003; also referred to as Don Belin) was elected to the Cambridge City Council in 1961. He resigned effective November 13, 1962 to take a position in Kennedy Administration as General Counsel to the United States Treasury. (He was McGeorge Bundy's brother-in-law.) Cornelia (Connie) Wheeler was easily elected on his redistributed vote on November 16, 1972 in the Vacancy Recount.

He and his wife Harriett Bundy Belin are buried in Mount Auburn Cemetery.

