

SENATE No. 2878

Senate, July 18, 2024 - New draft (Senator E. Kennedy) to Senate Bill relative to vacancies on the city of Lowell city council and school committee (Senate, No. 2762).

The Commonwealth of Massachusetts

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

An Act relative to vacancies on the city of Lowell city council and school committee.

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. (a) Notwithstanding any general or special law, rule or regulation to the
2 contrary, if a vacancy occurs in the office of any city councilor or school committee member in
3 the city of Lowell during the first 12 months of the term for which the city councilor or school
4 committee member is elected, the vacancy shall be filled by a special election called for by the
5 city council to be held not less than 64 days, but not more than 120 days, after the date on which
6 the special election is called. If the special election is held to fill a district-based seat, the person
7 elected to serve as city councilor or school committee member shall have been a resident of the
8 district for at least 1 year immediately preceding the special election.

9 (b) If a vacancy occurs in the office of any city councilor during the second 12 months of
10 the term for which the city councilor is elected, the city council may, by a vote of not less than 6
11 councilors: (i) fill the vacancy through a special election held not less than 64 days, but not more
12 than 120 days, after the date on which the special election is called; provided, however, that if
13 the special election is held to fill a district-based seat, the person elected to serve as city

14 councilor shall have been a resident of the district for at least 1 year immediately preceding the
15 special election; (ii) appoint an eligible voter to fill the vacancy; provided, however, that if the
16 council votes to appoint an eligible voter to fill the vacancy, the council shall appoint the eligible
17 voter not later than 30 days after the seat became vacant; provided further, that an eligible voter
18 appointed to fill a district-based seat shall have been a resident of the district for at least 1 year
19 immediately preceding their appointment; or (iii) leave the seat vacant for the remainder of the
20 term.

21 (c) If a vacancy occurs in the office of any school committee member during the second
22 12 months of the term for which the school committee member is elected, the school committee
23 may, by a vote of not less than 4 members: (i) request that the city council call for a special
24 election to fill the vacancy through a special election held not less than 64 days, but not more
25 than 120 days, after the date on which the special election is called; provided, however, that if
26 the special election is held to fill a district-based seat, the person elected to serve as school
27 committee member shall have been a resident of the district for at least 1 year immediately
28 preceding the special election; (ii) appoint an eligible voter to fill the vacancy; provided,
29 however, that if the school committee votes to appoint an eligible voter to fill the vacancy, the
30 school committee shall appoint the eligible voter not later than 30 days after the seat became
31 vacant; provided further, that any eligible voter appointed to fill a district-based seat shall have
32 been a resident of the district for at least 1 year immediately preceding their appointment; or (iii)
33 leave the seat vacant for the remainder of the term.

34 (d) A city councilor or school committee member elected by a special election pursuant
35 to subsections (a), (b) or (c) shall be entitled to have the words “candidate for reelection” printed
36 against that person’s name on the ballot at the next regular municipal election.

37 (e) A city councilor or school committee member appointed by the city council or school
38 committee pursuant to subsections (b) or (c) shall not be entitled to have the words “candidate
39 for reelection” printed against that person’s name on the ballot at the next election; provided,
40 however, that said councilor shall be entitled to have the word “incumbent” printed against that
41 person’s name on the ballot at the next regular municipal election.

42 (f) Except as provided for in this section, the nomination of candidates, the holding
43 preliminary elections and the conduct of special elections held pursuant to this section shall be in
44 accordance with all other provisions of the city charter and any general or special law.

45 SECTION 2. This act shall take effect upon its passage.