

The Commonwealth of Massachusetts

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REPORT

OF THE

SPECIAL COMMISSION ON TAXATION AND  
PUBLIC EXPENDITURES

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PART X

CITY MANAGER GOVERNMENT  
AND  
PROPORTIONAL REPRESENTATION

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FEBRUARY 25, 1938

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**The Commonwealth of Massachusetts**

**MEMBERSHIP OF THE SPECIAL COMMISSION  
ON TAXATION AND PUBLIC EXPENDI-  
TURES.**

Appointed —

*By the President of the Senate.*

JOSEPH R. COTTON of Lexington, *Chairman.*

*By the Speaker of the House.*

PATRICK J. WELSH of Boston, *Vice Chairman.*

CHRISTIAN A. HERTER of Boston.

ARTHUR I. BURGESS of Quincy.

*By His Excellency the Governor.*

WILLIAM H. HENCHEY of Woburn.

THOMAS H. BUCKLEY of Abington.

NORMAN MACDONALD of Newton.

ROSA G. MCKAY, *Secretary.*

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## The Commonwealth of Massachusetts

*To the Honorable Senate and House of Representatives.*

The Special Commission on Taxation and Public Expenditures, created by chapter 3 of the Resolves of 1937, respectfully submits Part X of its report.

The organization of the Commission and the resolve creating it are set forth in detail in Part I, filed with the Clerk of the House of Representatives, January 17, 1938.

The powers of the Commission for this particular study were enlarged by the following resolve:

### CHAPTER 76.

RESOLVE FURTHER INCREASING THE SCOPE OF THE INVESTIGATION TO BE MADE BY THE SPECIAL COMMISSION ON TAXATION AND PUBLIC EXPENDITURES.

*Resolved,* That the special commission on taxation and public expenditures, established by chapter three of the resolves of the current year to investigate and study relative to the problems of taxation and of public expenditures, shall, in carrying out its work, consider the subject matter of current house document numbered two hundred and thirty-three, providing for an additional standard form of city charter for acceptance by the cities.

*Approved May 29, 1937.*

This part of the report outlines the city manager form of municipal government when accompanied by the proportional representation method of election. Permissive legislation allowing the adoption by popular referendum of such a form of charter is included as an appendix.

Respectfully submitted,

JOSEPH R. COTTON,  
*Chairman.*

PATRICK J. WELSH,  
*Vice Chairman.*

CHRISTIAN A. HERTER.  
ARTHUR I. BURGESS.  
WILLIAM H. HENCHEY.  
THOMAS H. BUCKLEY.  
NORMAN MACDONALD.

## The Commonwealth of Massachusetts

### REPORT OF THE SPECIAL COMMISSION ON TAXATION AND PUBLIC EXPENDITURES.

#### INTRODUCTION.

There exists no question as to the vital importance of effective systems of local government in the United States. The local system becomes all the more significant when we consider that the nation has become a full grown urban society. Today 40 per cent of the American people live in ninety-six metropolitan areas, representing only 1 per cent of the land area. Less than one fourth of all our people are classed as rural in the sense that they are engaged in agriculture.

Consequently, it is highly important that the cities of Massachusetts in their internal mechanism keep pace with the growth in the social, economic and political forces which underlie their problems. Among the new techniques which have been developed by municipalities elsewhere to make the administration of local government more effective, and at the same time democratic, has been the so-called city manager form of government, and the use of proportional representation in the election of public officials in multi-membered councils or boards. The Commission has prepared this report in order that the cities of the Commonwealth may take advantage of these systems should any so desire.

The Commission was chiefly assisted in the preparation of this part of the report by Henry D. Wiggin, Counsel to the House, and by Edward W. Harding.

### CITY MANAGER PLAN AND PROPORTIONAL REPRESENTATION.

The city manager plan, simply stated, is a governmental method by which the people elect a rule-making and policy-determining body, usually known as the council, which in turn chooses a business manager who is directly and solely responsible for carrying out the administrative functions of the government. Usually a trained and experienced person, the manager may be hired and dismissed on short notice. The mayor is elected by and from the city council and is the official and ceremonial head of the city. The council can deal with the staff and operating departments only through the manager. This means that the council may decide what is to be done, and it is the responsibility of the manager to decide how it shall be done.

Proportional representation is a system of elections whereby the vote of each citizen is counted but may be transferred from a first choice to a second if the first choice does not need the vote (having reached his predetermined quota). By means of this method minorities secure representation and democracy achieves a new meaning, since votes are not "wasted."

### GROWTH OF CITY MANAGER PLAN AND PROPORTIONAL REPRESENTATION.

City manager government celebrates its thirtieth birthday this year. Having its inception in Stanton, Virginia, in 1908, this system of local government has spread until today it encompasses a total of 465 cities and 7 counties. Eleven cities in 1937 joined the list of those accepting the plan.

Seventeen of the 94 United States cities with over 100,000 inhabitants are council-manager cities. Municipalities in the population group of 50,000 to 100,000 which operate under the system hold a ratio slightly higher than one in four. The plan has been taken up by 19 cities outside the United States, 14 of which are in Canada, 4 in Ireland and 1 in Puerto Rico.

The growth of proportional representation has been equally consistent, cumulating to the present with the adoption by New York City last year. Among the other large cities which have used it are Cincinnati, Toledo, Hamilton and Ashtabula, Ohio; Wheeling, West Virginia; Sacramento, California; Kalamazoo, Michigan; and it is operative in near-by West Hartford, Connecticut. Abroad it has been used since 1918 to elect the nine university members of the British House of Commons; in Winnipeg, Calgary, Edmonton and Alberta, Canada; in Dublin, Cork and Dun Laoghaire, Ireland; as well as in the Union of South Africa, Australia and Denmark (where it was first used in 1856).

### PRESENT ENABLING STATUTES.

At present there exists the standard form of charter enabling act which provides, among other alternatives, for a city manager type of city government. In addition, there exists the enabling statute which provides that city councils, other than in Boston, school committees, or any other multi-membered bodies in any city or town, may be elected by the method of proportional representation if on the filing of proper petitions a popular referendum in any city or town is so voted.

### LEGISLATIVE PROPOSAL OF 1937.

There was introduced in the 1937 session an "Act providing an Additional Standard Form of City Charter for Acceptance by the Cities," generally referred to as House Bill No. 233. This is an enabling act which provides that cities may adopt the so-called city manager form of municipal charter with council election by proportional representation which has been successfully used elsewhere. This has been referred to as "Plan E," the fifth of the optional plans for local government.

The more important provisions of the act may be summarized as follows:

1. Any city, other than Boston, in Massachusetts, may adopt Plan E as a new form of standard charter in exactly the same way as is now provided for other charters, namely,

by referendum vote placed on the ballot as a consequence of the filing of a petition by 10 per cent of the registered voters.

2. The Plan E charter provides for the election of a city council of seven or nine members, depending on the size of the city, which shall select and appoint an administrative officer called a city manager, and elect from its own number a mayor.

3. The members of the council and the school committee are elected by proportional representation.

#### PROPOSED PLAN E LEGISLATION.

It is recommended that the legislation proposed in House Bill No. 233 in 1937 be accepted with minor revisions. While these revisions are relatively unimportant, the Commission feels that they are desirable from the point of view of clarity and consistency.

One of these rests upon the fact that the method of conducting the count to carry out the system of proportional representation, as provided for in House Bill No. 233, differs somewhat from the method of count provided under chapter 54A. It appears undesirable to have two forms of proportional representation, differing in such minor detail only, on the statute books at the same time. It is therefore recommended that the new bill establishing Plan E and proportional representation be so worded as to provide that elections be conducted under the methods described in chapter 54A.

Another change proposed is that in any given year a vote may be taken only on one form of standard charter, or proportional representation, or preferential voting, as provided in chapter 54A, and that such vote shall be upon the questions submitted in the first petition properly filed. This proviso has been added to avoid the possibility of having a referendum in any single year on two or more important charter changes, with such multiple referenda involving the possibility of conflicting charter changes being adopted at the same time. In a city of seven wards or less the city council has seven members. If there are more than seven wards, the council is composed of nine members.

#### RELATION OF PRESENT AND PROPOSED LEGISLATION.

It has been felt by some persons who appeared before the Commission that, with the legislation now existing on the statute books, there was no necessity for the proposed law. This, however, is erroneous in view of the differences in application. The present form of standard charter providing for a city manager type of government is not satisfactory nor is it readily applicable to many cities. Furthermore, chapter 54A of the General Laws makes no provision for a city manager type of government, but only for the election of a mayor by preferential vote. In view of the success of a Plan E type of city government, the Commission feels that it would be most desirable to make a similar form of charter available to such cities as might wish to adopt it by popular referendum. This appears only reasonable as a matter of home rule.

The so-called Plan E form of standard charter, which is provided for under House Bill No. 233, corresponds in its general provisions very closely with the form of charter adopted by the city of Cincinnati, and found extremely successful in that city. Its more important provisions can be summarized in brief as follows:

1. Any city, other than Boston, in Massachusetts, may adopt Plan E as a new form of standard charter in exactly the same way as is now provided for other charters, namely, by referendum vote placed on the ballot as a consequence of the filing of a petition by 10 per cent of the registered voters.

2. The Plan E charter provides for the election of a city council at large, of seven or nine members, depending on the size of the city, which council shall select from its own membership one member to be designated as mayor, and shall likewise select a city manager, to be the principal executive of the city.

3. The members of the city council are elected by proportional representation.

In determining what recommendations to make the General Court on this bill, the Commission took into consideration the following factors:

1. That chapter 54A, enacted into law by the last session of the General Court, provided for the election of city councils (other than in Boston), school committees, or any multi-membered elective bodies in any city or town, by the method of proportional representation, if on the filing of proper petitions a popular referendum in any given city or town so voted.

2. In addition, there now exists on the statute books a standard form of charter which provides for a city manager type of city government.

It has been argued by some persons who came before the Commission that with these two provisions on the statute books, the Plan E type of standard charter provided for by House Bill No. 233 was not necessary. This reasoning, however, appears to us erroneous. The present form of standard charter providing for a city manager type of government is not satisfactory and is not readily applicable to many cities. Further more, chapter 54A of the General Laws makes no provision for a city manager type of government, but only for the election of a mayor by preferential vote. In view of the great success which Plan E in substance has achieved in Cincinnati and other cities in which it has been tried, the Commission feels that it would be most desirable to have a similar form of charter available to such cities as might wish to adopt it by popular referendum. This appears only reasonable as a matter of home rule.

The Commission does, however, feel that certain minor changes in House Bill No. 233 are desirable. The method of conducting the count to carry out the system of proportional representation as provided for in House Bill No. 233 differs slightly, and to us in unimportant respects, from the method of count provided for under chapter 54A. We believe that it is undesirable to have two forms of proportional representation, differing in comparatively unimportant details only, on the statute books at the same time. A draft of a new bill, which we attach hereto, retains every essential feature of House Bill No. 233, but eliminates the second section of that bill dealing with the method of conducting proportional representation elections, and provides

that those elections should be conducted under the methods described by chapter 54A.

In addition, we have added a provision similar to that which now exists, in regard to all the standard forms of charter, to the effect that in any given year a vote may be taken only on one form of standard charter, or proportional representation, or preferential voting, as provided in chapter 54A, and that that vote shall be upon the questions submitted in the first petition properly filed. This proviso has been added to avoid the possibility of having a referendum in any given year on two or more important charter changes, such multiple referenda involving the possibility of conflicting charter changes being adopted at the same time.

The Commission can see no possible valid objection to incorporating House Bill No. 233, as amended, in our General Laws. It is purely permissive legislation, and it would give to such cities as so voted an opportunity to try out a type of charter which had proved extremely successful elsewhere. The Commission therefore recommends the adoption of the accompanying bill.

## APPENDIX.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Thirty-Eight.

AN ACT PROVIDING AN ADDITIONAL OPTIONAL STANDARD FORM OF CITY CHARTER UNDER WHICH SUBSTANTIAL CONTROL OF THE CITY GOVERNMENT IS VESTED IN A CITY COUNCIL ELECTED AT LARGE BY PROPORTIONAL REPRESENTATION, WITH A CITY MANAGER APPOINTED AND REMOVABLE AT PLEASURE BY THE CITY COUNCIL.

*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 one of chapter forty-three of  
2 the General Laws, as appearing in the Tercentenary  
3 Edition, is hereby amended by inserting after the  
4 word "inclusive" in the twenty-second line the follow-  
5 ing three new paragraphs:—

6 "Plan E", a city government and legislative body  
7 composed of seven or nine councillors one of whom shall  
8 be elected as mayor by and from such members and  
9 shall be the official head of the city, and an admin-  
10 istrative officer, called the city manager, whose powers  
11 and duties are defined in sections one hundred and  
12 four and one hundred and five; the members of the  
13 city council and the elective members of the school  
14 committee to be elected at large by proportional rep-  
15 resentation.

16 "Elected at large", elected by and from all the  
17 voters of the city.

18 "Proportional representation", any proportional rep-  
19 resentation method of election authorized by sections  
20 ninety-three to one hundred and sixteen, inclusive.

1 SECTION 2. Section five of said chapter forty-three,  
2 as so appearing, is hereby amended by adding at the  
3 end the following new paragraph:—

4 This section shall not authorize the city council in  
5 any city which adopts Plan E to take any action to  
6 accomplish any result not contemplated by the pro-  
7 visions of sections one hundred and three to one hun-  
8 dred and six, inclusive.

1 SECTION 3. Section eight of said chapter forty-  
2 three, as so appearing, is hereby amended by striking  
3 out the form of petition contained therein and insert-  
4 ing in place thereof the following:—

5 *To the city council (or other legislative body) of the city*  
6 *of*

7 We, the undersigned, qualified voters of the city,  
8 respectfully petition your honorable body to cause to  
9 be submitted to a vote of the voters the following  
10 question: "Shall the city of \_\_\_\_\_ adopt the form of  
11 government defined as Plan (A, B, C, D or E, as it is  
12 desired by petitioners), and consisting of (describe  
13 plan briefly, as government by mayor and nine coun-  
14 cillors elected at large; or, government by a mayor  
15 and councillors elected partly at large and partly from  
16 wards or districts; or, government by five commis-  
17 sioners, one of whom shall be the mayor; or, govern-  
18 ment by a mayor and four councillors, and having a  
19 city manager; or, government by a city council to be

20 elected at large by proportional representation, one  
 21 member of which shall be the mayor, and having a  
 22 city manager, as the case may be), with elections to be  
 23 held (in the case of Plan A, B, C or D, annually, bi-  
 24 ennially in every even numbered year, or biennially in  
 25 every odd numbered year, as it is desired by petition-  
 26 ers, or in the case of Plan E, biennially in every odd  
 27 numbered year), according to chapter forty-three of  
 28 the General Laws relating to city charters?"

1 SECTION 4. Section ten of said chapter forty-three,  
 2 as so appearing, is hereby amended by adding at the end  
 3 the following new paragraph:—

4 If, pending the determination of the question pro-  
 5 posed by a petition already filed under section one of  
 6 chapter fifty-four A, petition presenting the questions  
 7 of the adoption of one of the plans provided for in this  
 8 chapter shall be presented for filing with the city clerk,  
 9 no action shall be taken upon the later petition, except  
 10 to file it, until after the submission to a vote of the  
 11 question proposed by the petition under section one of  
 12 chapter fifty-four A. Should the result of such vote be  
 13 adverse thereto, proceedings shall then be had upon the  
 14 later petition as though it had been filed upon the day  
 15 when such vote on the petition under section one of  
 16 chapter fifty-four A was cast.

1 SECTION 5. Section fifteen of said chapter forty-  
 2 three, as amended by section seven of chapter three  
 3 hundred and thirteen of the acts of nineteen hundred  
 4 and thirty-three, is hereby further amended by adding  
 5 at the end the following:—, except that in any city  
 6 adopting Plan E such election shall take place on the  
 7 Tuesday next following the first Monday of Novem-

8 ber, — so that the last paragraph will read as follows:—

9 If the plan adopted provides for elections to be held  
 10 biennially in every odd numbered year, then the  
 11 regular municipal election held under the provisions  
 12 of such plan shall take place on the Tuesday next fol-  
 13 lowing the first Monday of December in every odd  
 14 numbered year, except that in any city adopting Plan  
 15 E such election shall take place on the Tuesday next  
 16 following the first Monday of November.

1 SECTION 6. Said chapter forty-three is hereby fur-  
 2 ther amended by striking out section seventeen, as  
 3 appearing in the Tercentenary Edition, and inserting  
 4 in place thereof the following:—

5 Section 17. On the first Monday in January, fol-  
 6 lowing a regular municipal election, at ten o'clock in  
 7 the forenoon, the mayor-elect if elected by the people,  
 8 the councillors-elect, and the assessors-elect if elected  
 9 by the people, shall meet and be sworn to the faithful  
 10 discharge of their duties. The oath may be adminis-  
 11 tered by the city clerk or by a justice of the peace, and a  
 12 certificate thereof shall be entered on the journal of the  
 13 city council. At any regular council meeting thereafter  
 14 the oath may be administered in the presence of the city  
 15 council to the mayor, or to any councillor absent from  
 16 the meeting on the first Monday in January, provided  
 17 that, under Plan E, the oath may be so administered  
 18 to the mayor and vice-chairman at the same meeting  
 19 at which they are respectively elected.

1 SECTION 7. Section eighteen of said chapter forty-  
 2 three, as so appearing, is hereby amended by inserting  
 3 after paragraph three the following new paragraph:—

4 4. The council in any city adopting Plan E shall, by

*amend in 1941. Chap 40 Sec 3*  
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5 a majority vote, elect a city auditor to hold office for  
6 three years and until his successor is qualified. He shall  
7 keep and have charge of the accounts of the city and  
8 from time to time audit the books and accounts of all  
9 departments, commissions, boards and offices of the  
10 city, and shall have such other powers and perform  
11 such other duties as the council may prescribe, in addi-  
12 tion to such duties as may be prescribed by law.

1 SECTION 8. Said chapter forty-three is hereby fur-  
2 ther amended by striking out section nineteen, as so  
3 appearing, and inserting in place thereof the follow-  
4 ing:—

5 *Section 19.* The city council at any time may re-  
6 quest from the mayor, or, under Plan E, the city man-  
7 ager, specific information on any municipal matter  
8 within its jurisdiction, and may request him to be  
9 present to answer written questions relating thereto  
10 at a meeting to be held not earlier than one week from  
11 the date of the receipt by the mayor, or, under Plan E,  
12 the city manager, of said questions. The mayor, or,  
13 under Plan E, the city manager, shall personally, or  
14 through a head of a department or a member of a  
15 board, attend such meeting and publicly answer all  
16 such questions. The person so attending shall not be  
17 obliged to answer questions relating to any other  
18 matter. The mayor, or, under Plan E, the city man-  
19 ager, may attend and address the city council in person  
20 or through the head of a department, or a member of a  
21 board, upon any subject.

1 SECTION 9. Section twenty-six of said chapter forty-  
2 three, as amended by section one of chapter two hun-  
3 dred and twenty-four of the acts of nineteen hundred

4 and thirty-seven, is hereby further amended by strik-  
5 ing out, in the second line, the words “and fifty-nine A”  
6 and inserting in place thereof the words:— , fifty-nine  
7 A, eighty-six and one hundred and two, — so that the  
8 first paragraph will read as follows:— Except as other-  
9 wise provided in sections fifty A, fifty-nine A, eighty-  
10 six and one hundred and two, if a vacancy occurs in the  
11 office of the mayor or city council before the last six  
12 months of the term of office, the city council shall order  
13 an election for a mayor or a member of the council to  
14 serve for the unexpired term; and if such vacancy  
15 occurs in the office of mayor in the last six months of the  
16 term, the president of the city council shall succeed to  
17 said office for the unexpired term. If the mayor is  
18 absent or unable from any cause temporarily to per-  
19 form his duties they shall be performed by the president  
20 of the city council. The person upon whom such duties  
21 shall devolve shall be called “acting mayor”, and he  
22 shall possess the powers of mayor only in matters not  
23 admitting of delay, but shall have no power to make  
24 permanent appointments.

1 SECTION 10. Said chapter forty-three is hereby fur-  
2 ther amended by striking out section twenty-nine, as  
3 appearing in the Tercentenary Edition, and inserting  
4 in place thereof the following:—

5 *Section 29.* All contracts made by any department,  
6 board or commission where the amount involved is five  
7 hundred dollars or more shall be in writing, and no  
8 such contract shall be deemed to have been made or  
9 executed until the approval of the mayor, under Plan  
10 A, B, C or D, or of the city manager under Plan E, and  
11 also of the officer or of the head of the department or  
12 of the chairman of the board making the contract is

13 affixed thereto. Any contract made as aforesaid may  
 14 be required to be accompanied by a bond with sureties  
 15 satisfactory to the board or official having the matter in  
 16 charge, or by a deposit of money, certified check or other  
 17 security for the faithful performance thereof, and such  
 18 bonds or other securities shall be deposited with the  
 19 city treasurer until the contract has been carried out  
 20 in all respects; and no such contract shall be altered  
 21 except by a written agreement of the contractor, the  
 22 sureties on his bond, and the officer or head of the de-  
 23 partment or chairman of the board making the con-  
 24 tract, with the approval of the mayor under Plan A,  
 25 B, C or D, or of the city manager under Plan E, affixed  
 26 thereto.

1 SECTION 11. Said chapter forty-three is hereby fur-  
 2 ther amended by striking out section thirty, as so  
 3 appearing, and inserting in place thereof the following:—  
 4 *Section 30.* At the request of any department, and  
 5 with the approval of the mayor and the city council  
 6 under Plan A, B, C or D or with the approval of the city  
 7 manager and the city council under Plan E, the city  
 8 council may, in the name of the city, purchase, or take  
 9 under chapter seventy-nine, any land within its limits  
 10 for any municipal purpose. Whenever the price pro-  
 11 posed to be paid for a lot of land for any municipal  
 12 purpose is more than twenty-five per cent higher than  
 13 its average assessed valuation during the previous three  
 14 years, the land shall not be purchased, but shall be  
 15 taken as aforesaid. No land shall be taken or pur-  
 16 chased until an appropriation by loan or otherwise for  
 17 the general purpose for which land is needed has been  
 18 made by the city council, by a two thirds vote of all its  
 19 members; nor shall a price be paid in excess of the ap-  
 20 propriation, unless a larger sum is awarded by a court of

21 competent jurisdiction. All proceedings in the taking  
 22 of land shall be under the advice of the law department,  
 23 and a record thereof shall be kept by that department.

1 SECTION 12. Section thirty-one of said chapter forty-  
 2 three, as so appearing, is hereby amended by inserting  
 3 after the word "shall" in the eighth line the following:  
 4 —, except as provided in this section, — and by add-  
 5 ing at the end the following new sentence:— If Plan  
 6 E is adopted, the six members other than the mayor  
 7 shall be elected at large for terms of two years by pro-  
 8 portional representation as hereinafter provided, —  
 9 so as to read as follows:— *Section 31.* The school  
 10 committee shall consist of the mayor, who shall be the  
 11 chairman, and six members elected at large. At the  
 12 first regular municipal election held in any city after  
 13 its adoption of one of the plans provided in this chapter,  
 14 there shall be elected, except as provided in this section,  
 15 two members to serve for one year, two for two years  
 16 and two for three years, and annually thereafter there  
 17 shall be elected two members to serve for three years.  
 18 If the plan adopted provides for elections to be held  
 19 biennially, there shall, except as provided in this sec-  
 20 tion, be elected at the first regular municipal election  
 21 held under the provisions of such plan, three members  
 22 to serve for two years and three members to serve for  
 23 four years, and biennially thereafter three members to  
 24 serve for four years. If Plan E is adopted, the six mem-  
 25 bers other than the mayor shall be elected at large for  
 26 terms of two years by proportional representation as  
 27 hereinafter provided.

1 SECTION 13. Said chapter forty-three is hereby fur-  
 2 ther amended by striking out section thirty-six, as so  
 3 appearing, and inserting in place thereof the following:—

4 *Section 36.* Except as provided in this section, if a  
5 vacancy occurs in the school committee by failure to  
6 elect, or otherwise, the city council and the remaining  
7 members of the school committee shall meet in joint  
8 convention and elect a suitable person to fill the va-  
9 cancy until the first Monday in January following the  
10 next regular municipal election; and, if there would be  
11 a vacancy on said first Monday, it shall be filled at such  
12 regular municipal election for the balance of the un-  
13 expired term. The mayor, if present, shall preside at  
14 the convention.

15 Whenever under Plan E, a vacancy occurs in the  
16 school committee by failure to elect, or otherwise, such  
17 vacancy shall be filled as provided in section one hun-  
18 dred and two.

1 SECTION 14. Section forty-four A of said chapter  
2 forty-three, as most recently amended by chapter thirty  
3 of the acts of nineteen hundred and thirty-four, is  
4 hereby further amended by inserting after the word  
5 "plan" in the seventh line, as appearing in section  
6 eight of chapter three hundred and thirteen of the acts  
7 of nineteen hundred and thirty-three, the words: — ,  
8 except Plan E, — so that the first paragraph will read  
9 as follows: — In every city, governed on September  
10 first, nineteen hundred and twenty-two, by any plan  
11 provided by this chapter, which accepts sections forty-  
12 four A to forty-four G, inclusive, in the manner pro-  
13 vided by section forty-four H, and in every city, except  
14 Boston, which, after said date adopts any such plan,  
15 except Plan E, in the manner provided in this chapter,  
16 the provisions of sections forty-four A to forty-four G,  
17 inclusive, shall apply. In such a city which accepts  
18 section one hundred and three A of chapter fifty-four,

19 on the fourth Tuesday, and in any other such city, on  
20 the third Tuesday, preceding every regular city elec-  
21 tion, and in all such cities, on the third Tuesday pre-  
22 ceding any special election, at which any office men-  
23 tioned in this chapter is to be filled, there shall be held,  
24 except as otherwise provided in section forty-four G,  
25 a preliminary election for the purpose of nominating  
26 candidates therefor, and section sixteen shall not apply.  
27 The first regular election, if occurring in the year in  
28 which sections forty-four A to forty-four G, inclusive,  
29 are accepted, shall be held on the third Tuesday of  
30 December.

1 SECTION 15. Said chapter forty-three, as amended,  
2 is hereby further amended by adding at the end, under  
3 the heading "PLAN E. — GOVERNMENT BY A CITY  
4 COUNCIL INCLUDING A MAYOR ELECTED FROM ITS NUM-  
5 BER, AND A CITY MANAGER, WITH ALL ELECTIVE BODIES  
6 ELECTED AT LARGE BY PROPORTIONAL REPRESENTA-  
7 TION", the following twenty-four new sections: —

8 *Section 93.* The method of city government pro-  
9 vided for in the following twenty-three sections shall be  
10 known as Plan E.

11 *Section 94.* Upon the adoption by a city of Plan E,  
12 it shall become operative as provided in sections one to  
13 forty-five, inclusive, subject to the following sections.

14 *Section 95.* The government of the city and the  
15 general management and control of all its affairs shall,  
16 except as otherwise provided in this chapter, be vested  
17 in a city council, which shall exercise its powers in the  
18 manner hereinafter set forth, subject to sections one  
19 to forty-five, inclusive; except that the city manager  
20 shall have the authority hereinafter specified, that the  
21 general management and conduct of the public schools

22 of the city and of the property pertaining thereto shall  
23 be vested in the school committee and except that the  
24 city clerk, the city auditor, any official of the city ap-  
25 pointed by the governor, or any trustees or other officers  
26 whose election by the voters of the city is required by  
27 reason of the fact that the city has accepted any gift,  
28 devise or bequest shall have the powers and duties which  
29 may be conferred and imposed upon them by law.

30 *Section 96.* The city council shall consist of seven  
31 or nine members, as provided in this section, all of whom  
32 shall, at each regular municipal election, be elected at  
33 large for terms of two years each by proportional repre-  
34 sentation as hereinafter provided, and shall serve until  
35 their successors are qualified. The city council in any  
36 city having seven wards or less at the time of adoption  
37 of this plan shall be composed of seven members and,  
38 in any city having more than seven wards at the time  
39 of adoption thereof, nine members. The provisions of  
40 section eight of chapter thirty-nine shall apply to mem-  
41 bers of the city council. All trustees or other officers  
42 mentioned in section ninety-five shall at each regular  
43 municipal election be elected at large for terms of two  
44 years each by proportional representation as hereinafter  
45 provided.

46 *Section 97.* The city council shall have and exer-  
47 cise all the legislative powers of the city, except as such  
48 powers are reserved by this chapter to the school com-  
49 mittee and to the qualified voters of the city.

50 The city council, elected as aforesaid, shall meet at  
51 ten o'clock in the forenoon of the first Monday of Janu-  
52 ary following the regular municipal election, and the  
53 members of the city council shall severally make oath,  
54 before the city clerk or a justice of the peace, to perform  
55 faithfully the duties of their respective offices, except

56 that any member-elect not present shall so make oath  
57 at the first regular meeting of the city council thereafter  
58 which he attends. For the purposes of organization,  
59 the city clerk shall be temporary chairman until the  
60 mayor or vice-chairman has qualified. Thereupon the  
61 city council shall, by a majority vote of all the members  
62 elected, elect a mayor and a vice-chairman from its own  
63 members and the persons elected as such shall likewise  
64 make oath to perform faithfully the duties of the re-  
65 spective offices to which they are so elected, and they  
66 may so make oath at the same meeting at which they  
67 are so elected. The organization of the city council  
68 shall take place as aforesaid, notwithstanding the  
69 absence, death, refusal to serve or non-election of one  
70 or more of the members; provided, that a majority of  
71 all the members elected to the city council are present  
72 and have qualified. If the office of mayor or vice-  
73 chairman becomes vacant, the city council shall choose  
74 one of its members to fill such office for the unexpired  
75 term; provided, that no such vacancy shall be filled so  
76 long as there is any vacancy in the council.

77 *Section 98.* The city council shall fix suitable times  
78 for its regular meetings. The mayor, or the vice-chair-  
79 man of the city council, or any four members thereof,  
80 or any three members thereof in the case of a city coun-  
81 cil composed of seven members, may at any time call a  
82 special meeting by causing written notices, stating the  
83 time of holding such meeting and signed by the person  
84 or persons calling the same, to be delivered in hand to  
85 each member of the city council, or left at his usual  
86 dwelling place, at least twelve hours before the time of  
87 such meeting. Meetings of the city council may also  
88 be held at any time when all the members of the city  
89 council are present and consent thereto. Except in the

90 case of executive sessions, all meetings of the city coun-  
 91 cil and of committees thereof shall be open to the public,  
 92 and the rules of the city council shall provide that citi-  
 93 zens and employees of the city shall have a reasonable  
 94 opportunity to be heard at any such meeting in regard  
 95 to any matter considered thereat.

96 *Section 99.* A majority of all the members elected  
 97 to the city council shall constitute a quorum. The  
 98 mayor, if present, shall preside at the meetings and  
 99 may vote. In the absence of the mayor, the vice-  
 100 chairman of the city council shall preside and, in the  
 101 absence of both, a temporary chairman shall be chosen.  
 102 The city clerk shall be, ex-officio, clerk of the city  
 103 council, and shall keep records of its proceedings; but,  
 104 in case of his absence or disability or of a vacancy in  
 105 the office, the city council shall elect a temporary clerk,  
 106 who shall be sworn to the faithful discharge of his duties  
 107 and shall act as clerk of the city council until the city  
 108 clerk resumes his duties or a new city clerk is qualified.  
 109 All final votes of the city council on questions involving  
 110 the expenditure of fifty dollars or more, or upon the  
 111 request of any member any vote of the city council,  
 112 shall be by yeas and nays and shall be entered on the  
 113 records. The affirmative vote of a majority of all the  
 114 members elected to the city council shall be necessary  
 115 for the passage of any order, ordinance, resolution or  
 116 vote, except that the affirmative vote of a majority of  
 117 the members present shall be sufficient to adjourn any  
 118 meeting of the city council.

119 *Section 100.* The mayor shall be recognized as the  
 120 official head of the city for all ceremonial purposes and  
 121 shall be recognized by the courts for the purpose of  
 122 serving civil process and by the governor for military  
 123 purposes. In time of public danger or emergency as

124 determined by the city council, he may, with its con-  
 125 sent, take command of the police, maintain order and  
 126 enforce the laws; and he shall have all the authority  
 127 and powers conferred upon mayors by sections twenty-  
 128 five A and twenty-six of chapter thirty-three. He shall  
 129 be chairman of the city council and chairman of the  
 130 school committee. He shall have no power to veto but  
 131 shall have the same powers as any other member of  
 132 either such body to vote upon all measures coming  
 133 before it. He shall perform such other duties consistent  
 134 with his office and with sections ninety-three to one  
 135 hundred and sixteen, inclusive, as may be imposed  
 136 upon him by the city council. During the absence or  
 137 disability of the mayor, or during the time such office  
 138 is vacant, his duties shall be performed by the vice-  
 139 chairman. In case, at any time, there shall be neither  
 140 a mayor nor a vice-chairman, the eldest senior member  
 141 of the council shall perform the duties of mayor until  
 142 a new mayor has qualified. The mayor shall have no  
 143 power of appointment, except as provided in section  
 144 twenty-five and except as provided in section one hun-  
 145 dred and two.

146 *Section 101.* The city council may by the affirma-  
 147 tive vote of a majority of all its members, taken by yeas  
 148 and nays, establish a salary for its members, not ex-  
 149 ceeding four thousand dollars each, and may likewise  
 150 establish an additional salary for the mayor, not ex-  
 151 ceeding one thousand dollars. No member of the city  
 152 council shall receive any other compensation from the  
 153 city. The salary of a city councillor and the additional  
 154 salary, if any, of the mayor, may be increased or di-  
 155 minished, but no increase therein shall be made to take  
 156 effect during the term of the council voting the in-  
 157 crease; provided, that the initial establishment of the

158 salaries of the city councillors and the additional salary,  
159 if any, of the mayor, after the adoption of this plan may  
160 take effect in the year when established and in accord-  
161 ance with the vote establishing the same. No increase  
162 or reduction in such salary or additional salary shall  
163 be made by the council, after the election of a new  
164 council, to take effect with respect to the members of  
165 such new council. No additional compensation shall  
166 attach to the office of vice-chairman.

167 *Section 102.* Except as provided in this section, a  
168 vacancy in any elective body shall be filled in the man-  
169 ner provided in section thirteen of chapter fifty-four A.  
170 If, under the provisions of said section, no regularly  
171 nominated candidate of the city council or school com-  
172 mittee remains, the vacancy shall be filled for the un-  
173 expired term by a majority vote of the remaining mem-  
174 bers, except that if the remaining members fail to fill  
175 such vacancy within thirty days after the fact of such  
176 vacancy shall have been brought to their attention,  
177 such vacancy shall be filled by the appointment of any  
178 qualified voter of the city by the mayor, or, if there is no  
179 mayor, by the vice-chairman, or if there is no mayor or  
180 vice-chairman, by the eldest senior member of the  
181 council.

182 *Section 103.* The city council shall appoint a city  
183 manager who shall be the chief administrative officer  
184 of the city and shall be responsible for the administra-  
185 tion of all departments, commissions, boards and offices  
186 of the city, whether established before its adoption of  
187 this plan or thereafter, except that of the city clerk,  
188 city auditor, any official appointed by the governor or  
189 any body elected by the voters of the city. He shall be  
190 appointed on the basis of his administrative and execu-  
191 tive qualifications only, and need not be a resident of

192 the city or state when appointed. He shall hold office  
193 during the pleasure of the city council and shall receive  
194 such compensation as it shall fix by ordinance, but not  
195 exceeding twenty thousand dollars annually. No mem-  
196 ber of the city council shall during his term of office  
197 be chosen as city manager, and no person who has within  
198 two years been elected to or served in any elective  
199 office in the city or in the county in which the city is  
200 located or in the commonwealth shall be chosen as city  
201 manager.

202 Before the city manager may be removed he shall,  
203 if he so demand, be given a written statement of the  
204 reasons alleged for his removal and shall have the right  
205 to be heard publicly thereon at a meeting of the city  
206 council prior to the final vote on the question of his re-  
207 moval, but pending and during such hearing the city  
208 council may suspend him from office. The action of the  
209 city council in suspending or removing the city manager  
210 shall be final, it being the intention of this provision  
211 to vest all authority and fix all responsibility for such  
212 suspension or removal in the city council. In case of  
213 the absence or disability of the city manager, the city  
214 council shall designate the head of some department to  
215 perform the duties of city manager during such absence  
216 or disability, or in case the office of city manager be-  
217 comes vacant, the city council shall designate the head  
218 of some department to serve as acting city manager un-  
219 til a new city manager is appointed.

220 *Section 104.* It shall be the duty of the city man-  
221 ager to act as chief conservator of the peace within the  
222 city; to supervise the administration of the affairs of  
223 the city, except as otherwise specifically provided in  
224 this chapter; to make certain, so far as lies within his  
225 power, that within the city the laws of the common-

226 wealth and the ordinances, resolutions and regulations  
227 of the city council are faithfully executed; and to make  
228 such recommendations to the city council concerning  
229 the affairs of the city as may to him seem desirable; to  
230 make reports to the city council from time to time upon  
231 the affairs of the city; and to keep the city council  
232 fully advised of the city's financial condition and its  
233 future needs. He shall prepare and submit to the city  
234 council budgets as required of the mayor by section  
235 thirty-two of chapter forty-four and, in connection  
236 therewith, may, to the extent provided by section  
237 thirty-two in the case of a mayor, require the submis-  
238 sion to him by all departments, commissions, boards  
239 and offices of the city, of estimates of the amounts  
240 necessary for their expenses. He shall make all ap-  
241 pointments and removals in the departments, commis-  
242 sions, boards and offices of the city for whose adminis-  
243 tration he is responsible, except as otherwise provided  
244 in this chapter, and shall perform such other duties as  
245 may be prescribed by this chapter or be required of him  
246 by ordinance or resolution of the city council. The city  
247 manager shall have and possess, and shall exercise, all  
248 the powers, rights and duties, other than legislative,  
249 had, possessed or exercised, immediately prior to the  
250 adoption of this plan, by the mayor, board of aldermen,  
251 common council and all other boards, commissions and  
252 committees of the city and their members, severally or  
253 collectively, except such as are by this chapter conferred  
254 upon the school committee or are otherwise provided for  
255 thereby.

256 *Section 105.* Such officers and employees as the city  
257 council, with the advice of the city manager, shall  
258 determine are necessary for the proper administration  
259 of the departments, commissions, boards and offices

260 of the city for whose administration the city manager is  
261 responsible shall be appointed, and may be removed by  
262 the city manager. The city manager shall report every  
263 appointment and removal made by him to the city  
264 council at the next meeting thereof following such  
265 appointment or removal. The city manager may  
266 authorize the head of a department, commission or  
267 board, or the holder of an office, for whose adminis-  
268 tration he is responsible, to appoint and remove subordi-  
269 nates in such department, commission, board or office.  
270 All appointments by, or under the authority of, the city  
271 manager, if subject to the civil service laws and rules  
272 and regulations, shall be made in accordance with said  
273 laws, rules and regulations, and all other appointments  
274 as aforesaid shall be on the basis of executive and ad-  
275 ministrative ability and training and experience in the  
276 work to be performed.

277 *Section 106.* Officers and employees of the city  
278 appointed by, or under the authority of, the city man-  
279 ager shall perform the duties required of them by the  
280 city manager, under general regulations of the city  
281 council. Any violation of this provision shall constitute  
282 sufficient grounds for removal of any such officer or  
283 employee.

284 *Section 107.* Neither the city council nor any of its  
285 committees or members shall direct or request the  
286 appointment of any person to, or his removal from,  
287 office by the city manager or any of his subordinates,  
288 or in any manner take part in the appointment or re-  
289 moval of officers and employees in that portion of the  
290 service of said city for whose administration the city  
291 manager is responsible. Except for the purpose of  
292 inquiry, the city council and its members shall deal  
293 with that portion of the service of the city as aforesaid

294 solely through the city manager, and neither the city  
295 council nor any member thereof, shall give orders to any  
296 subordinate of the city manager either publicly or  
297 privately. Any member of the city council who violates,  
298 or participates in the violation of, any provision of this  
299 section shall be punished by a fine of not more than five  
300 hundred dollars or by imprisonment for not more than  
301 six months or both, and upon final conviction thereof  
302 his office in the city council shall thereby be vacated  
303 and he shall never again be eligible for any office or  
304 position, elective or otherwise, in the service of the city.

305 *Section 108.* No employee of any department of  
306 the city shall, directly or indirectly, give, solicit or re-  
307 ceive, or in any manner be concerned in giving, solicit-  
308 ing or receiving, any assessment, subscription or con-  
309 tribution for any political party or for any candidate for  
310 city office. Any person convicted of a violation of any  
311 provision of this section shall be punished by a fine of  
312 not more than five hundred dollars or by imprisonment  
313 for not more than six months or both, and upon final  
314 conviction thereof his office or position in the service  
315 of the city shall thereby be vacated and he shall never  
316 again be eligible for any office or position, elective or  
317 otherwise, in the service of the city.

318 *Section 109.* The regular municipal election under  
319 this plan shall take place on the Tuesday next following  
320 the first Monday of November in every odd numbered  
321 year, and all members of the city council, the school  
322 committee and any board of trustees or other officers  
323 referred to in section ninety-five, and no others, shall be  
324 elected at each such election. For the purposes of sec-  
325 tions ninety-three to one hundred sixteen, inclusive, the  
326 terms "city clerk" and "registrars of voters", when  
327 used in said sections, shall have the respective meanings  
328 given them by section one of chapter fifty.

329 *Section 110.* Any registered voter of the city who  
330 is eligible for election to any elective municipal body  
331 shall be entitled to have his name printed as a candidate  
332 therefor on the official ballot to be used at the regular  
333 municipal election; provided, that at least ten days  
334 prior to such regular election he shall file with the city  
335 clerk a statement in writing of his candidacy signed  
336 by him and with it the petition of not less than fifty nor  
337 more than one hundred registered voters of the city,  
338 whose signatures shall have been certified as required  
339 by law. Except as aforesaid, no person shall be en-  
340 titled to have his name printed as a candidate on such  
341 ballot. Said statement and petition shall be in sub-  
342 stantially the following form:

343

## STATEMENT OF CANDIDATE.

344 I (                    ), on oath declare that I reside at (num-  
345 ber if any) on (name of street) in the city of                    ;  
346 that I am a voter therein, qualified to vote for a candi-  
347 date for the hereinafter mentioned office: that I am a  
348 candidate for the office of (name of office) for (state the  
349 term) to be voted for at the regular municipal election  
350 to be held on Tuesday, the                    day of                    ,  
351 nineteen hundred and                    , and I request that my  
352 name be printed as such candidate on the official ballot  
353 for use at said election.

354

(Signed)

355

COMMONWEALTH OF MASSACHUSETTS,

ss.

356

Subscribed and sworn to on this                    day of                    ,  
357 nineteen hundred and                    before me,

358

(Signed)

359

*Justice of the Peace,*

360

*or (Notary Public).*

*in law 2000  
in law 94  
clerk*

## 361 PETITION ACCOMPANYING STATEMENT OF CANDIDATE.

362 Whereas (name of candidate) is a candidate for the  
 363 office of (state the office) for (state the term), we, the  
 364 undersigned, voters of the city of \_\_\_\_\_, duly quali-  
 365 fied to vote for a candidate for said office, do hereby  
 366 request that the name of said (name of candidate) as a  
 367 candidate for nomination for said office be printed on  
 368 the official ballot to be used at the regular municipal  
 369 election to be held on the \_\_\_\_\_ Tuesday of \_\_\_\_\_,  
 370 nineteen hundred and \_\_\_\_\_.

371 The petition may be on one or more papers and need  
 372 not be sworn to.

373 *Section 111.* Any nomination papers filed under  
 374 section one hundred and ten bearing more than the  
 375 maximum number of signatures permitted thereby shall  
 376 be invalid. A voter may not sign the nomination papers  
 377 of more than one candidate for election as a member of  
 378 any elective municipal body; and if a voter signs nomi-  
 379 nation papers of more than one such candidate his  
 380 signature shall be invalid on all such papers except the  
 381 first one acted upon by the registrars of voters.

382 *Section 112.* There shall be a separate form of  
 383 ballot for each body to be elected, and each such sepa-  
 384 rate form of ballot shall be of a different and clearly  
 385 distinguishable color from that of any other form of  
 386 ballot prepared and furnished at the public expense for  
 387 use at that election. On such ballots for use in electing  
 388 members of any elective body there shall be printed  
 389 the following directions to voters, the first sentence  
 390 under the heading to be printed in prominent bold faced  
 391 type:

392

## DIRECTIONS TO VOTERS.

393 Do NOT use X marks.

394 Mark your choices with NUMBERS only.

395 Put the figure 1 opposite your first choice; the figure  
 396 2 opposite your second choice; the figure 3 opposite  
 397 your third choice, and so on. Mark as many choices  
 398 as you please.

399 Do not put the same figure opposite more than one  
 400 name.

401 If you spoil this ballot, tear it across once, return it  
 402 to the election officer in charge of the ballots and get  
 403 another from him.

404 No official ballot used at any regular or special munic-  
 405 ipal election shall have printed thereon any party or  
 406 political designation or mark, and there shall not be  
 407 appended to the name of any candidate any such party  
 408 or political designation or mark, or anything showing how  
 409 he was nominated or indicating his views or opinions.  
 410 *Section 113.* The provisions of sections five, six and  
 411 seven of chapter fifty-four A shall apply with respect  
 412 to municipal elections in a city adopting this plan.

413 *Section 114.* As soon as the polls have closed, the  
 414 election officials at each polling place shall seal the ballot  
 415 box without opening it, and in such manner that bal-  
 416 lots cannot be removed therefrom or inserted therein  
 417 without breaking the seal and shall deliver such ballot  
 418 box at once, as the city clerk may direct, to the central  
 419 counting place, together with the voting lists, a record  
 420 of the ballot box register and a record of the number  
 421 of ballots given out, and the ballots spoiled and re-  
 422 turned and the ballots not given out, all of which shall

423 be enclosed in an envelope, and the election officials  
 424 shall certify thereon as to the identity of the contents  
 425 thereof. At the central counting place the ballot boxes  
 426 shall be opened and the number of ballots found therein  
 427 recorded and compared with the records sent from the  
 428 polling places. Any discrepancies discovered shall be  
 429 recorded and dealt with according to the principles laid  
 430 down by the general election laws, so far as such prin-  
 431 ciples may be applicable. The ballots for the city  
 432 council shall be counted first and the ballots for the  
 433 school committee shall be counted second. Ballots  
 434 cast for other purposes than the election of members to  
 435 elective bodies shall be counted at the central counting  
 436 place in accordance with the laws applicable to the  
 437 counting thereof immediately prior to the adoption of  
 438 this plan. No information regarding the count of the  
 439 ballots by wards or precincts shall be given out at any  
 440 time.

441 *Section 115.* Except as provided in sections ninety-  
 442 three to one hundred and sixteen, inclusive, of this  
 443 chapter, the provisions of sections nine to sixteen, inclu-  
 444 sive, of chapter fifty-four A relative to proportional  
 445 representation shall apply with respect to municipal  
 446 elections in any city adopting this plan. In any city  
 447 where elections by proportional representation are to  
 448 be held, any method of counting the voters' first choices  
 449 and treating any such choices in excess of the quota,  
 450 provided for under any system of proportional repre-  
 451 sentation which on January first, nineteen hundred and  
 452 thirty-eight was in effect for the purpose of municipal  
 453 elections in any city of the United States, may be sub-  
 454 stituted for the method of counting such choices set  
 455 forth in said sections nine to sixteen, inclusive, of chap-  
 456 ter fifty-four A, if the registrars of voters determine

457 that such substitution is advisable; provided, that  
 458 they issue regulations embodying the method so substi-  
 459 tuted and provided, further, that such regulations shall  
 460 not be effective with respect to any election unless at  
 461 least thirty days prior thereto copies of such regulations  
 462 are available for delivery to such of the voters as may  
 463 request them.

464 *Section 116.* Except as otherwise provided in this  
 465 chapter, all regular and special elections held under this  
 466 plan shall be subject to all general laws relating to elec-  
 467 tions and corrupt practices, so far as applicable and not  
 468 inconsistent with this chapter.

1 SECTION 16. Section thirty-two of chapter forty-  
 2 four of the General Laws, as so appearing, is hereby  
 3 amended by adding at the end the following new  
 4 paragraph: —

5 The provisions of this section shall apply in any city  
 6 adopting the Plan E form of government under chapter  
 7 forty-three only to the extent provided in section one  
 8 hundred and four of said chapter.

1 SECTION 17. Section one of chapter fifty-four A of  
 2 the General Laws, inserted by chapter three hundred  
 3 and forty-five of the acts of nineteen hundred and  
 4 thirty-seven, is hereby amended by adding at the end  
 5 the following new paragraph: —

6 If, pending the determination of the question of the  
 7 adoption of one of the plans provided for by chapter  
 8 forty-three, which has already been filed, a petition  
 9 under this section shall be presented for filing with the  
 10 city clerk, no action shall be taken upon the petition  
 11 under this section, except to file it, until after the sub-  
 12 mission to a vote of the question proposed by the earlier

13 petition. Should the result of such vote be adverse  
 14 thereto, proceedings shall then be had upon the petition  
 15 under this section as though it had been filed on  
 16 the day when such vote on the earlier petition was  
 17 cast.

Σ adopted Nov. 40

election under Σ. Nov. 41

Took office Jan 42

To be in force till Jan - 1946

new pet may be filed after April 1944

To be voted on Nov. 1944

Next city elec Nov. 1945 -

new city officials take office Jan. 46