

TO: Charter Commission
FROM: Style & Structure Working Group
(Blumer, Mulvey & Stefanini)
DATE: June 2, 2016
RE: Agenda for review of Legislative Function

MEMORANDUM

In April, the Charter Commission adopted a work plan with seven goals. As we begin to consider the structure of the Legislative Branch, goals 5 and 7 are directly related to this task:

- 5) Propose to voters a legislative branch, elected by the people of our neighborhoods and accountable to every segment of our diverse community that serves the important role of providing effective checks and balances to the executive branch of government so that ensures everyone's voice is heard in our decision-making process;
- 7) Provide clear mechanisms for public participation, input and redress.

On Monday, May 23, after a comprehensive presentation by the Collins Center of the three options for the municipal exercise of the legislative function in Massachusetts -- Open Town Meeting, Representative Town Meeting and Council -- the Commission voted (8 to 1):

... that the Charter Commission propose to the voters of Framingham that its legislative function be vested in a Council with the details of its membership, powers, duties and responsibilities being debated and determined by us over the next few months, and that the Commission's drafting sub-committee, working with the Collins Center, prepare a check list of the details in the formation of a Council along with a draft for our consideration, debate and vote.

Before we begin drafting, we suggest that we first affirm and reiterate the reasons for proposing a change to the exercise of Framingham's legislative function. Given that Framingham has debated eliminating Representative Town Meeting almost since it was adopted in 1949, it should come as no surprise that a fourth Charter Commission is now attempting to replace it with a Council. Here is a compilation of individual member's reasons for our collective review:

- a) Increase in complexity of issues facing our \$250M municipal corporation;
- b) Ensure that all neighborhoods are fairly represented;
- c) Allow legislative body to set its own agenda;
- d) Convene meetings on a regular basis;
- e) Centralize operating and capital budget processes;
- f) Require local legislators to comply with state ethics laws;

- g) Increase competition of ideas at the ballot box;
- h) Avoid time-consuming and expensive delays in seeking state approval of local actions;
- i) Consolidate further administrative functions and review;
- j) Provide “checks and balances” on executive function; and,
- k) Allow ordinary residents to have more input into the decision-making process.

Addressing these concerns is in no way a reflection on the dedication and diligence of the many men and women who volunteer their time in our Representative Town Meeting; but, rather, a realistic reflection on the limitations of our current structure in managing a large, diverse community. And, as you know, Town Meeting has the ability to reform itself at any time but has not done so. Furthermore, the so-called “reforms” available to our Representative Town Meeting – increasing the quorum requirement from 37% to 50% or more, applying ethics laws to its members, eliminating our Standing Committees, et cetera – are unlikely address concerns.

Process to accomplish this task:

The Collins Center (CC) provided the following structure of the legislative function for a typical charter. We suggest that we use this as a guide to review, debate and vote separately on each of the sections, starting with the first item and moving sequentially through to the last. However, the Collins Center discussed the reality that some parts of these structures are more controversial than other and will require more attention and consideration of multiple options.

We have highlighted areas that we have currently asked the CC to provide examples of alternatives based on our dialogue. It is not meant to be exhaustive, so if the full commission wants to suggest other areas they wish the Collins Center to research and provide language options, we can add other areas as needed.

1. Composition and Membership
2. Eligibility
3. Chair, Vice Chair, Clerk
4. Compensation/Expenses
5. Council Procedures
6. Officers Elected by Council
7. General Powers and Duties
8. Ordinances/Bylaws
9. Vacancy in office of Councilor
10. Access to Information
11. Prohibitions
12. Council Review of Certain Appointments

Since Framingham does not currently have a charter, there is not an obvious starting point for drafting. Thus, after reviewing numerous successful municipal charters, we started with the basic structures from the Braintree, Watertown and Weymouth charters to begin to build Framingham’s draft. See the attachment.

We fully expect that this iterative process will take us numerous meetings to address each of these points (and others we have not thought of), make tentative proposals, seek public input, and still refine further. We also expect that decisions tentatively made in one section may and will need to be revisited based on decisions made in later sections. **To be clear, no vote should be considered final within a section or overall until the entire charter is reviewed and voted on as a whole at the end of this process.**

That said, we have attached a DISCUSSION DRAFT of just the legislative function and election related matters to focus and advance our conversation of legislative branch structure.

It is our hope that members will review and decide upon this draft agenda at our meeting on June 2 to give each member the ability to inform the research and drafting process. We suggest that we postpone any votes on the substance of this matter until our next meeting.

Attachments:

Discussion Draft
Top 40 MA communities by population
Precinct Map

Article II: LEGISLATIVE BRANCH

1. COMPOSITION, TERM OF OFFICE

- a) Composition: There shall be a council of {9 or 13 or 21} members which shall exercise the legislative powers of Framingham. {Three or Four} of these members, to be known as councilors-at-large, shall be nominated and elected by and from the voters at large. {Six or Nine or 18} of these members, to be known as district councilors, shall be nominated and elected by and from the voters of each district, one district councilor to be elected from each of the {six or nine or 18} districts into which the municipality is divided, under section ??-??.
- b) Term of Office: The term of office for all councilors shall be for two years beginning on the first business day of January in the year following their election, and until their successors have been qualified.
- c) Eligibility: Any voter shall be eligible to hold the office of councilor-at-large. A district councilor shall at the time of election be a voter of the district from which elected, but, if another district in Framingham that office shall be considered vacant and the balance of the unexpired term shall be filled in the manner provided in section 2-11. If the removal occurs after the first 16 months of the term of office, the councilor may continue to serve for the balance of the term for which elected. If a councilor-at-large or a district councilor removes from Framingham during the term for which elected, the office shall be considered vacant and filled in the manner provided in section 2-11.
- d) The city council shall be the judge of the election and qualification of its members.

2. COUNCIL CHAIR

- a) Election and Term: As soon as practicable after the councilors-elect have been qualified following each regular municipal election, as provided in section ??-??. the members of the council shall elect from among its members a council chair who shall serve during the current term of office.
- b) Powers and Duties: The council chair shall preside at all meetings of the council, regulate its proceedings and shall decide all questions of order.
- c) Council Appointments: The council chair shall appoint all members of all committees of the council, whether special or standing. The council chair shall have the same powers to vote upon all measures coming before the council as any other member of the council. The council chair shall perform any other duties consistent with the office that may be provided by charter, by ordinance or by other vote of the council.
- d) Council Vice-Chair: The members of the council shall also elect from among its members a council vice-chair who shall serve as acting chair during the temporary absence or disability of the council chair during the current term of office. The powers of an acting council chair shall be limited to only those powers of the office indispensably essential to the performance of the duties of the office during the period of temporary absence or disability.

3. PROHIBITIONS

- a) Holding Other Office or Position: No member of the council shall hold any other municipal office or municipal employment for which a salary or other emolument is payable from the Framingham treasury. No former member of the council shall hold any compensated appointed municipal office or appointed municipal employment until one year after the date on which the former member's service on the council has terminated.
- b) Interference with Administration: Except for the purpose of inquiries and investigations under section 2-7, the council and its members shall deal with the officers and employees serving under the mayor/manager, solely through the mayor/manager, and neither the council nor any member of the council shall give orders or directions to any such officer or employee, either publicly or privately.

4. COMPENSATION, EXPENSES

- a) Compensation: The members of the council shall receive such salary for their services as may from time to time be set by ordinance. No ordinance increasing the salary of councilors shall be effective unless it shall have been adopted during the first 18 months of the term for which councilors are elected and unless it provides that the salary increase is to take effect upon the organization of the municipal government following the next municipal election.
- b) Expenses: Subject to appropriation and to prior authorization by the council, council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

5. GENERAL POWERS

- a) Except as otherwise provided by general law or by this charter, all powers of Framingham shall be vested in the council which shall provide for their exercise and for the performance of all duties and obligations imposed upon the municipality by law.

6. EXERCISE OF POWERS; QUORUM; RULES

- a) Exercise of Powers: Except as otherwise provided by general law or by this charter, the legislative powers of the council may be exercised in a manner determined by it.
- b) Quorum: The presence of a majority of members shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time. Except as otherwise provided by general law or by this charter the affirmative vote of the majority of members shall be required to adopt any ordinance or appropriation order.
- c) Rules of Procedure: The council shall from time to time adopt rules regulating its procedures, which shall be in addition to the following:
 - i. Regular meetings of the council shall be held at a time and place fixed by ordinance, provided that the council meets at least once per month;

- ii. Special meetings of the council shall be held at the call of the council chair, or, at the call of any {4 or 6 or 10} or more members, by written notice delivered in hand or to the place of residence of each member and which contains a listing of the items to be acted upon. Except in case of an emergency, of which the council chair shall be judge, this notice shall be delivered at least 48 weekday hours in advance of the time set for the meeting. A copy of the notice to members shall immediately be posted upon the municipalities official bulletin boards and otherwise published as may be required by ordinance;
- iii. All sessions of the council and of every committee or subcommittee of the council, shall at all times be open to the public and to the press, unless another provision is made by law;
- iv. All votes on regular and emergency bylaws shall be by roll call;
- v. A full, accurate, up-to-date account of the proceedings of the council shall be kept, which shall include a record of each vote taken, and which shall be made available with reasonable promptness following each meeting. The minutes of any executive session shall be made available as soon as their publication would not defeat the lawful purpose of the executive session;
- vi. All business which is to come before the council shall first be assigned to a standing committee for study and a report with its recommendations to the full council; and
- vii. Any resident of Framingham may be recognized and speak to any agenda item discussed at council meetings.

7. ACCESS TO INFORMATION

- a) In General: The council may make investigations into the affairs of the municipality and into the conduct and performance of any of its agencies and for this purpose may subpoena witnesses, administer oaths and require the production of evidence. Upon completion of the investigation, a report shall be submitted to the Clerk and the report shall be printed in the annual report.
- b) Officers, Members of Agencies, Employees: The council may require any officer, member of an agency or employee to appear before it to give any information that the council may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of that person and within the jurisdiction of the council.
- c) {Manager/Mayor}: The council may require the manager/mayor to provide specific information to it on any matter within the jurisdiction of the council. The council may require the manager/mayor to appear before it, in person, to respond to written questions made available to the manager/mayor at the time the request to attend is made to the manager/mayor to provide specific information on the conduct of any aspect of the business of the municipality. The manager/mayor may bring to this meeting any assistant, department director or other officer or employee that the manager/mayor may consider necessary to assist in responding to the questions posed by the council.
- d) Notice: The council shall give not less than five days advance notice to any person it may require to appear before it under this section. The notice shall include specific questions on which the council seeks information, and no person called to appear before

the council under this section shall be required to respond to any question not relevant or related to those presented in advance and in writing. Notice shall be by delivery in hand, or by registered or certified mail to the last known place of residence of that person.

8. OFFICERS APPOINTED BY COUNCIL

- a) Auditor: The council shall appoint an auditor to serve for a term of three years and until a successor is chosen and qualified. The auditor shall conduct, or cause to be conducted, financial and performance audits following government auditing standards as promulgated by the comptroller-general of the United States. The auditor shall make periodic reports to the council in such detail and with such frequency as the council shall, by ordinance, by rule or by other vote, direct. All officials of the municipality shall cooperate with the auditor in the performance of this audit function. The auditor shall have such other powers and duties as may be provided by charter, by ordinance or by other vote of the council.
- b) Clerk: The council shall appoint a clerk to serve for a term of three years and until a successor is chosen and qualified. The clerk shall, with the approval of the council, appoint an assistant clerk to serve conterminously with the clerk. The clerk shall be the keeper of vital statistics for the municipality; the custodian of the Framingham seal; shall administer the oath of office to all persons, elected or appointed, to any office; shall issue such licenses and permits as are required by law to be issued by clerks; and shall supervise and manage the conduct of all elections and all other matters relating to elections. The clerk shall have any other powers and duties that are given to municipal clerks by general law, by this charter, by ordinance or by other vote of the council.
- c) Clerk of the Council: The council shall appoint a clerk of the council to serve for a term of three years and until a successor is chosen and qualified. The clerk of the council shall give notice of its meetings to its members and to the public, keep the journal of its proceedings and perform any other duties that may be provided by ordinance or by other vote of the council.
- d) Salaries/Compensation: The officers appointed or elected by the council shall receive the salaries or other compensation that may from time to time be provided for these offices, by ordinance.
- e) Removal/Suspension: Any person appointed or elected by the council may be removed or suspended by the council by the use of the procedures established in the personnel ordinance for the removal of municipal employees appointed or elected by the council.

9. ORDINANCES AND OTHER MEASURES

- a) Emergency Ordinances: No ordinance shall be passed finally on the date it is introduced, except in case of emergency involving the health or safety of the people or their property. No ordinance shall be regarded as an emergency ordinance unless the emergency is defined and declared in a preamble to the ordinance, separately voted upon and receiving the affirmative vote of 6 or more members of the council. Emergency ordinances shall stand repealed on the sixty-first day following their adoption, unless an earlier date is specified in the measure, or unless a second emergency measure adopted under this

section is passed extending it, or unless a measure passed under this section has extended it.

- b) Measures, In General: The council may pass a measure through all of its stages at any one meeting, except proposed ordinances, appropriation orders and loan authorizations, if no member of the council shall object; but, if any single member objects, a vote on the measure shall be postponed to the next meeting of the council. On the first occasion that the question of adopting any measure is put to the council, except an emergency measure as defined in section 9 (a) if a single member objects to the taking of a vote, the vote shall be postponed until the next regular or special meeting of the council. This procedure shall not be used more than once for any measure notwithstanding any amendments made to the original measure.
- c) Publication: Every proposed ordinance, appropriation order or loan authorization, except emergency ordinances under section 9 (a) of this article shall be published once in full in a local newspaper, and in any additional manner as may be provided by ordinance, at least 10 days before its final passage. After final passage it shall be posted on the municipal bulletin board and otherwise published as may be required by ordinance. Whenever a proposed ordinance or codification of ordinances or other measure would exceed in length 10 column inches of ordinary newspaper notice print, then, in lieu of publication in a local newspaper, the document may be published and made available at the office of the clerk in booklet or pamphlet form at least 10 days before its final passage, and this publication shall be considered sufficient notice. Whenever the council provides for publication in a booklet or pamphlet in lieu of the newspaper publication, it shall, at least 10 days before final passage, prepare and publish in a local newspaper a general summary of the proposed ordinance, or ordinances, and a notice stating the times and places at which copies of the booklet or pamphlet may be obtained by the public.

10. COUNCIL REVIEW OF CERTAIN APPOINTMENTS

- a) The manager/mayor shall submit to the council the name of each person the manager/mayor desires to appoint to any office, as a department director, {or as a member of a multiple-member body,} but not including any position that is subject to the civil service law. The council shall refer each name that is submitted to it to a standing committee of the council which shall investigate each candidate for appointment and may make a report, with recommendations, to the full council not less than 7 nor more than 21 days after the referral. The committee may require any person whose name has been referred to it to appear before the committee, or before the council, to give any information relevant to the appointment that the committee, or the council, may require.
- b) Appointments made by the manager/mayor shall become effective on the thirtieth day after the date on which notice of the proposed appointment was filed with the clerk of the council, unless {6 or 9 or 14} members of the council shall within those 30 days vote to reject the appointment, or unless the council has sooner voted to affirm the appointment. The question on rejection of any appointment made by the manager/mayor {shall not be subject to the procedure of charter objection provided in section ??-??}.

11. FILLING OF VACANCIES

- a) Councilor-at-Large: If a vacancy shall occur in the office of councilor-at-large during the first 18 months of the term for which councilors are elected, the vacancy shall be filled in descending order of votes received by the candidate for the office of councilor-at-large at the preceding regular municipal election who received the largest number of votes without being elected, if that person remains eligible and willing to serve and if that person received votes equal to at least 30 per cent of the vote total received by the person receiving the largest number of votes for the office of councilor-at-large at the regular municipal election. The clerk shall certify this candidate to the office of councilor-at-large to serve for the balance of the then unexpired term. If a vacancy shall occur in the office of councilor-at-large during the last 6 months of the term for which councilors-at-large are elected, the vacancy shall be filled by the person at the regular municipal election who receives the highest number of votes for the office of councilor-at-large, and who is not then serving as a member of the council. This person shall immediately be certified and shall serve for the last 2 months of the current term in addition to the term for which the person was elected.
- b) District Councilor: If a vacancy shall occur in the office of district councilor it shall be filled in the same manner as provided in section 2-11(a) of this article for the office of councilor-at-large except that the list shall be of the candidates for the office of district councilor in the district in which the vacancy occurs. However, if there be no candidate on that list who remains eligible and willing to serve, the next highest ranking candidate from among the candidates for election to the council at large who is a resident of the district in which the vacancy exists, shall be certified and shall serve until the next regular municipal election if that candidate remains a resident of the district, is willing to serve as a district councilor and received votes in the district equal to at least 30 per cent of the vote total received by the person receiving the largest number of votes for the office of district councilor at the regular municipal election. The clerk shall certify that candidate to the office of district councilor to serve for the balance of the then unexpired term.
- c) Filling of Vacancies By Council: Whenever a vacancy shall occur in the office of councilor-at-large or in that of district councilor and there is no available candidate to fill the vacancy in the manner provided in section 2-11 (a) or (b) of this article, the vacancy shall be filled by the remaining members of the council.
- d) Persons elected to fill a vacancy by the council shall serve only until the next regular municipal election.

Article VII: ELECTIONS AND ELECTION RELATED MATTERS

1. ELECTIONS: GENERAL, PRELIMINARY

- a) The regular municipal election shall be held on the first Tuesday following the first Monday in November in each odd-numbered year.
- ~~b) A preliminary election for the purpose of nominating mayoral candidates shall be held on the third Tuesday in September in every other odd-numbered year, but the municipal clerk may, with the approval of the municipal council, reschedule this election to the fourth Tuesday to avoid a conflict with any civil or religious holiday. Whenever a special election to fill a vacancy in the office of mayor is to be held, a preliminary election shall be conducted 35 days preceding the date established for the special election.~~

2. NON-PARTISAN ELECTIONS

- a) All elections for municipal offices shall be non-partisan and election ballots shall be printed without any party mark, emblem, or other designation whatsoever.

3. ELECTION

- a) Signature Requirements: The number of voter signatures required to place the name of a candidate on the official ballot to be used at an election shall be as follows:
 - ~~i) for the office of mayor, not less than 500 signatures, but at least 25 signatures must be certified from each district;~~
 - ii) for the office of councilor-at-large or school committee member, **not less than 300 signatures, but at least 25 signatures must be certified from each district**; and,
 - iii) for the office of district councilor, **not less than 150 signatures**, all of which shall be from the district from which the nomination is sought.
- ~~b) Determination of Mayoral Candidates—The two persons receiving at the preliminary election the highest number of votes for nomination shall be the sole candidates whose names shall be printed on the official ballots to be used at the regular municipal election at which such office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity. If the preliminary election results in a tie vote:
 - ~~i) for the highest number of votes, the names of those candidates who tied will appear on the ballot;~~
 - ~~ii) for the second highest number of votes where no tie exists as described in 7-3(b)(i) above, the names of those tied will appear on the ballot even though the ballots will have a number of candidates exceeding twice the number to be elected.~~~~
- ~~c) Condition Making Preliminary Unnecessary—If at the expiration of time for filing statements of mayoral candidates to be voted upon at any preliminary election, not more than 2 statements have been filed with the municipal clerk for the office of mayor, the candidates whose statements have been filed with the municipal clerk shall be considered~~

~~to have been nominated to the office, and their names shall be voted upon for this office at the succeeding regular municipal election.~~

4. BALLOT POSITION, REGULAR MUNICIPAL ELECTION

- a) The order in which names of candidates appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the clerk. The clerk shall give public notice of the time and place of the drawing, and the drawing shall be open to the public.

5. DISTRICTS

- a) The territory of Framingham shall be divided into {6 or 9 or 18} districts so established as to consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well defined limits. Each such district shall be composed of voting precincts established in accordance with general laws. The council shall from time to time, but at least once in each 10 years, review such districts to insure their uniformity in number of inhabitants.

6. APPLICATION OF STATE GENERAL LAWS

- a) Except as otherwise expressly provided in this charter and authorized by law, all municipal elections shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary, general and special elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes, and the determination of results.

7. CITIZEN INITIATIVE MEASURES

- a) Commencement: Initiative procedures shall be started by the filing of a proposed initiative petition with the clerk of the council or the secretary of the school committee, as the case may be. The petition shall be addressed to the council or to the school committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by at least 500 voters and at least 50 signatures must be certified from each district by the municipal clerk. The petition shall be accompanied by an affidavit signed by 10 voters and containing their residential address stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.
- b) Referral to Solicitor: The clerk of the council or the secretary of the school committee, as the case may be, shall immediately following receipt of each proposed petition deliver a copy of the petition to municipal solicitor. The municipal solicitor shall, within 15 days after receipt of a copy of the petition, in writing, advise the council or the school committee, as may be appropriate, whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form it may be lawfully adopted by the council or the school committee. If the opinion of the municipal solicitor

is that the measure is not in proper form, the reply shall state the reasons for this opinion in full. A copy of the opinion of the municipal solicitor shall also be mailed to the person designated as clerk of the petitioners committee, and any further petition shall be submitted under Section 7-7(a).

- c) Submission to Clerk: If the opinion of the municipal solicitor is that the petition is in a proper form, the municipal clerk shall provide blank forms for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed measure, as determined by the municipal solicitor, together with the names and addresses of the petitioners committee who signed the originating petition. Within 30 days after the date the blank forms are issued by the municipal clerk, the petitions shall be returned and filed with the municipal clerk signed by at least 10 per cent of the total number of voters as of the date of the most recent municipal election. Signatures to an initiative petition need not all be on 1 paper but all papers pertaining to any 1 measure shall be fastened together and shall be filed as a single instrument, with the endorsement on them of the name and residence address of the person designated as filing the petition. With each signature on the petition there shall also appear the street and number of the residence of each signer. Within 10 days after the filing of the petition the board of registrars of voters shall ascertain by what number of voters the petition has been signed, and what percentage that number is of the total number of voters as of the date of the most recent municipal election. The municipal clerk shall attach to the petition a certificate showing the results of their examination and shall return the petition to the clerk of the council, or the secretary of the school committee, depending on how the petition is addressed. A copy of the board of registrars of voters certificate shall also be mailed to the person designated as clerk of the petitioners committee.
- d) Action on Petitions: Within 30 days after the date a petition has been returned to the clerk of the council, or the secretary of the school committee, and after publication under section 2-9(c), the municipal council or the school committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure, or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be considered to be a rejection of the initiative measure. If the municipal council or the school committee fails to act with respect to any initiative measure that is presented to it within 30 days after the date it is returned to it, the measure shall be considered to have been rejected on the thirtieth day. If an initiative measure is rejected, the clerk of the council, or the secretary of the school committee, shall promptly give notice of that fact to the person designated as the clerk of the petitioners committee, by certified mail.
- e) Supplementary Petitions: Within 60 days after the date an initiative petition has been rejected a supplemental initiative petition may be filed with the clerk of the council or the secretary of the school committee, but only by persons constituting the original petitioners committee. The supplemental initiative petition shall be signed by a number of additional voters which is equal to 5 per cent of the total number of voters as of the date of the most recent municipal election, and the signatures on the initial petition filed under subsection (c), above, and the signatures on the supplemental petition filed under this subsection, taken together, shall contain the signatures of at least 15 per cent of the total number of voters in Framingham and in each of the districts into which the

municipal is divided for the purpose of elections. If the number of signatures to the supplemental petition is found to be sufficient by the municipal clerk, the council shall call a special election to be held on a date fixed by it not less than 35 nor more than 90 days after the date the council votes to call for the special election and shall submit the proposed measure, without alteration, to the voters for determination, but if any other municipal election is to be held within 120 days after the date of the certificate, the council may omit the calling of the special election and cause the question to appear on the election ballot at the approaching election for determination by the voters.

f) Publication: The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper not less than 7 nor more than 14 days preceding the date of the election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the municipal clerk.

g) Form of Question: The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure, which was proposed by an initiative petition, take effect?

(Here, insert a fair, concise summary prepared by the solicitor.)

YES

NO

h) Time of Taking Effect: If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective immediately, unless a later date is specified in the measure.

8. CITIZEN REFERENDUM PROCEDURES

a) Petition, Effect on Final Vote: If, within 21 days after the date on which the council or the school committee has voted finally to approve of any measure, a petition signed by a number of voters equal to 15 per cent of the total number of voters as of the date of the most recent regular municipal election and addressed to the council or to the school committee, as the case may be, protesting against the measure or any part of it is filed with the secretary of the school committee or clerk of the council, the effective date of the measure shall be temporarily suspended. The school committee or the council shall immediately reconsider its vote on the measure or part of it, and, if the measure is not rescinded, the council shall provide for the submission of the question for a determination by the voters either at a special election which it may call at its convenience, or within such time as may be requested by the school committee, or at the next regular municipal election, but pending such submission and determination the effect of the measure shall continue to be suspended.

b) Certain Initiative Provisions to Apply: The petition described in this section shall be termed a referendum petition and, insofar as applicable, section 7-7 shall apply to such referendum petitions, except that the words "measure or part thereof protested against"

shall be deemed to replace the word “measure” in said sections wherever it may occur and the word “referendum” shall be deemed to replace the word “initiative” wherever it may occur in those sections. The measure, or part thereof protested against, shall be null and void unless a majority of those voting on the question shall vote in favor of the measure or part thereof protested against at the election.

9. INELIGIBLE MEASURES

a) None of the following shall be subject to the initiative or the referendum procedures:

- i) proceedings relating to the internal organization or operation of the council or the school committee;
- ii) an emergency measure adopted in conformity with the charter;
- iii) the municipal budget or the school committee budget as a whole;
- iv) revenue loan orders;
- v) any appropriation for the payment of the municipality’s debt or debt service;
- vi) an appropriation of funds to implement a collective bargaining agreement;
- vii) proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action;
- viii) any proceedings repealing or rescinding a measure or part thereof which is protested by referendum procedures;
- ix) any proceedings providing for the submission or referral to the voters at an election; and
- x) memorial resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition.

10. SUBMISSION OF OTHER MATTERS TO VOTERS

a) The council may of its own motion, and shall at the request of the school committee if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at any regular municipal election for adoption or rejection any measure in the same manner and with the same force and effect as is hereby provided for submission by petitions of voters.

11. CONFLICTING PROVISIONS

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

12. RECALL ELECTIONS

a) Application: Any person holding an elected municipal office may be recalled from that office by the voters under the procedures made available in this section.

b) Recall Petition:

- i) Office Elected by Voters at Large: 1500 or more voters may file with the board of registrars of voters an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The signatures on this affidavit shall contain the names of at least 100 voters in each of the districts into which Framingham is divided for the purpose of elections.
- ii) Office Elected by Voters by District: Three hundred or more voters may file with the board of registrars of voters an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The signatures on this affidavit shall contain the names only of voters in the district from which the officer was elected.
- iii) At Large, or by District: If the affidavit is found to be valid, the municipal clerk shall deliver to the first 10 persons named on the affidavit, petition blanks demanding said recall, printed forms of which shall be kept available. The blanks may be completed by printing or by typewriting; they shall be addressed to the council; they shall contain the names and residence addresses of the 10 persons to whom they are issued and they shall contain the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; and they shall be dated and signed by the municipal clerk. The recall petitions shall be returned to the office of the board of registrars of voters within 21 days after the date they are issued, signed by not less than 10 per cent of the total number of voters (of the district or of the municipality as is appropriate) as of the date of the regular municipal election. The signatures on these petitions shall contain the names and addresses of at least 10 per cent of the voters in each of the districts into which Framingham is divided for the purpose of elections. The sheets constituting a petition need not all be filed at the same time. For the purposes of this section, a petition shall be considered filed whenever the persons responsible for its filing notify the board of registrars of voters in writing, that the filing is complete. Before receiving such notice the board of registrars of voters may, but shall not be required to, certify signatures on the sheets already filed. The board of registrars of voters, shall within 10 days following the date the petition forms are filed certify the number of signatures on them which are the names of voters and the percentage that number represents of the total number of voters in each district as of the date of the regular municipal election.
- c) Recall Election: If the petitions are certified by the board of registrars of voters to contain a sufficient number of signatures, they shall immediately submit the petitions, with their certificate, to the council. Upon receipt of the certified petition forms, the council shall immediately give written notice to the officer whose recall is sought of the validity of the petitions. If the officer whose recall is sought does not resign the office within 5 days after delivery of the notice, or by its having been left at the last known place of residence, the council after consultation with the municipal clerk shall order a special election to be held on a date no less than 35 nor more than 90 days after the date of its notice to the officer whose recall is sought.
- d) Ballot Question: Ballots used at the recall election shall state the proposition in substantially the following form:

Shall (insert name of officer) be recalled from the office of (insert name of office held)?

YES

NO

- e) Officeholder: The person whose recall is sought shall continue to hold the office and to perform the duties until the recall election. If a majority of the votes cast on the question as stated above is in the affirmative, the officer shall be considered to be recalled, and the office shall be considered to be vacant upon the certification of the election results. If a majority of the votes cast on the question is in the negative, the person whose recall was sought shall continue in the office until the expiration of the term for which elected, but subject to recall as provided in section (f), below.
- f) Restriction on Recall Petition: No recall petition shall be filed against any officer until at least 6 months following the commencement of a term of office, nor, in the case of an officer subjected to a recall election and not recalled thereby, during the remainder of the current term of office. A recall election shall not be held if less than 6 months of the term of office of the person whose recall is sought remains at the time of the certification of the petition forms.
- g) Filling of Vacancy: If the office of mayor is declared vacant as the result of a recall election, the council shall immediately call a special election to be held on a date fixed by it not less than 95 nor more than 100 days after the date of the recall election. The person elected at that special election shall serve for the balance of the unexpired term remaining at the time of election.
- h) Vacancies in any other office shall be filled under sections 2-11, 4-6 and 7-13. No person recalled from an office under the terms of this section shall be eligible to be a candidate to fill any vacancy created by that recall.

13. FILLING OF VACANCIES IN CERTAIN ELECTED OFFICES

- a) ~~Runner up to succeed to office: If a vacancy shall occur in the office of library trustee, cemetery trustee or housing authority, the vacancy shall be filled in descending order of votes received by the candidate for that office at the preceding regular municipal election who received the largest number of votes without being elected, if that person remains eligible and willing to serve and if that person received votes equal to at least 60 per cent of the vote total received by the person receiving the largest number of votes for that office at that election. The municipal clerk shall certify this candidate to the office to serve for the balance of the then unexpired term but if the vacancy occurs during the first 18 months of the term for which members are elected, the person so chosen shall serve only until the next regular municipal election at which the remainder of the term shall be filled by the voters. A person serving as a member of the library trustees, cemetery trustee or housing authority who was not elected by the voters shall not have the words "candidate for reelection" printed with his name on the ensuing election ballot. If a vacancy shall occur in the office of library trustee, electric light board, or housing authority during the last 6 months of the term, the vacancy shall be filled by the person at the regular municipal election who receives the highest number of votes for that office and who is not then serving as a member of the library trustees, cemetery trustee or~~

~~housing authority. That person shall immediately be certified and shall serve for the last 2 months of the concluding term in addition to the term for which he was elected.~~

- b) ~~Filling of vacancies by board:~~ Whenever a vacancy shall occur in the office of library trustee, cemetery trustee or housing authority and there is no available candidate to fill the vacancy in the manner provided in subsection (a), the vacancy shall be filled by the remaining members of the board on which the vacancy exists. Persons appointed to fill a vacancy by the remaining members of the board shall serve only until the next regular municipal election at which the vacancy shall be filled by the voters and the person elected to fill the vacancy shall immediately be sworn and shall serve for the remainder of the unexpired term in addition to the term for which he was elected. A person serving as a member of the library trustees, cemetery trustee or housing authority who was not elected by the voters shall not have the words "candidate for reelection" printed with his name on the ensuing election ballot.

	Municipality	Type[1]	County[2]	Form of government[1]	Population (2010)[2]	Year established[3]
1	Boston	City	Suffolk	Mayor-council	617,660	1630
2	Worcester	City	Worcester	Mayor-manager-council	181,045	1684
3	Springfield	City	Hampden	Mayor-council	153,060	1636
4	Lowell	City	Middlesex	Mayor-manager-council	106,519	1826
5	Cambridge	City	Middlesex	Mayor-manager-council	105,162	1636
6	New Bedford	City	Bristol	Mayor-council	95,072	1787
7	Brockton	City	Plymouth	Mayor-council	93,810	1821
8	Quincy	City	Norfolk	Mayor-council	92,271	1792
9	Lynn	City	Essex	Mayor-council	90,329	1629
10	Fall River	City	Bristol	Mayor-council	88,857	1803
11	Newton	City	Middlesex	Mayor-aldermen	85,146	1688
12	Lawrence	City	Essex	Mayor-council	76,377	1847
13	Somerville	City	Middlesex	Mayor-aldermen	75,754	1842
14	Framingham	Town	Middlesex	Representative town meeting	68,318	1700
15	Haverhill	City	Essex	Mayor-council	60,879	1641
16	Waltham	City	Middlesex	Mayor-council	60,632	1738
17	Malden	City	Middlesex	Mayor-council	59,450	1649
18	Brookline	Town	Norfolk	Representative town meeting	58,732	1705
19	Plymouth	Town	Plymouth	Representative town meeting	56,468	1620
20	Medford	City	Middlesex	Mayor-council	56,173	1630
21	Taunton	City	Bristol	Mayor-council	55,874	1639
22	Chicopee	City	Hampden	Mayor-aldermen	55,298	1848
23	Weymouth	City[4]	Norfolk	Mayor-council	53,743	1635
24	Revere	City	Suffolk	Mayor-council	51,755	1846
25	Peabody	City	Essex	Mayor-council	51,251	1868
26	Methuen	City[4]	Essex	Mayor-council	47,255	1725
27	Barnstable	City[4]	Barnstable	Council-manager	45,193	1639
28	Pittsfield	City	Berkshire	Mayor-council	44,737	1761
29	Attleboro	City	Bristol	Mayor-council	43,593	1694
30	Arlington	Town	Middlesex	Representative town meeting	42,844	1807
31	Everett	City	Middlesex	Mayor-council-aldermen	41,667	1870
32	Salem	City	Essex	Mayor-council	41,340	1626
33	Westfield	City	Hampden	Mayor-council	41,094	1669
34	Leominster	City	Worcester	Mayor-council	40,759	1740
35	Fitchburg	City	Worcester	Mayor-council	40,318	1764
36	Billerica	Town	Middlesex	Representative town meeting	40,243	1655
37	Holyoke	City	Hampden	Mayor-council	39,880	1850
38	Beverly	City	Essex	Mayor-council	39,502	1668
39	Marlborough	City	Middlesex	Mayor-council	38,499	1660
40	Woburn	City	Middlesex	Mayor-aldermen	38,120	1642

