

## **Massachusetts House of Representatives Bill Summary**

**Bill #:** H.2306

**Title:** An Act to promote responsive city government

**Sponsor:** Rep. David LeBoeuf

**Committee:** Municipalities and Regional Government

**Hearing Date:** June 24, 2025

**Prior History:** Refile of H.3790 (Study Order H.4573)

**Current Law:** Chapter 31 of MGL governs civil service.

Chapter 43 of MGL deals with city charters.

- Section 1 provides definitions for various terms related to city charters, including definitions for various forms of city governments.
- Sections 1-45, inclusive, deals with the adoption and organization for plans of city government.
- Section 31 concerns school committee, including its membership and tenure.

Chapter 44 of MGL concerns municipal finance.

- Section 32 outlines the process for the submission of city budgets to city council and the procedure for the approval, rejection, or alteration of the budget.

**Summary:** Section 1 amends Chapter 43 of MGL by inserting two new definitions: one for a new plan of city government, Plan G, and one for the term political association.

A Plan G city government shall have a legislative body known as the city council, consisting of at least 9 members, 1 of whom shall be elected as mayor by and from such council members and shall be the chief executive of the city, and a public advocate. The council members shall be elected at large by closed list proportional representation. The public advocate shall be elected at large by instant runoff voting.

A political association is defined as an association, which is legally filed with the secretary of state, consisting of a group of registered voters in a city that has adopted a Plan G form of city government. The association shall determine its own membership through admittance,

suspension, or expulsion and shall determine its platform. The association shall submit candidate lists for the election of city council members. This list shall comprise of candidates selected from the association's membership and shall be organized in a manner determined by the association.

Section 2 further amends Chapter 43 of MGL by adding 12 new sections, Sections 135-146, which further outline the Plan G method of city government.

Section 135 states that the method of city government provided for in the following 11 sections shall be known as Plan G. Upon its adoption, the plan shall become operative as provided in sections 1-45 of Chapter 43 of MGL, except otherwise provided.

Section 136 holds that the government of the city and the general management and control of its affairs shall be vested in a city council.

Section 137 concerns the city council.

- Subsection (a) establishes that the city council shall consist of at least 9 members, all of whom shall be elected at each regular municipal election, at large by closed list proportional representation for 5 years each.
- Subsection (b) holds that a city council seat shall be vacated if the member resigns their membership in their political association or a majority of the city council members votes to expel the council member from the association. A vacant seat shall be filled before the next city council meeting by the next candidate appearing on the association's list who is not already serving on the council. All seats shall be vacated the day before the first Monday in January if a majority of each of the memberships of the political associations whose council members form a majority on the city council call, in the second or third year of the term, for a new regular municipal election. A political association may only call for a new election no sooner than 14 months after the last municipal election and no sooner than 2 months before that year's election date. The term of the public advocate shall not be impacted by a call for a new election.
- Subsection (c) states that council members shall serve until their successors are qualified. Any vacancy shall be filled by the next candidate appearing on the list of the political association whose council member's seat is vacant and who is not already serving on the council. Each council member shall represent no more than 10,000 inhabitants of the city.

Section 138 deals with the public advocate and the process of instant runoff voting.

- Subsection (a) holds that the public advocate shall be directly elected to a term of 4 years by instant runoff voting by the registered voters of the city. The public advocate shall represent and serve the public interest. The public advocate shall take an oath of office, before a justice of the peace, on the first Monday in January following the regular municipal election.
- Subsection (b) defines instant runoff voting as an election system in which voters rank the candidates in order of preference in a race that has more than 2 candidates. Each voter shall cast a single vote by ranking candidates in order of preference. If 1 candidate receives more than 50 percent of the first choice votes cast for the office in the election, that candidate shall be the winner. If no candidate receives more than 50% of the first choice votes in the first round, an instant runoff shall automatically take place. In this runoff, the candidate with the least votes in the prior round shall be eliminated. The highest ranked non-eliminated candidate of each voter shall be the voter's first choice and the first choice vote shall be used in calculating the total number of votes remaining for each non-eliminated candidate. The runoff process shall be repeated until a candidate receives more than 50 percent of the total first choice votes cast for the office in the election, and at that time a winner shall be declared. There shall be no write-in option for this election process. A vacancy in the office of public advocate shall be filled by recalculating the results of the last election but with the candidate who vacated the office eliminated and their votes redistributed accordingly.

Section 139 outlines the powers and duties of the city council.

- Subsection (a) states that the city council shall exercise the legislative powers of the city including the powers of the school committee. The city council is authorized to amend or reject the mayor's budget as well as the decisions of city boards.
- Subsection (b) requires the city council to meet on the first Monday in January following the regular municipal election to take their oath of office before the public advocate.
- Subsection (c) holds that the public advocate shall serve as the temporary chair of the council until the president has been elected. Each political association with a member on the council shall inform the public advocate one week in advance of its nomination of 1 of its members for president. The city council shall elect a council president from its membership by a majority vote or if a majority is not reached after 10 votes, by a plurality vote. Once elected, the council president shall take an oath of office and shall serve a term lasting as long as the council president continues to serve as a city councilor and the city council does not remove them from the position. If there is a

vacancy in the office of council president, the city council shall in like manner elect 1 of its members to fill such office. If there is a temporary absence, the city council shall designate another council member to perform the duties of the council president. The council president shall be the chair of the council, shall continue to be a voting member of the council, and shall not concurrently serve as mayor.

- Subsection (d) allows for a council member at any time to file a statement of no confidence in the council president and their association's choice of another council member to serve as council president. This information shall be a public record and made available on the city's website. If the city clerk determines a majority exists for the choice of another council president, that council member with a majority shall become council president and shall take an oath of office at the next city council meeting and the former council president shall revert to being a council member only.
- Subsection (e) holds that at the first council meeting of the term, each council member who appeared first on their political association's submitted list to the clerk shall be considered nominated for mayor. The city council shall then elect the mayor from its own members by a majority vote of all council members, or if a majority is not reached after 10 votes by a plurality vote. Councilors shall vote for a mayor according to an ordered list created and publicized by the membership of their political association. Once elected, the mayor shall take an oath of office and shall serve a term lasting so long as the mayor continues to serve as a city council member and does not get removed by the city council. If the office of mayor becomes vacant, the city council shall in like manner elect 1 of its members to fill the office. In case of temporary absence, the city council shall designate the head of a city department to perform the duties of the mayor.
- Subsection (f) allows for a council member at any time to file or withdraw a statement of no confidence in the mayor and their association's choice of another council member to serve as mayor. The information shall be a public record and made available on the city's website. If a tally of these statements is requested at a council meeting, the requesting council member shall explain the reasons for the request. If the city clerk shows a majority exists for another choice for mayor, the mayor shall have a right to be heard and then shall revert to their position as a council member only. The council member with a majority shall become mayor and shall take an oath of office at the same city council meeting. The city clerk shall not entertain a request for a tally of statements of no confidence at a city council meeting less than 1 year from the council member having taken office as mayor.

Section 140 lists the powers and duties of the mayor, who shall be the chief executive of the city. These powers and duties include:

- Supervise the administration of the affairs of the city
- See that the laws of the Commonwealth, ordinances, resolutions, and regulations of the city council are faithfully executed
- Make recommendations to the city council
- Make reports to the city council concerning the affairs of the city
- Submit to questions from the city council once per month
- Keep the city council fully advised of the city's financial condition and its future needs
- Prepare and submit to the city council budgets
- Make all appointments and removals in the departments, commissions, boards, and offices of the city for whose administration the mayor is responsible
- All powers, rights, and duties other than legislative that the mayor possessed or exercised prior to the adoption of this new city plan
- Serve as a voting member of the city council

Section 141 holds that the mayor shall report every appointment and removal to the city council at the next meeting following such appointment or removal. The mayor may authorize the head of a department, commission, board, or holder of an office to appoint and remove subordinates in such department, commission, board, or office. All appointments by or under the authority of the mayor shall be made in accordance with Chapter 31 of MGL, the Civil Service Law, and based on executive and administrative ability, training, and experience in the work to be performed.

Section 142 requires that city officers and employees appointed by, or under the authority of, the mayor shall perform the duties required of them by the mayor, under general regulations of the city council. Any violation of this section shall be sufficient grounds for the removal of any such officer or employee.

Section 143 holds that the city clerk shall be, ex-officio, clerk of the city council, and shall keep records of its proceedings. If there is a vacancy in this office, the city council shall elect a temporary clerk who shall be sworn to the faithful discharge of the clerk's duties and shall act as clerk of the city council until the city clerk resumes the duties or a new clerk is qualified. All final votes of the council on questions involving the expenditure of \$50 or more, or upon the request of a council member, shall be by yeas and nays and shall be recorded. The affirmative vote of a majority of all council members shall be necessary for the passage of any order, ordinance, resolution, or vote, except that

the affirmative vote of a majority of the council members present shall be sufficient to adjourn any meeting of the city council.

Section 144 concerns the election of city council members.

- Subsection (a) states that council members shall be elected using closed list proportional representation. Each ballot shall contain a list of candidates organized by a political association and shall contain a number of candidates no more than double the number of city council seats. Each registered voter of the city shall vote for 1 candidate list. There shall be no write-in option. The city council seats shall be apportioned to the associations as a proportion of the vote their candidate list receives in the election to the nearest whole seat, with candidates highest on an association's list being seated first to fill the seats their association has been apportioned. The ballot shall include the names of the political associations which have submitted candidate lists, the names of each candidate in order, a summary submitted by each political association of their platform and principles, and the directions to voters.
- Subsection (b) requires that the full platform of each association be made publicly available on the city's website, at the city clerk's office, in public libraries and schools in the city, at all other public institutions, and at all municipal election polling places.

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

Section 146 holds that except otherwise provided, all regular elections held under Plan G shall be subject to all general laws relating to elections and corrupt practices that are applicable and consistent with this chapter.

**Notes:**

There are currently six plans of city government in Massachusetts. They are as follows:

- Plan A-Legislative body consisting of the mayor and a city council, with the councilors being elected at large
- Plan B-Legislative body consisting of a mayor and city council, with the councilors being elected partly at large and partly from districts or wards of the city
- Plan C-Legislative body consisting of a mayor and commissioners

- Plan D-Legislative body, known as the city council, consisting of seven or nine members, one of whom shall be mayor and shall be the official head of the city, and an administrative officer, called the city manager
- Plan E-Legislative body, known as the city council, consisting of seven or nine members, one of whom shall be elected mayor by and from such members and shall be the official head of the city, and an administrative officer, called the city manager; the city council members and the elective members of the school committee shall be elected at large by proportional representation
- Plan F-Legislative body consisting of a mayor and a city council, with the councilors being elected partly at large and partly from the wards of the city, with the mayor and city councilors being nominated in party primaries.

The new plan of city government being established in this bill, Plan G, is similar to some of the existing plans of city government with its legislative body consisting of a mayor and city council members. It is similar to Plan E in that a mayor is elected from amongst the city council members. It differs from existing plans of city government by:

- Requiring the city council to consist of at least nine members (Most plans have a set number or range of membership; this requires a minimum number of members but allows flexibility if the city wants a larger council).
- Adding the position of public advocate to the city council. (Shall be elected at large by instant runoff voting and shall serve a 4-year term).
- Authorizing city council members to serve 5 year terms (Current plans of city governments authorize city council members to serve 2 year terms).
- Establishing political associations, which are associations of registered voters of a city that submit candidate lists for the election of city council members.
- Creating a new mechanism to elect city council members (Closed list proportional representation, where political associations submit lists of their candidates to be voted for).