

NEW CHARTER
FOR THE
CITY OF CAMBRIDGE
MASSACHUSETTS

OFFICIAL COPY.

(Published by the Cambridge Charter Association)

Chapter 531, Laws of 1911

TAKES EFFECT ONLY UPON

- (1) Petition of 1,000 voters, and
 - (2) Adoption at the polls, November 7, 1911
-

New charter, if adopted, in full force and effect, January 1, 1912
First city election under new charter, December 12, 1911

Requests for copies of the charter, for explanatory literature, or
for speakers to explain the charter may be addressed to

F. W. NORRIS, Secretary,
649 Massachusetts Avenue,

Telephone, Cambridge 1559-2

Cambridge, Mass.

CAMBRIDGE CHARTER ASSOCIATION

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INTRODUCTORY

This charter is the outcome of a bill submitted to the Legislature of 1910. That Legislature referred it to the next General Court.

The bill was reintroduced in the Legislature of 1911 with modifications suggested by the year of discussion before the people. Public interest soon reached such a point that a joint committee to consider the charter was organized, with five representatives from each of the following bodies of citizens :

Economy Club of Cambridge.
Cambridge Citizens' Trade Association.
Cambridge Federation of Men's Church Organizations.
Cambridge Taxpayers' Association.
Cambridge Club.

This committee and its sub-committees held several meetings, assisted at one or more of its meetings by members of the Cambridge Central Labor Union, and the East Cambridge Improvement Association, and examined the whole charter section by section. The discussions at these meetings resulted in a number of modifications, and the Committee on Cities in the Legislature added a few more, all in harmony with the spirit and purpose of the original draft. These were embodied in the bill as finally presented, and, thanks to the support of Cambridge citizens, irrespective of party, and of five of the seven members of the Cambridge delegation, the bill was passed by both houses and signed by the Governor. Thus the charter, after long and careful consideration, has been brought within the reach of the voters of Cambridge.

This charter is the work of many citizens representing all parties and walks of life, and it is doubtless safe to say that it is the most thoroughly democratic charter that has ever come within the reach of a Massachusetts city.

In harmony with the democratic spirit of the new charter a copy of this pamphlet containing its full text has been mailed to every voter in Cambridge.

To defray the expenses of the campaign for the adoption of the charter citizens are invited to send contributions, however small, to

WALTER F. EARLE,
Treasurer Cambridge Charter Association,
Harvard Trust Company, Cambridge.

The Chief Features of the New Charter are :—

1. Direct and Easy Nominations :

to check party domination and give voters wide choice.

2. Short Ballot :

to permit easy and intelligent voting.

3. Preferential Voting :

to eliminate primaries, to encourage competent men to stand for office and to permit a real choice from a large number of candidates, with minimum cost and effort.

4. The Three Year Term and an Adequate Salary :

to render public office acceptable to competent men.

5. The small, compact Council with large powers :

to secure efficiency.

6. Publicity :

7. The Initiative :

8. The Referendum :

9. The Recall :

} to permit effective control of city affairs by the voters.

A Hopeful Opportunity for Cambridge

There has long been concern over the financial and political condition of Cambridge. Special local causes produce part of this result, such as the expense of the Metropolitan Park construction and the erection and maintenance of new bridges.

But the main underlying trouble is one which is not confined to Cambridge. It exists in most American cities. The fact that so many cities are in the same plight as Cambridge is certainly significant. It indicates that something is wrong with the system of government. The fact is it is difficult to get the right men in office. Even if secured, such men are badly hampered by the inefficient form of government under which they are now compelled to work. What we want is men better fitted for their duties and a more efficient form of government. This charter is designed to secure both.

Based on Successful American Experience

The movement culminating in charters of the type here proposed is one now nine or ten years old in this country. Its record has been one of rapidly increasing popularity—particularly since the Initiative, Referendum and Recall became customary features of it.

Already one hundred and twenty-five or more cities, scattered through twenty or more states, have joined in the movement, and the list of cities is rapidly lengthening. The states include Massachusetts, California, Texas, Wisconsin, South Dakota, Illinois, Iowa, Kansas, Missouri, New Jersey, Colorado, North Carolina, Kentucky, Louisiana, Tennessee, and others.

Los Angeles, with a population now set at 325,000, adopted the Initiative, Referendum and Recall in workable form in 1902, by a vote of six to one. In the previous year Galveston adopted the small Council. A combination of these two ideas—the former giving democracy, the latter giving efficiency—seem destined to be the American solution of the city problem for a long time to come.

The universal result has been more work, better done, at lower cost, and *no sign of a return to the old form of government.*

The Charter here proposed is a combination of all the best and most successful features of this wide range of modern American city charters, carefully adapted to the particular needs of Cambridge.

Voters Use the Recall Discreetly

With regard to the recall, it is interesting to note that while the percentage required for a petition averages in the neighborhood of 25%, getting indeed as low as 10% in San Francisco by charter amendment adopted in 1910, there have been, comparatively speaking, hardly any recalls.

In Los Angeles the recall has been used but three times, each time, however, with signal advantage to the public good.

In Haverhill, on the other hand, where a petition for a recall was started by the disappointed interests immediately after an election, they were unable to obtain sufficient signatures, even though nearly twice the number of signers required had voted for the candidate in whose interest the recall was attempted.

Advantages of Preferential Voting

The most novel feature of the charter is the method of preferential voting.

It, together with direct nominations, secures an accurate expression of the people's will at the polls.

It is simple and fair in operation.

It saves the community and the candidates the inconvenience and expense of a primary election.

It puts the emphasis on the good of the city, rather than on the interest of a party or candidate.

It tends to eliminate personalities from campaigns, for each nominee must avoid needless offence to the followers of his opponents; he may need their second choice votes. This, too, greatly improves the lot of the candidate and thus will attract better men to stand for office.

Complete success attended the first trial of this method of voting, that of Grand Junction, Colorado, in 1909.*

Spokane, Washington, a city of 104,000 inhabitants, held its first election under its new charter March 7, 1911, by preferential ballot. Twenty-five signatures nominated. There were ninety-two candidates

* See page 32 for an exhibit of the results of this election.

for the five places in the City Council. The number of ballots cast was 22,058, women voting.

The chairman of the Spokane charter committee, writing after the election to a Cambridge friend, said, "The whole city is enthusiastic over the change and over our new city officials. I have not heard of a single criticism of the preferential system. The people are satisfied with it. * * *

"Even with a large list of candidates, the voters were not confused. The fear of too large a number of candidates is exaggerated. * * * We are all proud of the high tone of the campaign and our present pride and satisfaction will not permit of any other kind of a campaign hereafter."

Summary

The type of charter here proposed has, in other cities, an unbroken record of reduced expense and increased efficiency.

It should succeed in Cambridge for the same reason that it has succeeded elsewhere.

This reason is that it combines the three great essentials of political machinery, viz. : —

1. Simplicity.
2. Concentration of authority and responsibility.
3. Responsiveness to the public will.

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The Commonwealth of Massachusetts

Chapter 531, Laws of 1911.

AN ACT

To Provide a New Charter for the City of Cambridge.

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

ARTICLE I.

RIGHTS AND POWERS OF THE CITY.

Section 1. The inhabitants of the city of Cambridge shall continue to be a body corporate and politic under the name of the City of Cambridge, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations provided for herein, or otherwise pertaining to said city as a municipal corporation.

ARTICLE II.

ELECTIVE OFFICERS.

Section 2. The elective officers of the city shall consist of five supervisors, constituting the city council, and five members of the school committee, and no others.

Supervisors.

Section 3. One of the supervisors shall be supervisor of administration and *ex-officio* mayor; one shall be supervisor

Note : — Lines containing article numbers and the section headings in bold-face type are not part of the Act, but are here given for the convenience of the reader.

of finance; one shall be supervisor of health; one shall be supervisor of public works; one shall be supervisor of public property. Each of these five supervisors shall be elected at large by the qualified voters of the whole city, and each shall have charge of the division of city affairs indicated by his official title, subject to the reservations of power and duty to the school committee elsewhere provided in this act.

Members of the School Committee.

Section 4. For the purpose of electing the members of the school committee, the city shall be divided into three districts.

Wards one, two and three shall constitute the first district; wards four, five, six and seven shall constitute the second district; wards eight, nine, ten and eleven shall constitute the third district.

The qualified voters of each district shall elect from among their number one member of the school committee; and the qualified voters of the whole city shall elect from among their number two members of the school committee.

At each regular election after the adoption of this act, the voters of the city and of the respective districts shall choose from among their number in place of those members of the school committee whose terms are about to expire an equal number of members, each to serve for three years.

Terms of Office.

Section 5. The terms of all elective officers shall commence at ten o'clock in the forenoon of the first Monday in January following their election, and shall be for three years each, and until ten o'clock in the forenoon of the first Monday in January following the election of their successors and until their successors shall qualify to act in their stead: *provided, however,* that the terms of office of the supervisor of health and of the supervisor of public works first elected under this act shall be two years only, and the term of the supervisor of public property first so elected shall be one year only.

Salaries.

Section 6. The supervisor of administration shall receive an annual salary of five thousand dollars, payable in equal monthly instalments.

The other four supervisors shall each receive an annual salary of four thousand dollars, payable in equal monthly instalments.

No elective officer shall receive any compensation for any service he may render the city during his term of office, other than that which is provided in this section.

No elective officer shall, during the term for which he was chosen, be eligible, either by appointment, or by election by the city council, or by the school committee, to any office other than that for which he was chosen, the salary of which is payable by the city, or shall during such term hold any such other office.

Vacancies and How Filled.

Section 7. If for any reason whatsoever a vacancy occurs in the city council, whether as to the mayor or one or more of the other supervisors, the city council shall by its remaining members call a special city election to fill the vacancy or vacancies for the unexpired term or terms, respectively, and this shall be repeated from time to time as often as may be necessary, except that if such vacancy or vacancies occur less than four months prior to any city election, the vacancy or vacancies shall remain unfilled until the date of such election and the work may, at the discretion of the council, be apportioned by the council among the remaining supervisors without extra compensation.

Section 8. If a vacancy occurs in the school committee for any reason whatsoever, the office shall remain vacant until the next municipal election, when it shall be filled for the unexpired term.

Section 9. A vacancy shall exist when an elective officer fails without good cause to qualify within thirty days after notice of his election, dies, resigns, removes from the city, absents himself continuously therefrom for three months, is convicted of a felony, or judicially declared a lunatic, except that the removal of a member of the school committee from one part of the city to another shall not create a vacancy in his office, neither shall a change of district boundaries.

ARTICLE III.

THE CITY COUNCIL.

Powers and Procedure.

Section 10. The city council shall have and possess, and the city council and its members shall exercise all the legislative powers of the city, except as such powers are hereinafter reserved to the school committee and to the qualified voters of the city, and the city council and its members severally or

collectively, as hereinafter provided, shall have, possess and shall, themselves or through such officers as they may elect or appoint, exercise all the other powers, rights and duties had, possessed, and exercised, immediately prior to the adoption of this act, by the mayor, board of aldermen, common council, the board of health, and all other boards, commissions and committees of the city and their members, severally or collectively, except such as are herein conferred upon the school committee.

Section 11. The city council shall be the final judge of the election and qualification of all elective officers of the city, and shall determine its own rules of procedure except as otherwise herein specified.

Section 12. The city council shall prescribe the time and place of its meetings and the manner in which special meetings thereof may be called. The city clerk shall be the clerk of the city council, and shall sign and attest all measures passed by the city council: *provided*, that any supervisor may, in case of need, upon authorization by the city council, perform this duty. A majority of all the members shall constitute a quorum to do business, but a less number may adjourn. The city council shall sit with open doors at all legislative sessions, and shall keep a journal of its proceedings, which shall be a public record.

Appointment of Officers by Council.

Section 13. The city council shall, at its first meeting under this act, or as soon as practicable thereafter, and as vacancies may thereafter occur, elect, by a majority vote of all the members of the city council, the following officers: a city treasurer and a city collector of taxes each for one year; a city clerk, city solicitor, and a city auditor, each for three years.

In the same manner the city council shall elect three city assessors, one for three years, one for two years and one for one year; and shall thereafter fill the place of each city assessor whose term expires by electing his successor for three years; or in case of a vacancy occurring before the expiration of the term of any city assessor, a person to serve until the expiration of such term.

In the same manner the city council shall elect a registrar of voters for four years in place of each registrar whose term expires; or in case of a vacancy occurring before the expiration of the term of any registrar, a person to serve until the expiration of such term.

The city council shall also elect in similar manner any other officers necessary to the proper and efficient conduct of the affairs of the city, whose election by the city council shall be provided for by ordinance.

Section 14. The officers provided for in section thirteen of this act shall be subject to such regulations as the city council may adopt in so far as said regulations do not conflict with the duties of said officers as prescribed by law.

The compensation of these officers shall be fixed by the city council.

Section 15. No member of the city council shall be elected or appointed to any office, position, or employment, the compensation of which was increased or fixed by the city council while he was a member thereof, until after the expiration of one year from the date when he ceased to be such a member.

Legislative Procedure of City Council.

Section 16. (a) In legislative session, the city council shall act by ordinance, resolution, order or vote.

(b) The ayes and nays shall be taken upon the passage of all ordinances and resolutions, and entered upon the journal of its proceedings. Upon the request of any member, the ayes and nays shall be taken and recorded upon any order or vote. Every ordinance, resolution, order or vote passed by the city council shall, except as is provided in section twelve of this act, require on final passage the affirmative vote of a majority of all the members of the city council.

(c) No ordinance shall be passed finally on the date on which it is introduced, except in cases of special emergency, for the preservation of the public peace, health or safety.

(d) No ordinance shall be regarded an emergency measure unless the emergency is defined and declared in a preamble thereto separately voted on and receiving the affirmative vote of four members of the city council.

(e) No ordinance making a grant, renewal or extension, whatever its kind or nature, of any franchise or special privilege shall be passed as an emergency measure, and no such grant, renewal or extension shall be made otherwise than by ordinance.

(f) The enacting clause of all ordinances passed by the city council shall be in these words:—Be it ordained by the city council of the city of Cambridge.

Section 17. Every proposed ordinance or loan order, except emergency measures as defined in section sixteen of this act, shall be published once in full in at least two newspapers of the city, or in any different or additional manner that may be provided by ordinance, at least ten days before its final passage. After such final passage, it shall, in the same manner as before, again be published once, as amended and completed, except in the case of an emergency ordinance which may be passed as hereinbefore provided, and which shall take effect

upon its passage and shall be so published at the earliest possible moment.

Section 18. No ordinance passed by the city council, except an emergency ordinance, shall take effect until twenty days after its final passage and subsequent publication.

Section 19. No ordinance or section thereof shall be amended or repealed except by an ordinance regularly adopted.

ARTICLE IV.

SCHOOL COMMITTEE.

Powers and Duties of the School Committee.

Section 20. The school committee shall perform all such duties as the school committee in towns is required by law to perform. It shall have supervision and control of the public library, and shall have, possess and exercise all the powers, rights and duties had, possessed and exercised by the trustees of the public library immediately prior to the adoption of this act. It shall have supervision and control of all school buildings and grounds, of the buildings and grounds of the public library, and of the public playgrounds of the city. It shall have power to care for the health of all school children, and for that purpose to employ physicians and nurses and to provide such supplies as it may deem necessary. It shall have power to provide instruction and entertainment and to permit public meetings in the buildings and grounds under its control, outside of school hours, for adults as well as for children. It shall keep in repair and maintain the buildings and grounds under its control; but it shall not be required to restore any building under its control when damaged or destroyed by fire, explosion or other unavoidable casualty.

For the maintenance of the schools and the public library and for the carrying out of its other powers as above set forth, it may appropriate and expend, from the moneys raised by taxation, five dollars and seventy-five cents on each one thousand dollars of taxable property of the city, to be estimated by taking the average amount of taxable property during the three preceding years: *provided*, that not more than five dollars on each one thousand dollars of taxable property shall be expended for the maintenance of schools, and not more than seventy-five cents on each one thousand dollars of taxable property shall be expended for all purposes outside the powers of school committees in towns. It may in addition appropriate and expend in each of its departments any sums that may accrue as revenue of that department, the income of funds held by the city for the benefit of the department, any sums that may be given for the use of the department, and any unexpended balance

from a previous year of moneys appropriated for the department.

ARTICLE V.

POWERS AND DUTIES OF THE MAYOR.

Section 21. The mayor shall be the chief executive officer of the city, supervisor of administration and president of the city council, and shall preside at all meetings at which he is present. He shall also when present preside at all joint conventions of members of the city council and of the school committee.

(a) He shall see that the laws of the commonwealth, the provisions of this act, and the ordinances, resolutions, orders and regulations of the city are duly enforced.

(b) He shall sign all contracts, bonds or other instruments requiring the assent of the city, and shall take care that the provisions of the same are duly executed. All legal processes against the city shall be served upon the mayor or acting mayor.

(c) He shall have the right to vote on all questions coming before the city council, but shall have no power of veto.

(d) He shall have such other duties, rights and powers as may be provided by ordinance, not in conflict with this act.

(e) During the absence or inability of the mayor to act, the supervisor of finance shall, as acting mayor, assume the duties and exercise all the rights and powers of the mayor: *provided*, that, in the absence or inability so to act, of the supervisor of finance, the city council may select another from their number to perform the duties of acting mayor.

ARTICLE VI.

EXECUTIVE AND ADMINISTRATIVE DIVISIONS.

Section 22. The executive and administrative powers, authority and duties of the city, not expressly reserved to the school committee, shall be distributed among five divisions as follows:

- I. Administration.
- II. Finance.
- III. Health.
- IV. Public Works.
- V. Public Property.

The city council shall determine the policies to be pursued and the work to be undertaken in each division, but each supervisor shall have full power to carry out the policies or to have the work performed in his division as directed by the city council.

Administration.

Section 23. The supervisor of administration shall be *ex-officio* mayor and the chief officer of the city. He shall have supervision of the police and fire departments, of weights and measures, of any other city business not otherwise provided for in this act or by ordinance, and shall have the further powers and discharge the further duties elsewhere in this act assigned to him. His part of the city administration so far as it differs from that of the other supervisors shall be included under the designation of the division of administration.

Finance.

Section 24. The supervisor of finance shall have supervision over the estimates of the probable expenditures of the city government for each fiscal year; over the collection of all revenues of the city; over the several city sinking funds; over the purchase of all city supplies, except those purchased under the authority of the school committee; over all city printing; and in general over all financial affairs of the city for which provision is not otherwise made herein.

Health.

Section 25. The supervisor of health shall have supervision over public health, city hospitals, care of the poor, including outside aid and the city home, soldiers' relief, military and state aid, inspection of milk and vinegar, inspection of animals, collection of garbage, and the work of the city physician.

Public Works.

Section 26. The supervisor of public works shall have supervision of streets, sidewalks, parks, street lighting, street watering, collection of ashes, public water supply, sewers, bridges, electrical affairs, inspection of wires, and engineering.

Public Property.

Section 27. The supervisor of public property shall have supervision of the inspection, construction and maintenance of public buildings, except the maintenance of school buildings and school grounds, of building laws and the inspection of buildings, and of cemeteries.

Redistribution of Duties Among Divisions.

Section 28. All executive and administrative powers, authority and duties, not otherwise provided for in this act,

may be assigned to a suitable division by the city council by ordinance, and changes in the assignments made in this act may be made by ordinance by the affirmative vote of four members of the city council, or by the people upon initiative petition as hereinafter provided.

Power of Appointment and Removal.

Section 29. Each supervisor shall, except as is otherwise provided in section thirteen of this act, appoint a qualified person to serve as the head of each of the departments within his division and may remove him at any time for cause stated in the order for removal. The employees in each department shall be appointed and removed by the head of that department. Nothing in this section shall in any way change the laws governing the civil service.

Records and Reports.

Section 30. Each of said supervisors shall keep a record book in which shall be recorded a brief but clear and comprehensive record of all affairs of the division under his charge as soon as performed and shall quarterly render to the city council a full report of all operations of such division and shall annually, and oftener if required by the city council, make a synopsis thereof for publication. All such records shall be open for public inspection. The city council shall provide for the publication of such annual or other reports, and of such parts of the quarterly reports, or of such other information regarding city affairs as it may deem advisable.

Fiscal Year Defined.

Section 31. The fiscal year of the city shall commence on the first Monday in April succeeding the general municipal election, and continue till the first Monday in April of the calendar year following.

Estimates.

Section 32. On or before the first day of February of each year, the supervisors shall send to the supervisor of finance a careful, detailed estimate in writing of the appropriations required for the business and proper conduct of their respective divisions during the next ensuing fiscal year.

Council Makes Appropriations and Fixes Tax Levy.

Section 33. On or before the fifteenth day of February in each year, the supervisor of finance shall submit to the city council

an estimate of the probable expenditure of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and maturing bonds of the outstanding indebtedness of the city, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from all other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the city.

The city council shall thereupon determine the sum to be raised by taxation and make the appropriations in detail for the next ensuing fiscal year.

Oaths of Office.

Section 34. Every supervisor shall, before he enters upon the duties of his office, qualify by being sworn by a judge of a court of record in the commonwealth to the faithful performance of his duties.

ARTICLE VII.

ELECTIONS.

Date of Annual Elections.

Section 35. A municipal election shall be held in the city on the first Tuesday after the second Monday in December, nineteen hundred and eleven, and on the first Tuesday after the second Monday in December in every year thereafter, which shall be known as the general municipal election. All other municipal elections that may be held shall be known as special municipal elections.

Nominations by Petition of Fifty Voters.

Section 36. The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as provided in this act and not otherwise.

Section 37. The name of the candidate shall be printed upon the ballot, when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

Section 38. The petition of nomination for each candidate shall be signed by not less than fifty qualified voters of the city either on individual certificates in form substantially as follows or on joint papers to the same purport:—

PETITION OF NOMINATION.

Individual Certificate.

Commonwealth of Massachusetts, }
County of Middlesex, } ss.
City of Cambridge, }

I do hereby join in a petition for the nomination of
.....whose residence is at No.....
.....Street, Cambridge, for the office of
.....to be voted for at the municipal
election to be held in the city of Cambridge, on the.....
.....day of....., 19.....; and
I certify that I am qualified to vote for a candidate for said
office, and am not at this time a signer of any other certificate
nominating any other candidate for the above named office;
that my residence is at No.
Street, Cambridge.

(Signed)

Witness:

(Signed)

Residence of witness:

No.Street, Cambridge.

The petition of nomination, of which this certificate forms a
part, shall, if found insufficient, be returned to
..... at No.
Street, Cambridge.

Blank Nomination Certificates Furnished by the City Clerk.

Section 39. It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of such individual certificates or joint nomination petitions, and of acceptances of nomination.

Further Particulars Regarding Nomination Certificates.

Section 40. Each certificate shall be a separate paper. All certificates shall be of uniform size as determined by the city clerk. Each certificate shall contain the name and signature of one signer thereof and no more. Each certificate shall contain the name of one candidate and no more. In case a voter has signed two or more conflicting petitions only that one of his conflicting signatures which was included in the petition first presented to the city clerk, as provided in section forty-one of this act, shall be valid. Each witness may be any qualified voter of Cambridge except the candidate named in the certificate.

Nominating Petitions—How and When Presented.

Section 41. Petitions of nomination shall be presented to the city clerk not earlier than thirty nor later than twenty days be-

fore the election. The city clerk shall endorse on each petition the date upon which it was presented to him, and by whom it was presented. All papers constituting a petition of nomination shall be presented to the city clerk at one time, except as is provided in section forty-two of this act.

Nominating Petitions May Be Amended.

Section 42. When a petition of nomination is presented to the city clerk for filing, he shall forthwith examine the same and ascertain whether it conforms to the provisions of this act. If found not to conform thereto, he shall then and there in writing on said petition state the reason why such petition cannot be filed, and shall within three days return the petition to the person named therein as the person to whom it shall be returned. The petition may then be amended and again, but not later than three days after said petition shall have been returned, presented to the city clerk, as in the first instance. The city clerk shall forthwith proceed to examine the amended petition as hereinbefore provided.

Section 43. If either the original or the amended petition of nomination be found sufficiently signed and witnessed as hereinbefore provided, the city clerk shall file the same forthwith: *provided*, that no petition, amended or otherwise, shall be presented later than twenty days before the election.

Date of Filing Nominee's Acceptance.

Section 44. Any person nominated under this article shall file his acceptance, his signature thereto witnessed by a qualified voter of Cambridge, with the city clerk not later than twenty days before the day of election, and in the absence of such acceptance the name of the candidate shall not appear on the ballot.

Form of Nominee's Acceptance.

Section 45. The acceptance mentioned in the preceding section shall be substantially in the following form:

Commonwealth of Massachusetts, }
County of Middlesex, } ss.
City of Cambridge, }

I,having heretofore been nominated for the office of.....in the city of Cambridge, to be voted for at the municipal election to be held in said city on the.....day of....., 19....., do hereby accept the said nomination, and I hereby declare that I am a qualified voter of said city, that my residence is at No., Street, Cambridge, and that I have not

become, and am not a candidate for any other office to be voted for at said election.

Signed

Witness:

Signed

Residence of witness:

No. Street, Cambridge.

Preservation of Nomination Petitions.

Section 46. The city clerk shall preserve in his office for a period of four years from the time of the respective filing of the same, all petitions of nomination, and all certificates, acceptances, and memoranda belonging thereto, filed under this act, but shall thereafter destroy the same.

Publication of Lists of Candidates.

Section 47. The city clerk shall, not later than the fifteenth day before every city election, certify the list of candidates, with their residences, whose names are entitled to appear on the ballot, as being the list of candidates nominated as required by this act, together with the offices for which they are respectively candidates at such election, designating whether such election is for a full or for an unexpired term; and he shall file in his office said certified list of names and offices, and he shall cause to be published before such election, in two successive issues of at least two newspapers of general circulation published in the city of Cambridge, or in any different or additional manner that may be provided by ordinance, an election notice which shall contain said certified list of names of candidates and offices to be filled, and the time and the places of holding such election.

Preparation of Ballots.

Section 48. The city clerk shall cause ballots for each general and special municipal election to be prepared, printed, and authenticated as provided by the constitution and laws of the commonwealth, except as is otherwise required by this act. The ballots shall contain the full list and correct names of all the offices to be filled, and the names and residences of all the candidates nominated respectively therefor.

Form of Ballot and Method of Voting.

Section 49. Except that the crosses here shown shall be omitted, and that in place of the names and offices here shown shall be substituted the names and residences of the actual

candidates and the offices for which they are respectively nominated, the ballots shall be in substantially the following form:

General (or special) municipal election, city of Cambridge.
(Inserting date thereof.)

Instructions. — To vote for any person, make a cross (X) in the square in the appropriate column according to your choice, at the right of the name voted for. Vote your first choice in the first column; vote your second choice in the second column; vote in the third column for all the other candidates whom you wish to support; vote only one first choice and only one second choice for any one office. Do not vote more than one choice for one person, as only one choice will count for any one candidate by this ballot.

If you wrongly mark, tear, or deface this ballot, return it, and obtain another.

	First Choice.	Second Choice.	Other Choices.
For Supervisor of Administration.			
Richard Roe,			X
James Hoe,	X		
John Doe,		X	
Henry Poe,			X
Louis Coe,			
For Supervisor of Finance.			
Frank Smith,	X		
Harry Jones,		X	
Fred Brown,			
For Supervisor of Health.			
Hiram Black,	X		
Robert White,			

Section 50. One space shall be left below the printed names of the candidates for each office to be voted for, where in the voter may write the name and residence of any person for whom he may wish to vote.

Party Designations Excluded from Ballot.

Section 51. The names and residences of candidates for the same office shall be printed on the ballot in the order in which

they may be drawn by the city clerk, whose duty it shall be to make such drawing and to give each candidate an opportunity to be present thereat personally or by one representative. Nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate. No ballot shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything indicating his views or opinions. There shall also appear on the ballot all questions required by law, or by this act, to be submitted to a vote of the qualified voters of the city.

Distribution of Sample Ballots.

Section 52. The city clerk shall, at least ten days before the election, cause to be printed a sufficient number of sample ballots, upon paper of different color but otherwise identical with the ballot to be used at the election, and shall distribute the same to registered voters at his office.

Canvass of Returns and Determination of Results of Election.

Section 53. As soon as the polls are closed, the precinct officers shall immediately open the ballot boxes, take therefrom and count the ballots in public view, and enter the total number thereof on the tally sheet provided therefor by the city clerk. They shall also carefully enter the number of the first-choice, second-choice and other-choice votes for each candidate on said tally sheet and make return thereof to the city clerk as provided by law.

Only one vote shall be counted for any candidate on any one ballot, all but the highest of two or more choices on one ballot for one and the same candidate being void.

If two and not more choices for any one office are voted in the first-choice column on any one ballot, they shall both be counted as second choices, and all other choices voted on that ballot for that office shall be counted as other-choices.

If three or more choices for any one office are voted in the first-choice column on any one ballot, all choices voted on that ballot for that office shall be counted as other-choices.

If two or more choices for any one office are voted in the second-choice column on any one ballot, they shall be counted as other-choices.

Except as hereinbefore provided all choices shall be counted as marked on the ballot.

The city clerk shall then determine the successful candidates as hereinafter provided in this section.

The person receiving a majority, as hereinafter in this sec-

tion defined, of first-choice votes cast at an election for any office shall be elected to that office: *provided*, that if no candidate shall receive such a majority of the first-choice votes for such office, then a canvass shall be made of the second-choice votes received by each candidate for the office; said second-choice votes shall then be added to the first-choice votes received by each candidate for the office, and the candidate receiving the largest number of said first-choice and second-choice votes combined, if such votes constitute a majority, shall be elected thereto; and *provided, further, that if no candidate shall have such a majority after adding the first-choice and second-choice votes, then a canvass shall be made of the other-choice votes received by each candidate for the office; said other-choice votes shall then be added to the first-choice and the second-choice votes received by each candidate for the office, and the candidate having the largest number of first-choice, second-choice and other-choice votes combined shall be elected to such office.*

A tie between two or more candidates shall be decided in favor of the one having the largest number of first-choice votes. If all are equal in that respect, then the candidate having the largest number of second-choice votes shall be elected. If this will not decide, then the result shall be determined by lot under the direction of the city clerk.

Whenever the word "majority" is used in this section it shall mean more than one half of the total number of first-choice votes for the office in question cast at such election.

Appropriation for Special Elections.

Section 54. To cover the cost of special municipal elections provided for in this act, the city council shall appropriate at the time of issuing the warrants for such election such sums as are necessary, the same to be taken from any unexpended balances at the end of the fiscal year, or carried forward as a deficit to the next year and then cared for by a special appropriation.

Qualified Voter Defined.

Section 55. The term "qualified voter," wherever it occurs in sections thirty-five to fifty-four, both inclusive, of this act, means a voter qualified by law and by section four of this act to vote for candidates for the office named in the petition of nomination or acceptance of nomination in which their names occur, except that witnesses may be residents of any part of the city.

ARTICLE VIII.

RECALL OF ELECTIVE OFFICERS.

Recall Authorized.

Section 56. Any holder of an elective office may be recalled and removed therefrom by the qualified voters of the city as herein provided.

Recall Petition Requires Signatures of Twenty-Five Per Cent. of Voters.

Section 57. Any qualified voter of the city may make and file with the city clerk an affidavit containing the name of the officer sought to be removed and a statement of the grounds of removal. The city clerk shall thereupon deliver to the voter making such affidavit a sufficient number of copies of petition blanks for such recall and removal, printed forms of which he shall keep on hand. Such blanks shall be issued by the city clerk with his signature and official seal thereto attached; they shall be dated and addressed to the city council, shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person sought to be removed, the office from which such removal is sought, the grounds of removal as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the city clerk. Said recall petition shall be returned and filed with said city clerk within thirty days after the filing of the affidavit. Said petition before being returned and filed, shall be signed by qualified voters equal in number to at least twenty-five per cent of the first-choice votes cast for all the candidates for the office from which it is sought to recall the incumbent at the next preceding election when said office was filled, and to every such signature shall be added the place of residence of the signer, giving the street and number. Such signatures need not all be on one paper. One of the signers of every such paper shall make an affidavit thereto that the statements therein contained are true, and that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All such papers for the recall of any one officer shall be fastened together and shall be filed as one instrument, with the indorsements thereon of the names and addresses of three persons designated as filing the same.

Examination, Amendment and Certification of Recall Petitions.

Section 58. Within ten days after the filing of said petition, the city clerk shall ascertain by examination thereof and of the

registration books and election returns whether the petition is signed by the requisite number of qualified voters, and shall attach thereto his certificate showing the result of such examination. He shall, if necessary, be allowed extra help by the city council.

If his certificate shows the petition to be insufficient, he shall within said ten days so notify in writing one or more of the persons designated on the petition as filing the same; and the petition may be amended by the addition of signatures at any time within ten days after the giving of said notice by the city clerk. The city clerk shall, within ten days after such amendment, make like examination of the amended petition, and attach thereto his certificate of the result. If then insufficient, or if no amendment was made, he shall return the petition to one of the persons designated thereon as filing it, without prejudice, however, to the filing of a new petition for the same purpose.

Recall Election—Not Less Than Thirty Days after Filing Petition.

Section 59. If the petition or amended petition shall be found and certified by the city clerk to be sufficient, he shall submit the same with his certificate to the city council without delay, and the city council shall, if the officer sought to be removed does not resign within five days thereafter, thereupon, order an election to be held on a Tuesday fixed by it, not less than thirty nor more than forty-five days after the date of the city clerk's certificate that a sufficient petition is filed: *provided, however*, that if any other municipal election is to occur within sixty days after the date of said certificate, the city council may, in its discretion, postpone the holding of the removal election to the date of such other municipal election. If a vacancy occurs in said office after a removal election has so been ordered, the election shall nevertheless proceed as in this section provided.

Name of Officer Under Recall on Recall Election Ballot.

Section 60. Any officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the city clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for such removal election, and the conduct of the same, shall all be in accord with the provisions of this act, relating to elections.

Vacancy May Follow a Recall Election.

Section 61. The incumbent shall continue to perform the duties of his office until the removal election. If then re-elected, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in section sixty-two of this act. If not re-elected in the removal election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within ten days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

No Recall Within Three Months After Election.

Section 62. No recall petition shall be filed against any officer within three months after his election, nor, in the case of an officer re-elected in a removal election, until three months after that election.

Recalled Officers Ineligible for Two Years to Appointive Office.

Section 63. No person who has been removed from an office by recall, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any city office within two years after such removal by recall or such resignation.

Qualified Voter Defined.

Section 64. The term "qualified voter," wherever it occurs in sections fifty-six to sixty-three, both inclusive, of this act, means a voter qualified by law and by section four of this act to vote for candidates for the office from which a removal is sought.

ARTICLE IX.

INITIATIVE AND REFERENDUM.

Initiative Petition Defined.

Section 65. A petition, meeting the requirements herein-after provided and requesting the city council to pass an ordinance, resolution, order or vote, or requesting the school committee to pass a resolution, order or vote, all of these four terms being hereinafter included in the term "measure," therein set forth or designated, shall be termed an initiative petition, and shall be acted upon as hereinafter provided.

Signature, Examination and Certification of Initiative Petitions.

Section 66. Signatures to initiative petitions need not all be on one paper, but one of the signers of every such paper shall make an affidavit thereto that the statements therein contained are true, and that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All such papers pertaining to any one measure shall be fastened together and shall be filed in the office of the city clerk as one instrument, with the indorsements thereon of the names and addresses of three persons designated as filing the same. With each signature to said petition shall be stated the place of residence of the signer, giving the street and number.

Within five days after the filing of said petition the city clerk shall ascertain, by examination thereof and of the registration books and election returns, by what number of qualified voters the petition is signed and what percentage that number is of the last preceding vote cast in the city for all candidates for governor of the commonwealth, except as is provided in section seventy-seven of this act, and shall attach thereto his certificate showing the result of such examination.

He shall then forthwith transmit the measure with the said certificate to the city council or to the school committee, accordingly as the petition is addressed, and at the same time shall send a copy of said certificate to one or more of the persons designated on the petition as filing the same.

Twenty-Five Per Cent. of Voters May Secure Prompt Adoption of Their Measure or a Reference to a Special Election.

Section 67. If an initiative petition be signed by qualified voters equal in number, except as is provided in section seventy-seven of this act, to at least twenty-five per cent of the last preceding vote cast in the city for all candidates for governor of the commonwealth, the city council or the school committee shall within twenty days after the date of the city clerk's certificate to that effect, either—

(a) Pass said measure without alteration, subject to the referendum vote provided by this act; or,

(b) The city council shall call a special election to be held on a Tuesday fixed by it not less than thirty nor more than forty-five days after the date of the city clerk's certificate that a sufficient petition has been filed, and shall submit the proposed measure without alteration to a vote of the qualified voters of the city at that election: *provided, however,* that if any municipal election is otherwise to occur within ninety

days after the date of said certificate, the city council may at its discretion omit the special election and submit the proposed measure to the voters at such other previously pending election.

Five Per Cent. of Voters May Secure Prompt Adoption of Their Measure or a Reference to the Next Election.

Section 68. If an initiative petition be signed by qualified voters equal in number, except as provided in section seventy-seven of this act, to at least five per cent, but less than twenty-five per cent of the last preceding vote cast in the city for all candidates for governor of the commonwealth, as shown in the manner hereinbefore provided, and said proposed measure be not passed without alteration by the city council or the school committee within twenty days, as provided in section sixty-seven of this act, then such proposed measure, without alteration, shall be submitted by the city council to a vote of the qualified voters of the city at the next municipal election.

Ten Per Cent. May Secure a Referendum on Measures.

Section 69. If, within twenty days after the final passage of any measure by the city council or by the school committee, a petition signed by qualified voters of the city equal in number, except as is provided in section seventy-seven of this act, to at least ten per cent of the last preceding vote cast in the city for all candidates for governor of the commonwealth, be presented to the city council or to the school committee, as the case may be, protesting against such measure or any part thereof taking effect, the same shall thereupon and thereby be suspended from taking effect; and the city council or the school committee, as the case may be, shall immediately reconsider such measure or part thereof, and if such measure or part thereof be not entirely repealed or rescinded, the city council shall submit the same, by the method herein provided, to a vote of the qualified voters of the city, either at the next general municipal election, or at a special election which may, in their discretion, be called by them for that purpose, and such measure or part thereof shall forthwith become null and void unless a majority of the qualified voters voting on the same at such election shall vote in favor thereof.

The petition provided for in this section shall be termed a referendum petition.

The procedure in respect of such referendum petition shall be the same as that provided in section sixty-six of this act; except that the words "measure or part thereof protested"

against" shall for this purpose be understood to replace the word "measure" in that section wherever it may occur, and that similarly the word "referendum" shall be understood to replace the word "initiative" in that section.

Council May Order Referendum of Its Own Motion upon Request of the School Committee.

Section 70. The city council may, of its own motion, and shall, upon request of the school committee in case of a measure originating with that committee and pertaining to the affairs under its administration, submit to a vote of the qualified voters of the city for adoption or rejection at a general or special municipal election, any proposed measure, or a proposition for the repeal or amendment of any measure, in the same manner and with the same force and effect as are herein provided for submission on petition.

Conflicting Measures.

Section 71. If two or more proposed measures passed at the same election are in conflict in respect of any of their provisions, they shall go into effect in respect of such of their provisions as are not in conflict. . In each case of conflicting provisions in such measures, that one of the provisions in conflict shall take effect which was contained in that one of such measures which received the greatest number of affirmative votes, and all others of such conflicting provisions shall be void.

Enacting Clauses for Measures Voted Upon by the People.

Section 72. The enacting clause of any measure adopted by the qualified voters, upon proposal by initiative petition, shall be "Be it ordained by the people of the city of Cambridge"; and of any measure passed by the city council and approved upon referendum shall be "Be it ordained by the city council of the city of Cambridge and by the people thereof upon referendum"; and of any measure referred to the people by the city council of its own motion, or upon request of the school committee as provided in section seventy of this act, shall be "Be it ordained by the people of the city of Cambridge upon referendum by the city council thereof": *provided*, that for the word "ordained" shall be substituted the word "resolved," or the word "ordered," respectively, if the measure is a resolution or an order; and for the words "Be it ordained" shall be substituted the word "Voted" if the measure is a vote.

Sample Ballots and Texts of Measures Sent to Each Voter.

Section 73. The city clerk shall print and distribute to each voter a sample ballot together with the text of every measure to be submitted to a vote of the qualified voters of the city.

Substance of Measures on Ballots.—Other Provisions.

Section 74. The ballots used when voting upon such proposed measure shall state the nature of the measure in terms sufficient to show the substance thereof. If a majority of the qualified voters voting on any proposed measure, which has duly been submitted to them as herein provided and which falls within the lawful rights and powers of the city, shall vote in favor thereof, the same shall thereupon go into effect.

Section 75. Provision shall be made on each ballot for voting upon all proposed measures submitted at that election: *provided*, that no measures except those which fall entirely within the rights and powers of the school committee shall appear upon the ballots to be cast by women voters.

Information and Arguments upon Measures Supplied to Voters.

Section 76. Provisions not in conflict herewith shall be made by ordinance for supplying the voters with information and arguments *pro* and *con* upon measures submitted to a vote of the qualified voters of the city and for carrying out the purpose of sections sixty-five to seventy-seven, inclusive, of this act.

Basis of Percentages for School Measures.

Section 77. For the purposes of this act, in case of proposed measures falling within the rights and powers of the school committee as herein set forth, the number herein specified as that to which shall be applied the percentages herein established for fixing the requisite number of signatures for initiative and referendum petitions shall be increased, before applying said percentages, by the number of votes cast by women for candidates for member at large of the school committee at the last election at which that office was filled.

Qualified Voter Defined.

Section 78. The term "qualified voter" wherever it occurs in sections sixty-five to seventy-seven, both inclusive, of this act, means a voter qualified to vote for the elective officers within whose rights and powers the proposed measure would fall under this act.

ARTICLE X.

GENERAL PROVISIONS.

**Submission of Charter to Voters in State Election,
November, 1911.**

Section 79. Petitions, addressed to the secretary of the commonwealth and signed by qualified voters of the city, requesting that this act be submitted to the qualified voters of said city, may be filed in the office of the city clerk at any time on or before the second day of October in the year nineteen hundred and eleven. Each signer of any such petition shall add to his signature the name of the street in which he resides at the time of signing and the street number, if there be any. Within the five days next after said second day of October, the city clerk, with the assistance of the registrars of voters, shall examine the petitions so filed and shall ascertain the aggregate number of qualified voters of the city who have signed the same, and he shall forthwith present the same to the secretary of the commonwealth with the certificate of the city clerk setting forth the aggregate number of qualified voters of the city who have so signed. If it shall appear from said certificate that such aggregate number is at least one thousand, the secretary of the commonwealth shall submit the question of the adoption of this act to the voters of the City of Cambridge at the general state election in November, nineteen hundred and eleven. The vote shall be taken by ballot in answer to the question, "Shall an act passed by the general court in the year nineteen hundred and eleven, entitled, 'An Act to provide a new charter for the City of Cambridge' be accepted?" which shall be printed on the official ballot.

If this act shall be so accepted by a majority of the qualified voters voting thereon, it shall take effect, upon its acceptance, for the general municipal election to be held on the Tuesday next following the second Monday in December in the year nineteen hundred and eleven, and for all things that pertain to said election, and it shall go into full force and effect at ten o'clock in the forenoon of the first Monday in January, nineteen hundred and twelve, and the present form of government shall thereupon cease and terminate, except that the appointees of the mayor and city council and all other persons in the service of the city at that time shall continue to draw compensation at the same rate, and to exercise like powers, authority and jurisdiction as theretofore, until replaced or until other provision is made: *provided*, that the terms of office of those members of the school committee in office when this act takes effect shall be extended to the first Monday in January next following the date when their terms would otherwise expire.

First Election Under This Charter.

Section 80. It shall be the duty of the mayor, the aldermen and common council, and the city clerk in office when this act is accepted by the qualified voters as herein provided, to comply with all the requirements of this act relating to elections, to the end that all things may be done necessary to the nomination and election of the officers first to be elected under this act.

Non-Conflicting Enactments Remain in Effect.

Section 81. All laws, ordinances, resolutions, orders, rules and regulations in force in the city of Cambridge at the time when this act takes effect, not inconsistent with its provisions, whether enacted by the authority of the city or by any other authority, shall continue in full force and effect until otherwise provided by law, ordinance, resolution, order or vote; all others are hereby repealed, but such repeal shall not revive any pre-existing enactment.

Obligations, Etc., Remain in Force.

Section 82. All official bonds, recognizances, obligations, contracts and all other instruments entered into or executed by or to the city before this act takes effect, and all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the city, shall be enforced or collected, and all writs, prosecutions, actions and causes of action, except as is herein otherwise provided, shall continue without abatement and remain unaffected by this act; and no legal act done by or in favor of the city shall be rendered invalid by the adoption of this act.

Wards.

Section 83. The number of wards and the boundaries thereof as determined and defined in the year nineteen hundred and one shall be retained until the same shall be changed under the general law relating thereto.

Part of This Act to Take Effect Upon Its Passage.

Section 84. So much of this act as authorizes the submission of the question of its acceptance to the qualified voters of said city shall take effect upon its passage. [*Approved June 7, 1911.*]

Practical Working of Preferential Voting*

Grand Junction, Colorado, November 2, 1909

Total number of ballots cast	1,847
Necessary for a majority	924

RESULT OF THE VOTES FOR MAYOR

	1st Choice	2d Choice	Other Choices	Combined 1st's and 2d's	Combined 1st's, 2d's Others
D. W. Aupperle	465	143	145	608	753
*W. H. Bannister	603	93	43	696	739
N. A. Lough	99	231	328	330	658
*E. B. Lutes	41	114	88	155	243
E. M. Slocomb	229	357	326	586	912
Thomas H. Todd (Elected)	362	293	396	655	1,051
	<u>1,799</u>	<u>1,231</u>	<u>1,326</u>		

The starred men were the anti-charter and minority candidates ; the others the pro-charter and majority candidates.

Omitting reference to the Grand Junction practice of "dropping the low man," — an unessential complication, not likely to be widely adopted, and without influence on this result — the decision was drawn from the foregoing figures as follows :

There being no majority in First Choices, the Firsts and Seconds were added together. Then the leading candidate, Bannister, provided he had had a majority, would have won.

There being no majority by combined Firsts and Seconds, the First, Second and Other Choices were added together, and Todd, the candidate then leading, won.

Under the usual system the minority would have beaten the majority and elected Bannister.

Under the Berkeley, Des Moines, Haverhill or Lynn plan, that of second elections, there would have resulted a bitter contest between Aupperle and Bannister, neither of whom had a majority of the people behind them.

* See also pp. 5-6 for a brief statement of results of preferential voting in the recent Spokane city election in which 22,058 ballots were cast.