HOUSE DOCKET, NO. 798 FILED ON: 1/14/2015

HOUSE . . . . . No. 615

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin Swan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act filling vacancies in ward seats of the city council and school committee by special election in the city of Springfield.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Benjamin Swan	*11th Hampden*
Domenic J. Sarno, Mayor	*36 Court Street Springfield, MA 01103*

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HOUSE . . . . . No. 615

By Mr. Swan of Springfield, a petition (accompanied by bill, House, No. 615) of Benjamin Swan and Domenic J. Sarno (mayor) (with the approval of the city council) relative to filling vacancies in ward seats of the city council by special election in the city of Springfield. Election Laws. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3696* OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act filling vacancies in ward seats of the city council and school committee by special election in the city of Springfield.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1: Section two of chapter three hundred and eight of the Acts of nineteen hundred and ninety-two will have no force and effect upon ward seats of the Springfield City Council or School Committee.

Section 2: Notwithstanding the provisions of section fifty A of chapter forty-three of the general laws or any other general or special law to the contrary, if a vacancy occurs, for any reason, in a ward seat of the city council or school committee more than two hundred and ten (210) days prior to the expiration of that term, the city clerk shall notify the city council or school committee prior to their next respective meetings.

At the first meeting, following notice from the clerk, the city council shall adopt an order calling for a special preliminary election, on a Tuesday, not less than sixty-two and not more than seventy-six days after the adoption of such order and a special election, on a Tuesday, not more that forty-five days after the preliminary election. The special election shall be conducted consistent with the Charter of the City of Springfield.

If the number of candidates, certified by the elections office, is less than double the number plus one of the vacant seats then the Board of Election Commissioners shall cancel the preliminary election.

The ward seat shall remain vacant until such time as it has been filled by election. If the vacancy shall occur less than 210 days prior to the expiration of the term of that seat, but at least ten days before the regularly scheduled general election to fill that seat, the candidates in that general election shall be notified by the Election Commission of the vacancy.

Section 3: Notwithstanding the provisions of any general or special law to the contrary, to ascertain the will of the people of the city of Springfield, the board of election commissioners shall cause the following binding public opinion question to be placed on the official ballot to be used in the city at the next regular municipal election to be held in the November in the year two thousand and fourteen:

THIS QUESTION IS BINDING.

Shall the vacancies in ward seats of the city council of the city of Springfield be filled by special election?

29 SECTION 3. If a majority of the voters casting a ballot on this binding question shall

30 vote in the affirmative, the provisions of said act shall take effect January 1, 2015.

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