

HOUSE No. 3790

The Commonwealth of Massachusetts

PRESENTED BY:

David Henry Argosky LeBoeuf

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 to promote responsive city government.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/17/2023</i>

HOUSE No. 3790

By Representative LeBoeuf of Worcester, a petition (accompanied by bill, House, No. 3790) of David Henry Argosky LeBoeuf for legislation to establish a "Plan G" form of city government. Municipalities and Regional Government.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to promote responsive city government.

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

1 SECTION 1. Section 1 of chapter 43 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting after the definition of “Plan F” the following 2
3 definitions:-

4 “Plan G”, a city government and legislative body, to be known as the city council,
5 composed of at least 9 council members, 1 of whom shall be elected as mayor by and from such
6 council members and shall be the chief executive of the city, and a public advocate. The council
7 members shall be elected at large by closed list proportional representation pursuant to section
8 144. The public advocate shall be elected at large by instant runoff voting pursuant to section
9 138.

10 “Political association”, shall apply to an association, with a name expressed in not more
11 than 4 words and not using the name “Independent,” which filed with the secretary of state on a
12 form provided by the secretary of state signatures from registered voters totaling ½ of 1 per cent

13 of the combined number of voters registered in the cities that have adopted Plan G, requesting
14 that such voters may change their registration to such association, provided however, that the
15 association shall henceforth determine its own association membership, through admittance,
16 suspension or expulsion, without allowing membership in any other political association and
17 without discrimination on the basis of race, sex, gender identity or other protected class status.
18 Certificates showing that each of the signers of said request is a registered voter at the stated
19 address in a city that has adopted Plan G, signed by the city clerk, shall accompany the petition.
20 Any such request filed before December first in the year of a municipal election shall not be
21 effective until said December first. To maintain their status as an association, such associations
22 will have polled at least 3 per cent of the combined vote cast in the cities that have adopted Plan
23 G in the preceding municipal election or will have submitted to the secretary of state the
24 association's membership lists of registered voters equal to or greater than 1 per cent of the
25 combined number of voters registered in the cities that have adopted Plan G. Certificates
26 showing that each of the association members is a registered voter at the stated address in a city
27 that has adopted Plan G, and is a willing association member approved by the association, signed
28 by the city clerk, shall accompany the association's membership lists. Such associations shall be
29 eligible at the following municipal election to submit candidate lists, the candidates being elected
30 from an association's own members and the order of candidates on the list likewise determined
31 by that association's membership, and an association platform, the content of the platform
32 determined by an association's membership, to the city clerk in cities that have adopted Plan G
33 and in which an association has a membership totaling 1/10 of 1 per cent of the number of voters
34 registered in that city or 30 signatures, whichever number is higher.

35 SECTION 2. Chapter 43 of the General Laws is hereby amended by adding the following
36 12 sections:-

37 Section 135. The method of city government provided for in the 11 following sections
38 shall be known as Plan G. Upon the adoption by a city of Plan G, it shall become operative as
39 provided in sections 1 to 45, inclusive, except otherwise provided by the following sections.

40 Section 136. The government of the city and the general management and control of all
41 its affairs shall, except as otherwise provided in this chapter, be vested in a city council, which
42 shall exercise its powers in the manner hereinafter set forth, but subject to sections 1 to 45,
43 inclusive.

44 Section 137. (a) The city council shall consist of no fewer than 9 council members all of
45 whom shall, at each regular municipal election, be elected at large by closed list proportional
46 representation as provided in section 144 for terms of 5 years each.

47 (b) A council member's seat on the city council shall be vacated if the council member
48 resigns their membership in their political association or a majority of the membership of a city
49 councilor's political association votes to expel that council member from the association. A
50 vacated council member's seat shall be filled before the next city council meeting by the next
51 candidate appearing on that association's list who is not already serving on the city council. All
52 seats on the city council shall be vacated the day before the first Monday in January if a majority
53 of each of the memberships of the political associations whose council members form a majority
54 on the city council call, in the second or third year of the council's term, for a new regular
55 municipal election to be held that year on the Tuesday next following the first Monday of
56 November to elect a new city council to a new 5 year term starting the first Monday in January

57 following the election. A political association may only call for a new election no sooner than 14
58 months after the last municipal election and no sooner than 2 months before that year's election
59 date. The term of the public advocate shall not be affected by such a call for a new election.

60 (c) The council members shall serve until their successors are qualified. Any vacancy
61 shall be filled by the next candidate appearing on the list of the political association whose
62 council member's seat is vacant and who is not already serving on the city council. Each council
63 member shall represent no more than 10,000 inhabitants of the city.

64 Section 138. (a) There shall be a public advocate directly elected to a term of 4 years
65 through instant runoff voting by the registered voters of the city pursuant to subsection (b). It
66 shall be the duty of the public advocate to represent and serve the public interest. On the first
67 Monday in January following the regular municipal election, the public advocate shall make an
68 affirmation, before a justice of the peace, to perform faithfully the duties of the office.

69 (b) The words "instant runoff voting" shall mean an election system in which voters rank
70 the candidates for an office in order of preference; provided, however, that instant runoff voting
71 shall only apply to a ballot on which there are not fewer than 2 candidates. Each voter shall cast a
72 single vote by ranking candidates in order of preference, indicating the voter's first choice,
73 second choice, third choice and continuing until the voter has assigned a single numerical
74 ranking to each candidate on the ballot or until the voter chooses to stop ranking. If 1 candidate
75 receives more than 50 per cent of the first choice votes cast for the office in the election, that
76 candidate shall be declared the winner. If no candidate receives more than 50 per cent of the first
77 choice votes cast in the first round, an instant runoff shall automatically occur. In an instant
78 runoff, the candidate receiving the least number of votes in the prior round shall be deemed the

79 eliminated candidate and shall be eliminated from the election. The highest ranked non-
80 eliminated candidate of each voter shall be the voter's first choice vote and such first choice vote
81 shall be used in calculating the total number of votes for each remaining non-eliminated
82 candidate. The instant runoff process shall be repeated until a candidate shall have received more
83 than 50 per cent of the total first choice votes cast for the office in the election and, at such time,
84 the winner shall be declared. There shall be no write-in option. Any vacancy in the office of
85 public advocate shall be filled by recalculating the results of the last election but with the
86 candidate who vacated the office eliminated and their votes redistributed accordingly.

87 Section 139. (a) The city council shall have and exercise all the legislative powers of the
88 city including the powers of a school committee provided in this chapter, except that the mayor
89 and public advocate shall have the authority hereinafter specified and that the city clerk shall
90 have the powers and duties which may be conferred and imposed upon them by law.
91 Notwithstanding the provisions of section 31, the city council shall serve as the school
92 committee for the city and shall have the powers and duties conferred and imposed by law on
93 school committees. The city council shall have the power to amend or reject the mayor's budget
94 as well as decisions of city boards.

95 (b) The city council, elected as aforesaid, shall meet on the first Monday in January
96 following the regular municipal election, and the council members shall severally make an
97 affirmation, before the public advocate, to perform faithfully the duties of their respective
98 offices, except that any council member-elect not present shall so make an affirmation at the first
99 regular meeting of the city council thereafter which the council member-elect attends.

100 (c) For the purposes of organization, the public advocate shall be temporary chair until
101 the president of the city council has been elected. Each political association represented with an
102 association member on the city council shall have informed the public advocate one week in
103 advance of its nomination of 1 of its city councilors for council president, unless that council
104 member is unable to serve in which case their next alternate nominee, if any, shall be nominated
105 and so forth. The city council shall then elect the council president from its own members by a
106 majority vote of all the council members elected or if a majority is not reached after 10 votes, by
107 a plurality vote. Council members shall vote for council president according to an ordered list
108 created and publicized by the membership of their political association. To secure a majority for
109 council president, political associations may publicly negotiate with each other in advance of the
110 vote for council president over council rules and priorities. The council member elected council
111 president shall make an affirmation to perform faithfully the duties of the office of council
112 president. The council president may make the affirmation of that office at the same meeting at
113 which the council president is elected. The council president shall serve a term lasting so long as
114 the council president continues to serve as a city councilor and the city council does not remove
115 the council president for choice of another city councilor to serve as council president. The
116 organization of the city council shall take place pursuant to this section, notwithstanding the
117 absence, death, refusal to serve or non-election of one or more of the council members; provided,
118 that a majority of all the members elected to the city council are present and have qualified. If the
119 city council determines the office of council president has become vacant, the city council shall
120 in like manner elect 1 of its members to fill such office. In case of the temporary absence or
121 disability of the council president, the city council shall designate another council member to
122 perform the duties of council president during such absence or disability. The council president

123 shall be the chair of the city council. The council president shall continue to be a voting council
124 member and shall not concurrently serve as mayor.

125 (d) Upon instruction by the membership of their political association, a council member
126 may at any time file with the city clerk, or withdraw the filing of, a pink slip of paper indicating
127 the date, the council member's name, the council member's political association, the council
128 member's statement of no confidence in the council president and their association's choice of
129 another council member to serve as council president. The information contained on all pink
130 slips on file with the city clerk shall be a public record and available on the city's website. If the
131 city clerk determines a majority exists for choice of another particular council member for
132 council president, that council member with a majority shall become council president and shall
133 make an affirmation to perform faithfully the duties of the office of

134 council president at the next city council meeting and the former council president shall
135 revert to their position as a council member only.

136 (e) At the first meeting of a city council's term, each council member who appeared first
137 in the order of their political association's candidate list submitted to the city clerk shall be
138 considered nominated for mayor, unless that council member is unable to serve or serving as
139 president of the city council in which case the next council member from their association's list,
140 if any, shall be nominated and so forth. The city council shall then elect the mayor from its own
141 members by a majority vote of all the council members elected, or if a majority is not reached
142 after 10 votes by a plurality vote. City councilors shall vote for mayor according to an ordered
143 list created and publicized by the membership of their political association. To secure a majority
144 for mayor, political associations may publicly negotiate with each other in advance of the vote

145 for mayor over representation in a mayoral administration, administration policy, and the
146 potential mayor's budget. The council member elected mayor shall make an affirmation to
147 perform faithfully the duties of the office of mayor. The mayor may make the affirmation of that
148 office at the same meeting at which the mayor is so elected. The mayor shall serve a term lasting
149 so long as the mayor continues to serve as a council member and the city council does not
150 remove the mayor for choice of another council member to serve as mayor. If the city council
151 determines the office of mayor has become vacant, the city council shall in like manner elect 1 of
152 its members to fill such office. In case of the temporary absence or disability of the mayor, the
153 city council shall designate the head of a city department to perform the duties of mayor during
154 such absence or disability.

155 (f) Upon instruction by the membership of their political association, a council member
156 may at any time file with the city clerk, or withdraw the filing of, a pink slip of paper indicating
157 the date, the council member's name, the council member's political association, the council
158 member's statement of no confidence in the mayor and their association's choice of another
159 council member to serve as mayor. The information contained on all pink slips on file with the
160 city clerk shall be a public record, available on the city's website and available upon request of a
161 council member at any council meeting. If the tally of slips is requested at a council meeting, the
162 requesting council member will explain the reasons for the council member's request. If the city
163 clerk shows a majority exists for choice of another particular council member for mayor, the
164 mayor shall have the right to be heard and then shall revert to their position as a council member
165 only. That council member with a majority shall become mayor and shall make an affirmation to
166 perform faithfully the duties of the office of mayor at the same meeting. The city clerk shall not

167 entertain a request for a tally of slips at a city council meeting less than 1 year from a council
168 member having taken office as mayor.

169 Section 140. The mayor shall be the chief executive of the city, and except as otherwise
170 specifically provided in this chapter, it shall be the duty of the mayor to supervise the
171 administration of the affairs of the city, including the administration of all departments,
172 commissions, boards and officers of the city, whether established before its adoption of this plan
173 or thereafter, except that of the public advocate, city clerk, or city council; to see that within the
174 city the laws of the commonwealth and the ordinances, resolutions and regulations of the city
175 council are faithfully executed; to make such recommendations to the city council concerning the
176 affairs of the city as may to the mayor seem desirable; to make reports to the city council from
177 time to time upon the affairs of the city; to submit to time for questions from the city council
178 once per month; and to keep the city council fully advised of the city's financial condition and its
179 future needs. The mayor shall prepare and submit to the city council budgets as required of the
180 mayor by section 32 of chapter 44 and, in connection therewith, may, to the extent provided by
181 said

182 section 32 in the case of a mayor, require the submission to the mayor, by all
183 departments, commissions, boards and offices of the city, of estimates of the amounts necessary
184 for their expenses. The mayor shall make all appointments and removals in the departments,
185 commissions, boards and offices of the city for whose administration the mayor is responsible,
186 except as otherwise provided in this chapter, and shall perform such other duties as may be
187 prescribed by this chapter or be required of the mayor by ordinance or resolution of the city
188 council. The mayor shall have and possess, and shall exercise, all the powers, rights and duties,
189 other than legislative, that the mayor had, possessed or exercised immediately prior to the

190 adoption of this plan by the mayor or city manager, boards, commissions and committees of the
191 city and their members, severally or collectively. The mayor shall not have, possess or exercise
192 the powers, rights or duties that are conferred by this chapter upon the public advocate, the city
193 clerk, or the city council. The mayor shall continue to be a voting member of the city council.

194 Section 141. Such officers and employees as the city council, with the advice of the
195 mayor, shall determine are necessary for the proper administration of the departments,
196 commissions, boards and offices of the city for whose administration the mayor is responsible
197 shall be appointed, and may be removed, by the mayor. The mayor shall report every
198 appointment and removal to the city council at the next meeting thereof following such
199 appointment or removal. The mayor may authorize the head of a department, commission or
200 board, or the holder of an office, for whose administration they are responsible, to appoint and
201 remove subordinates in such department, commission, board or office. All appointments by, or
202 under the authority of the mayor, if subject to chapter 31 and the rules and regulations made
203 under authority thereof, shall be made in accordance therewith, and all other appointments as
204 aforesaid shall be on the basis of executive and administrative ability and training and experience
205 in the work to be performed.

206 Section 142. Officers and employees of the city appointed by, or under the authority of,
207 the mayor shall perform the duties required of them by the mayor, under general regulations of
208 the city council. Any violation of this section shall constitute sufficient grounds for removal of
209 any such officer or employee.

210 Section 143. The city clerk shall be, ex-officio, clerk of the city council, and shall keep
211 records of its proceedings; but, in case of the city clerk's absence or disability or of a vacancy in

212 the office, the city council shall elect a temporary clerk, who shall be sworn to the faithful
213 discharge of the clerk's duties and shall act as clerk of the city council until the city clerk
214 resumes the clerk's duties or a new city clerk is qualified. All final votes of the city council on
215 questions involving the expenditure of \$50 or more, or upon the request of any council member
216 any vote of the city council, shall be by yeas and nays and shall be entered on the records. The
217 affirmative vote of a majority of all the council members elected to the city council shall be
218 necessary for the passage of any order, ordinance, resolution or vote, except that the affirmative
219 vote of a majority of the council members present shall be sufficient to adjourn any meeting of
220 the city council.

221 Section 144. (a) The council members shall be elected using closed list proportional
222 representation. Each ballot shall contain lists of candidates organized by political association.
223 Each list shall contain a number of candidates no more than double the number of city council
224 seats. Each registered voter of the city shall vote for 1 list. There shall be no write-in option. The
225 city council seats shall be apportioned to the associations as a proportion of the vote their
226 candidate list receives in the election to the nearest whole seat, with candidates highest on an
227 association's list being seated first to fill the seats their association has been apportioned. On the
228 ballots for use in electing council members there shall be printed (i) the names of the political
229 associations which have submitted candidate lists; (ii) the names of each

230 candidate in order; (iii) a summary submitted by each political association of their
231 platform and principles consisting of no more than 100 words; and (iv) the following directions
232 to voters, the first sentence under the heading to be printed in prominent bold-faced type:

233 DIRECTION TO VOTERS

234 Mark only one (1) list.

235 Mark your choice of list with an X in the box provided.

236 (b) The full platform of each association shall be made available for review on the city's
237 website, at the city clerk's office, in public libraries and schools in the city, at all other public
238 institutions and at all municipal election polling places.

239 Section 145. A regular municipal election under this plan shall take place on the Tuesday
240 next following the first Monday of November in a year an election is called, and all members of
241 the city council shall be elected at such election. The public advocate shall be elected at the same
242 election in which the presidential election is to be held.

243 Section 146. Except as otherwise provided in this chapter, all regular elections held under
244 this plan shall be subject to all general laws relating to elections and corrupt practices, so far as
245 applicable and not inconsistent with this chapter.